

# Public Document Pack



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

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Monday 13 August 2018

## Notice of Meeting

Dear Member

### **Cabinet**

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 21 August 2018**.

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

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

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

**Julie Muscroft**

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

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Cabinet members are:-**

### **Member**

Councillor Shabir Pandor  
Councillor David Sheard

Councillor Masood Ahmed  
Councillor Erin Hill (Currently on  
Maternity Leave)  
Councillor Viv Kendrick

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

### **Responsible For:**

Leader of the Council  
Deputy Leader of the Council and holder of the  
Deputy Leaders Cabinet Portfolio  
Cabinet Member - Learning and Aspiration  
Cabinet Member - Currently on Maternity Leave  
Cabinet Member - Children (Statutory  
responsibility for Children)  
Cabinet Member - Health  
Cabinet Member - Communities and Environment  
Cabinet Member - Economy  
Cabinet Member - Adults and Independence  
Cabinet Member - Corporate

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

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

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**2: Minutes of previous meeting**

1 - 8

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

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**3: Interests**

9 - 10

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

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**4: Admission of the Public**

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

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**5: Deputations/Petitions**

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

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

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**6: Public Question Time**

The Committee will hear any questions from the general public.

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**7: Member Question Time**

To consider questions from Councillors.

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**8: Proposed appropriation of Cemetery Road Allotments, Huddersfield** 11 - 40

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

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**9: Kirklees Libraries Service Redesign** 41 - 70

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

**Wards:** All

**Officer:** Carol Stump, Chief Librarian

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**10: The New Spen Valley Leisure Centre** 71 - 88

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

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**11: Kirklees Council Fire Safety Policy** 89 - 106

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

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**12: Dewsbury Heritage Action Zone** 107 - 118

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

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**13: Corporate Financial Monitoring Report Quarter 1 for 2018/19** 119 - 140

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

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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** 141 - 146

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

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**15: Dewsbury Townscape Heritage Initiative Grant Application DTHI-012 The Black Bull** 147 - 154

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

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**16: Disposal of Surplus Land and Property Assets** 155 - 164

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

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**17: Bradley Business Park, Huddersfield – Phase 3** 165 - 170

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

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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** 171 - 178

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

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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.

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**20. To consider a request for loan support from the Property Investment Fund towards the refurbishment of 103 New Street Huddersfield** 179 - 182

A private appendix relating to item 14.

**Wards:** Newsome

**Officer:** Joe Tingle, Strategic Lead – Assets and Capital

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**21. Dewsbury Townscape Heritage Initiative Grant Application DTHI-012 The Black Bull** 183 - 184

A private appendix relating to item 15.

**Wards:** Dewsbury East

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

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**22. Disposal of Surplus Land and Property Assets** 185 - 188

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

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<b>23. Bradley Business Park Huddersfield - Phase 3</b>	189
	-
A private appendix relating to item 17.	210

**Wards:** Ashbrow

**Officers:** Joe Tingle, Strategic Lead – Assets and Capital

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<b>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</b>	211 - 218
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A private appendix relating to item 18.

**Wards:** Ashbrow and Dewsbury West

**Officer:** Paul Hawkins, Operational Manager, Commercial Services



Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Friday 29th June 2018**

Present: Councillor Shabir Pandor (Chair)  
Councillor David Sheard  
Councillor Naheed Mather  
Councillor Peter McBride  
Councillor Graham Turner

Apologies: Councillor Masood Ahmed  
Councillor Erin Hill (Currently on Maternity Leave)  
Councillor Viv Kendrick  
Councillor Musarrat Khan  
Councillor Cathy Scott

**12 Membership of the Committee**

Apologies for absence were received on behalf of Councillors Ahmed, Hill, Kendrick, Khan and Scott.

**13 Interests**

No interests were declared.

**14 Admission of the Public**

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

**15 Deputations/Petitions**

No deputations or petitions were received.

**16 Public Question Time**

No questions were asked.

**17 Member Question Time**

No questions were asked.

**18 Kirklees Council Corporate Plan 2018/20**

Cabinet gave consideration to the 2018/2019 Corporate Plan, prior to its submission to Council on 11 July 2018. The plan set out how the Council would deliver against its shared outcomes and identified how the 'We're Kirklees' focus would shape the approach to working over coming years.

Cabinet noted that the Corporate Plan set out a focus around delivering against seven shared outcomes, and a further eighth outcome regarding the efficiency and effectiveness of the organisation. The plan set out what the Council aimed to achieve by providing examples of key delivery, and setting out measures that would

be used to evaluate success. It also set out how the Council would work via the 'We're Kirklees' approach, which developed upon the previous 'New Council' theme, setting out an emphasis upon (i) working with people (ii) working with partners and (iii) recognising the importance of local identity and how need differ in different places.

Cabinet were advised that the plan would be refreshed in line with the 2019/2020 budget.

**RESOLVED** - That the Corporate Plan 2018/2019 be submitted to the meeting of Council on 11 July 2018 with a recommendation of approval, and delegation to the Chief Executive to make any consequential in-year amendments in consultation with the Leader of the Council.

**19 Financial Outturn Report 2017/18 Capital Revenue outturn report**

Cabinet received the Financial Outturn and Rollover 2017/18 report, prior to its submission to Council on 11 July 2018. The report incorporated General Revenue Fund, Housing Revenue Account and Treasury Management.

The report highlighted that (i) the budget plans included a delivery of general fund revenue savings totalling £83m, over a three year period, which included a planned savings requirement of £54m in 2017-2018, and further planned savings of £29m over the 2018-2020 period (ii) the general revenue fund controllable (net) budget for 2017/2018 was set at £294.7m (iii) there was a (net) transfer from general fund to reserves during the year totalling £8.3m, resulting in a revised budget of £286.4m (iv) Council spend in 2017-2018 was £284.8m, resulting in an underspend of £1.6m (0.6%) against the revised budget and (v) the year-end financial position was the equivalent to the actual delivery of £55.6m actual overall savings against £54m planned savings.

The report set out a summary of key highlights relating to general fund, general fund reserves, collection fund accounts, housing revenue account and capital budget. It was noted that, subject to approval at Council, capital rollover proposals and the update of the five year capital plan would be incorporated into in-year financial monitoring.

**RESOLVED** - That the report be submitted to the meeting of Council on 11 July 2018, with a recommendation;

(1) That, in regards to General Fund; (i) the revenue outturn position 2017-2018 be noted (ii) the year end position on corporate reserves, including financial resilience reserves be noted (iii) the arrangement for regular monitoring and review of corporate reserves in 2018-2019, to be reported to Cabinet within the quarterly financial monitoring cycle, be noted (iv) approval be given to the revenue rollover recommendation, as set out in the report, including the proposal for officers to submit a further report to Cabinet, detailing options for the allocation of the £1.512m rollover for place based public realm works and (v) approval be given to the rollover of £62k roll forward of ward based budgets as detailed in paragraph 1.34 of the report.

## Cabinet - 29 June 2018

(2) That the Housing Revenue Account outturn and reserves position 2017-2018, be noted.

(3) That, in regards to Capital; (i) the outturn position 2017-2018, be noted (ii) approval be given to the £53.5m capital rollover from 2017-2018 to 2018-2019 (iii) approval be given to the revised capital plan for the period 2018-2023, having taking into account rollover, the re-phasing of schemes and changes to grant assumptions and (iv) it be noted that officers will continue to review 2018-2019 in-year budget profiles with a view to transfer budget into future years to ensure a more realistic monitoring profile.

(4) That, in regards to treasury management, (i) the review of treasury management activity for 2017-2018 be noted (ii) approval be given to proposals to review the two Lender Option Borrowing Option (LOBO) loan re-financing options in conjunction with the Council's external treasury management advisors, and to authorise the Acting Service Director – Finance, IT and Transactional Services to proceed and enter into all appropriate documentation if considered beneficial to the Council (iii) agreement be given to the existing borrowing strategy to incorporate SALIX Finance as an interest free loan funding source and (iv) the intention to bring forward more detailed proposals regarding potential investment opportunities, including investment in the Local Authority Property Fund, as part of the overall Treasury Management Strategy, later in the year, be noted.

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Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 10th July 2018**

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

Observers: Councillor Martyn Bolt  
Councillor Charles Greaves  
Councillor John Lawson  
Councillor Terry Lyons  
Councillor Elizabeth Smaje  
Councillor Mohan Sokhal

Apologies: Councillor David Sheard  
Councillor Erin Hill (Currently on Maternity Leave)  
Councillor Cathy Scott  
Councillor Graham Turner

**20 Membership of the Committee**

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

**21 Minutes of previous meeting**

**RESOLVED** - That the Minutes of the meeting held on 12 June 2018 be approved as a correct record.

**22 Interests**

No interests were declared.

**23 Admission of the Public**

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

**24 Deputations/Petitions**

No deputations or petitions were received.

**25 Public Question Time**

No questions were asked.

**26 Member Question Time**

Councillor Bolt asked a question with regards as to whether the Council had a policy in place to register land as field in trust status, and if so, whether the Council could look favourably at Mirfield Memorial Ground.

The Leader of the Council advised that he would look into the matter.

**27 Headlands CE (VC) JI&N School - Permission to consult**

Cabinet received a report which sought approval to carry out a four week non-statutory consultation on proposals to decommission six transitional places at Headlands CE (VC) Junior, Infant and Nursery School for children with Autistic Spectrum Disorder.

The report advised that the proposal aimed to (i) ensure an overall pattern of specialist resource provision that is flexible and can support and respond to the needs of individual pupils, and parental preferences (ii) continue to provide access to appropriately trained staff and access to specialist support and advice, providing opportunities for pupils to make progress in learning and participate within their school communities and (iii) continue to support the Authority's strategy for making schools and settings more accessible to disabled children and young people.

Cabinet noted that the consultation would involve all key stakeholders and that responses received would be reported to inform the next stage of decision making, which was scheduled for Cabinet in December 2018.

**RESOLVED** - That authority be delegated to the Director of Children's Services, in consultation with relevant Cabinet Members, to (i) develop consultation materials on the basis of the Local Authority proposals (ii) organise and carry out a non-statutory consultation about the proposals (iii) require officers to report the outcomes of the non-statutory consultation to Cabinet for further consideration of next steps and (iv) continue engagement already undertaken with the families of the two remaining children to ensure that their needs can continue to be met with minimum disruption.

**28 Changes to Home to School Transport Provision - Mainstream Provision**

(Under the provision of Council Procedure Rule 37, Cabinet received a representation from Mr David Haigh. Under the provision of Council Procedure Rule 36 (1) Cabinet received representations from Councillor Bolt and Greaves).

Cabinet received a report which provided an update on work being undertaken in regards to mainstream Home to School Transport provision following the decision of Cabinet in January 2018, and set out recommendations for the finalisation of the policy.

Cabinet were informed that, since the decision in January 2018, it had become apparent that there were opportunities to pilot the impact of implementation, and that the Honley school pyramid had indicated a willingness to carry out a pilot early in the autumn term. Consequently, there would be a delay in the implementation of the policy for one academic year, until September 2020. Cabinet welcomed the proposed additional work, in order to allow the impact of the new policy to be fully explored.

**RESOLVED -**

- 1) That Officers be requested to work with Honley Pyramid, and any other interested schools, on a proposed 'pilot' and submit a report to Cabinet by December 2018 which would detail any learning arising from the collaborative work.
- 2) That relevant Cabinet Portfolio Members be briefed on the approach being taken to develop a new policy and the associated implementation timetable.
- 3) That parents be informed that the current policy will apply for school preferences for 2019 admissions, and be assisted to understand the timetable for any future policy change.

**29**

**Kirklees Council Adult Social Care Offer consultation**

(Under the provision of Council Procedure Rule 36 (1) Cabinet received representations from Councillors Lawson and Smaje).

Cabinet received a report which set out an update on recent consultation regarding the Adult Social Care Offer, which included the Adults Resource Allocation System and Direct Payments Policy. It was noted that the consultation had been carried out over an eight week period, up until 17 May 2018, and that over 850 responses had been received. The report advised that, in general, there was support for the proposed changes, though concerns had been raised regarding potential negative impact upon service users and carers. Several suggestions had been proposed which could help maximise the benefit of changes and mitigate possible negative impacts and these were set out within the report under the categories of (i) living independently and well (ii) deciding upon amounts of money and support (iii) direct payments and (iv) contacting the council/adult services.

A copy of the full consultation report, compiled by Public Perspectives Ltd, was appended to the considered report, and the key findings were set out within section 4.

Cabinet noted that the draft policies would be subject to further development, which would include meaningful engagement of stakeholders, and that they would be scheduled for submission to Cabinet for approval in October 2018.

**RESOLVED -**

- 1) That the findings of the Adult Social Care Offer consultation be noted and that the approach regarding policy development, as detailed within the report, be supported.
- 2) That a further report be submitted to Cabinet in October 2018 setting out an update following the period of engagement, and proposed draft policies.

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

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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



**Name of meeting:** Cabinet

**Date:** 21<sup>st</sup> August 2018

**Title of report:** Proposed appropriation of Cemetery Road Allotments, Huddersfield

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	Yes  Allotments are proposed for appropriation in relation to the construction of playing fields for the new 420 place Brambles Primary Academy.
<b>Is it in the <a href="#">Council's Forward Plan</a>?</b>	Yes  11 / 05 / 2018
<b>Is it eligible for "call in" by <a href="#">Scrutiny</a>?</b>	Yes
<b>Date signed off by Strategic Director &amp; name</b>	Karl Battersby - 10.08.2018
<b>Is it signed off by the Acting Service Director - Finance, IT and Transactional Services</b>	Eamonn Croston - 10.08.2018
<b>Is it signed off by the Service Director - Legal, Governance and Commissioning</b>	Julie Muscroft - 10.08.2018
<b>Cabinet member <a href="#">portfolio</a></b>	Cllr Masood Ahmed – Learning and Aspiration;  Cllr Naheed Mather – Communities and Environment;  Cllr Graham Turner – Corporate.

**Electoral [wards](#) affected:** Greenhead and Newsome

**Ward councillors consulted:** Yes

**Public or private:** Public

## **1. Summary**

- 1.1 This report seeks approval from Cabinet for the appropriation of a defined section of Cemetery Road Allotments, Huddersfield from general estate purposes to education purposes.
- 1.2 This is to facilitate the redevelopment of the land to create playing fields and car parking provision for the new 420 place primary school that is being built on the adjacent Clare Hill playing fields.

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

### *The need for a new school*

- 2.1 Kirklees Council has a statutory duty to ensure that there are sufficient high quality school places to meet the needs of Kirklees families and communities. This is described as “basic need”.
- 2.2 In October 2013 Cabinet authorised officers to develop proposals to inject up to 1260 additional school places across Huddersfield to address ongoing and increasing pressures on primary school places arising from expected population growth.
- 2.3 Two new primary schools have been built to date – a new 420 place primary school building at Royds Hall Community School and Beaumont Primary Academy, a new 630 place primary school (of which 420 places are new), which has been constructed in the grounds of Moor End Academy – Secondary School.
- 2.4 Proposals for the development of a third new 420 place primary school to serve North Huddersfield were considered by Cabinet in October 2016. Approval was given for the:
  - selection of Clare Hill Playing fields as the preferred site for the new school;
  - negotiation with Greenhead College for the purchase of land on which to build the new school;
  - submission of an outline planning application for the new school in order to establish whether or not the development of a new school is deliverable;
  - use of some of the adjacent Cemetery Road Allotments site, Huddersfield as part of the overall solution for the new school proposal subject to further investigation and implementation of arrangements to minimise the potential impact on allotment holders.
- 2.5 In November 2017 outline planning permission was granted for the creation of the new school and associated playing field and parking provision. Condition 26 required the submission and approval of a package of measures for providing displaced plot holders with replacement allotment plots.

- 2.6 In March 2018 the Council published legal notices declaring its intention to appropriate a defined area of Cemetery Road Allotments site, Huddersfield from general estates purposes to educational purposes so that the land could be converted to playing fields and other school related uses and invited interested parties to provide comment on the proposals by a set date. This was in accordance with legislation that requires the Council to follow a set process before using its statutory powers to appropriate land.
- 2.7 In March 2018 a reserved matters planning application was submitted to confirm details of the proposed school and site layout. Approval of this application is expected in August 2018. Indicative visuals of the proposed new school are attached at **Appendix A**.

*The need for a defined area of Cemetery Road Allotments, Huddersfield*

- 2.8 The need to appropriate a defined part of Cemetery Road Allotments, Huddersfield from general estates purposes to educational purposes arises out of three key factors – (a) ownership of the playing fields and allotments needed for the new school (b) the land requirements for a new primary school in order to ensure that it provides full on site access to the curriculum and (c) the need to meet Sport England requirements to replace playing field land lost to development with land of equivalent size and quality.
- 2.9 Clare Hill playing fields are owned by Greenhead College, which uses the land to deliver its sports curriculum. The College was approached by the Council regarding the potential purchase of the whole or a portion of the site in order to deliver the proposed new school. The Governing Body of the College was content to sell one playing field to the Council but wished to retain the remaining land in its ownership in order to meet its own curriculum needs for sports activities.
- 2.10 The playing field being purchased is of sufficient size to permit the construction of the new school building and some aspects of the external play and ancillary spaces required but is insufficient to provide all facilities needed. In particular, there is no space for the provision of external playing fields.
- 2.11 The design of new build schools is governed by the Department for Education's Building Bulletin 103: Area Guidelines for Mainstream Schools, which sets minimum standards for the size of new schools. Reference to this publication indicates that the gross site area required for a 420 Place Primary School is between 16,000m<sup>2</sup> and 20,000m<sup>2</sup> , which includes all necessary hard and soft play areas, outdoor grassed sport spaces, vehicle access and car parking etc.
- 2.12 The land to be acquired from Greenhead College equates to around 13,125m<sup>2</sup> and cannot accommodate all of the requirements of a new 420 place primary school. In order to ensure that the new school has access on its own site to the full range of indoor and outdoor facilities that the Council expects to see for a new development such as this,

additional land is required hence the proposal to appropriate land at Cemetery Road Allotments Huddersfield, which is in the control and ownership of the Council, for educational purposes. This will increase the gross site area of the new school to approximately 21,500m<sup>2</sup>.

- 2.13 This exceeds the guidance size for the gross site area for a new 420 place primary school due to the planning requirements for two road entrances, one off Cambridge Road and one off Cemetery Road, to the new school to spread the impact of the development around the highways network and the subsequent need for two parking areas for parents / visitors.
- 2.14 The new primary school is being developed on urban green space that is currently used as playing fields for Greenhead College. As a result this will lead to the loss of one playing field as the school will be built on this land.
- 2.15 Sport England has a specific role in the planning system as a statutory consultee on planning applications for development affecting playing field land. As a statutory consultee it can and will object to the loss of playing field provision unless there is equivalent or better compensation in terms of quantity (creation of an equal amount of new, additional playing field provision) and quality (improvement of existing pitches so that greater utilisation is possible).
- 2.16 During the development of the project the Council identified the potential for part of the Cemetery Road Allotments, Huddersfield to be converted to playing field provision due to its adjacency to the proposed new school site and the number of vacant plots on the site. A scheme was therefore developed which proposed to re-locate existing plot holders at the top of the site to other vacant plots within the same site. This would enable the creation of new additional playing fields.
- 2.17 Pre and post planning application discussions were held with Sport England based on the provision of new playing pitches to Sport England standards, which would address their concerns in relation of replacement quantity and quality of provision. This led to Sport England withdrawing its initial objection to the loss of a playing field for the new school development. Without the defined area of allotments being proposed for appropriation the Council would not have reached an agreement with Sport England.

*Legal Matters – history of the land*

- 2.18 The new school, which will be known as Brambles Primary Academy (“Academy”) is to be built partly on land which is in the process of being acquired by the Council from Greenhead College, shown edged red on the plan attached at **Appendix B**, but which was formerly in the Council’s ownership, and part of the Cemetery Road Allotment site, Huddersfield shown edged blue on the same plan which is in Council ownership.

- 2.19 The land edged red and edged blue as a whole was, together with other land, acquired by the former Huddersfield Corporation pursuant to the Huddersfield Corporation (Lands) Act 1920. This was the Act of Parliament that gave Huddersfield Corporation the power to acquire the Ramsden Estate from Sir John Frecheville Ramsden on 29 September 1920 for general estate purposes.
- 2.20 As a result of local government re-organisation, the provisions of the Local Government Act 1972 and The Local Authorities (England) (Property etc.) Order 1973 the land became statutorily vested in Kirklees Council on 1 April 1974.
- 2.21 Pursuant to section 23 of the Further and Higher Education Act 1992 the Council had to transfer the land used by further education colleges to the college who had use of the land at the time that Act came in to force which is why Greenhead College came to own the land shown edged red on the plan in **Appendix C** upon which the new Academy is proposed to be built.
- 2.22 Land acquired for general estates purposes pursuant to the Huddersfield Corporation (Lands) Act 1920 remains having that statutory purpose unless it is “appropriated” for another statutory purpose pursuant to section 122 of the Local Government Act 1972. The term “appropriation” is the legal process whereby land which is held for one statutory purpose may be used for another statutory purpose. It is not analogous to a sale and acquisition but is an administrative mechanism which allows the Council to make better use of its assets.
- 2.23 Before proceeding further with the scheme to build the new Academy it needed to be determined if the allotment land shown edged blue on the plan in **Appendix B**, upon which the new playing fields and supporting infrastructure is intended to be built, had been appropriated for allotment purposes. This is because if the allotment land was still held for general estates purposes as opposed to having being appropriated to allotment purposes this would mean that they were either classified as temporary allotments; or having been appropriated for allotment purposes they would have become statutory allotments.
- 2.24 Depending on whether an allotment is temporary or statutory has a different effect on how the allotment land could be dealt with. Officers are concerned with the land edged blue on the plan in **Appendix B** which is owned by the Council and has been used for temporary allotment purposes since at least circa 1935.
- 2.25 Statutory allotments can only be created by either being bought for allotment purposes or appropriated for allotment purposes. All other allotments are considered temporary, no matter how long they may have been in existence and the provisions of the various Allotment Acts do not apply.
- 2.26 Huddersfield Corporation used to record when land had been appropriated from general estates purposes to an alternative statutory purposes on the original Ramsden Estate Conveyance plans. There is

no evidence to suggest there was ever an appropriation to allotment purposes.

- 2.27 More recently appropriations were also recorded on the Council's paper land ownership records and this information has, to an extent, been transposed on to the Council's electronic geographical information system ("the Terrier").
- 2.28 One of the Council's Senior Legal Officers specialising in property law has reviewed the original Ramsden Estate Conveyance plans, the old paper records and the Terrier and has been unable to find any record of the allotment land having been appropriated for statutory allotment purposes. This was not definitive as there is always the chance that there may have been a human error in recording the appropriation.
- 2.29 The only way of establishing for definite that there had been no appropriation was to review the minutes of the Huddersfield Corporation from 16 September 1958 (see below as to why this date is important) to 31 March 1974 and Kirklees Council from 1 April 1974 up to the point that the new method of governance was adopted in April 2002.
- 2.30 Helpfully, the Council's Asset Information Officer was able to turn up some historic records regarding the formal appropriation of land in the Huddersfield Corporation area and these referred to the minute of Huddersfield Corporation which formally appropriated the sites listed as then becoming statutory allotments.
- 2.31 The Senior Legal Officer procured these minutes from the Local Studies Library, Huddersfield and he found that at the meeting of the Estate and Property Management Committee on 15 September 1958, it resolved at minute 13 on page 484 that "No action be taken at the present time with regard to the remaining sites". This was after formally appropriating a number of parcels of land for allotment purposes but the Cemetery Road Allotment site, Huddersfield was one that was left with no further action being taken at present.
- 2.32 This gave a good starting point from which to review the historic minutes and officers from the Capital Delivery Team spent three weeks, on and off, in the Local Studies Library reviewing the historic minutes. The result of their efforts was that they found no evidence whatsoever that the Cemetery Road Allotments, Huddersfield had ever been appropriated for allotment purposes and therefore remained classed as temporary allotments, the result being that it was much easier to deal with allocating the allotments to school purposes and the statutory procedure under section 8 of the Allotments Act 1925 to cease their use as allotments (involving, amongst other things, obtaining the Secretary of State's consent) did not have to be followed.

*Legal Matters – the power to appropriate land*



2.33 Section 122 of the Local Government Act 1972 is the legislation that deals with the Council's powers of appropriation, although other statutory powers of appropriation are also available but will not be considered as part of this report. This section says:-

**122 — Appropriation of land by principal councils.**

*(1) Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned.*

*(2) A principal council may not appropriate under subsection (1) above any land which they may be authorised to appropriate under section 229 of the Town and Country Planning Act 1990 (land forming part of a common, etc.) unless—*

*(a) the total of the land appropriated in any particular common, or fuel or field garden allotment (giving those expressions the same meanings as in the said section 229) does not in the aggregate exceed 250 square yards, and*

*(b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,*

...

*(2A) A principal council may not appropriate under subsection (1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.*

*(2B) Where land appropriated by virtue of subsection (2A) above is held—*

*(a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or*

*(b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),*

*the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10*

....

2.34 There can be confusion about what is a common or field garden allotment as referred to in sub-section 2(a) above. These are, together with the meaning of open space, defined in section 336 of the Town and Country Planning Act 1990 to mean:-

*“common”* includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;

...

*“fuel or field garden allotment”* means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

...

*“open space”* means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;

2.35 Section 122(1) gives a Council a power to appropriate land for other statutory purposes subject to the qualifications set out in that section.

2.36 Commons, fuel field gardens and open space cannot be appropriated until the intended appropriation has been advertised in accordance with the statute set out above.

2.37 Clearly, the site of the Cemetery Road Allotments, Huddersfield are not common or fuel field gardens as they had been in the ownership of the Ramsden family for many years before their acquisition by Huddersfield Corporation pursuant to the Huddersfield Corporation (Lands) Act 1920 and they were not devolved by Inclosure Acts.

2.38 In addition, as the allotments are securely fenced and only accessible by the plot holders and their invitees the land cannot in any way be classified as public open space within the definition set out above. For information, the land is designated as urban greenspace on both the UDP and draft Local Plan but this does not mean that it is classed as open space within the legal definition set out above.

2.39 Despite there being no statutory requirement for the Council to advertise its intention to appropriate the temporary allotment land for education purposes, officers considered that having regard to the high level of public interest in the proposals for the new Academy and loss of the temporary allotment land it would be in the public interest to advertise the intention to appropriate the land from general estate purposes to education purposes in this instance.

2.40 In accordance with the requirements of paragraph 6 of Part 3 Section F of the Council's Constitution the Director of Place (as then was, but now

Economy and Infrastructure), in December 2016, delegated authority to the officers named in the Service Scheme of Delegation to be able to appropriate land for another statutory purpose without the need to advertise the intention to do so, subject to the statutory constraints set out above. Rather than do this a decision was made to be open and transparent about the process, giving the public the chance to comment upon the intention which is why officers are now reporting on the objections made in response to the advertisement.

- 2.41 Before determining whether to appropriate the temporary allotment land it had to be decided, for the purposes of section 122(1), that the allotment land was “no longer required for the purposes for which it was held immediately before the appropriation”. This is solely a question of fact for the Council to decide exercising its discretion in good faith.
- 2.42 As all of the plot holders on the allotment land required for the purposes of the Academy could be more than adequately relocated within the existing allotment site and as there are also vacant plots at various other allotment sites within the nearby area, officers determined that the land upon which the new playing fields and supporting infrastructure is intended to be constructed was no longer required for temporary allotment purposes and/or general estates purposes and was suitable for use for education use for the new Academy.
- 2.43 Section 122(1) above states that a council “may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement”.
- 2.44 There is no particular statutory provision to acquire land for the purposes of the construction of a new Academy school although other powers of acquisition of land for other types of school are set out the Education Act 1996. Alternative powers to acquire land for an Academy are available in both section 120 of the Local Government Act 1972 and section 1 of the Localism Act 2011.
- 2.45 In order to satisfy section 122(1), you have to look at what powers are available and in this instance officers would suggest the use of the following section in the Local Government Act 1972:-

**120 — Acquisition of land by agreement by principal councils.**

*(2) For the purposes of—*

*(2) any of their functions under this or any other enactment, or*

*(b) the benefit, improvement or development of their area,*

*a principal council may acquire by agreement any land, whether situated inside or outside their area.*

...

- 2.46 One of the Council's many statutory functions is the provision of education so it could use this power, if needed, to acquire land for that function for the purposes of section 122(1).
- 2.47 Appropriation does not override any restriction there might be in other legislation under which the land is held but there are no such restrictions in the Huddersfield Corporation (Lands) Act 1920 in any event. Neither does it override restrictions in the title but again, there are none in this instance.
- 2.48 As a result of the officer decision to appropriate that part of Cemetery Road Allotments, Huddersfield to education purposes the intention to appropriate was, even though not required by statute, advertised in the Huddersfield Examiner on 16 and 23 March 2018. It was also advertised in error by the publisher on 21 March 2018. A copy of the Notice that appeared in the Huddersfield Examiner, together with the plan that is referred to in the Notice, is attached at **Appendix D**.
- 2.49 The plan at **Appendix D** shows the approximate area of two acres of land that was advertised for re-appropriation. It should be noted that the area of land of the Cemetery Road Allotments, Huddersfield comprises in allotment terms approximately 34 out of 82 allotment plots on the Cemetery Road allotments site. Of these 34 allotment plots, 14 are vacant and the remaining 20 plots are occupied by 14 plot holders.
- 2.50 In addition to the newspaper notice, laminated copies of the Notice were attached to the gates of the Cemetery Road Allotments, Huddersfield to notify passing allotment holders of the re-appropriation process. Letters were also sent to the Cemetery Road Allotments Huddersfield plot holders affected by the proposed redevelopment in order to advise them of the appropriation process and provide details as to how they could respond to it.
- 2.51 During the advertisement period of the appropriation process the Council gives 21 days from the appearance of the first legal notice in the local press for objections to be made. However, due to the advertisement period falling over the Easter holidays, this period was extended to 28 days and the final date for receipt of objections to the appropriation was Friday 13<sup>th</sup> April 2018.
- 2.52 The appropriation notice advised individuals how they could lodge an objection to the process, which was in writing to the Service Director by the objection deadline date of 13<sup>th</sup> April 2018.

### *The response to the Appropriation process*

2.53 A total of 51 responses to the appropriation process were received, of which 50 were from separate individuals (as one individual submitted two forms of objection). The following provides a summary of the number and nature of the responses received:

- 38 responses were received before or were posted by the deadline date (and received within a few days of the following week by post);
- 13 responses were clearly dated after the 13<sup>th</sup> April deadline;
- 48 objections were received in a standard objection letter template, each with the same wording but signed and dated by separate individuals. A further two objections were variations of the standard template used by objectors but received in letter format. The presumed author of one of the variant letters also signed a standard template objection;
- Approximately half of the objections were received from within the Kirklees boundary, with the other half being received from outside Kirklees including Leeds, Exeter, Lowestoft, Bristol, Sheffield, Newcastle, Fife, Cambridge, Stratford on Avon and Middlesbrough;
- One letter of support was received in support of the proposed appropriation from an existing plot holder at Cemetery Road.

2.54 As detailed above, 48 objections were in a standard template form that was downloadable from the Friends of Cemetery Road Allotments Facebook page (shown at **Appendix E**). The following paragraphs detail the ten (10) reasons for objecting to the appropriation process, together with a response to each point prepared by the Capital Delivery Team:

#### 2.54.1 Reason 1:

*Plot holders who are forced to 'migrate' to alternative plots will have no more security of tenure than before and, therefore, all plot holders may be moved again, in the same way, at any time.*

#### Response to Reason 1:

The statement regarding future security of tenure is correct but has always applied. Existing tenancy agreements allow the Council to provide notice of either 3 or 12 months depending on the circumstances relating to the reason why the land is required for other purposes. The re-location process has involved detailed discussions with plot holders and a degree of choice regarding their new location on the existing site. The remaining site will still be designated as general estates land being used for temporary allotments and therefore it is possible, though unlikely, that a future move could be required. However, no further

development of the remaining site is anticipated and the nature of the land does not lend itself to future development.

2.54.2 Reason 2:

*The area of proposed appropriation makes a significant contribution to the wildlife habitat of the Urban Green Space designated in the Kirklees Local Plan.*

Response to Reason 2:

The area of proposed appropriation is not being lost to buildings but instead is being primarily converted to playing fields. An ecological survey was commissioned in August 2016 and the subsequent report provided a range of professional opinions and recommendations. No evidence was found to show that creatures such as amphibians, barn owls, badgers, dormice or creatures associated with watercourses were present and that the habitats were generally not suitable for these creatures. The report noted that, although no evidence was found, it was considered possible that there could be foraging bats and that development proposals should consider the retention of trees, which has been done.

The report also provided guidance on measures to be taken that would protect various types of wildlife during the process of redevelopment in the unlikely event that any are found and these will be incorporated as obligations in the building contract, for example facilitating the movement of badgers, hedgehogs and reptiles across the site or moving them to safe places if found on site.

In terms of habitat the report describes the allotments as comprising areas of bare ground, dense scrub, scattered scrub and species poor semi-improved grassland. The allotment areas are not considered to be of importance to nature conservation above site level.

The new school development proposals include extensive planting such as bushes, flowering plants and new trees including fruit trees on what are currently areas of grassland. As a matter of course the new development will conform with the requirements of the Wildlife and Countryside Act 1981 so, for example, birds are protected from disturbance in the nesting season.

2.54.3 Reason 3:

*The allotments as a whole provide areas for community support services.*

Response to reason 3:

The objection does not define what is meant by community support services. The existing site in total has 82 plots of which 36 are vacant, with many overgrown. 22 of the vacant plots are on the lower site that is unaffected by the appropriation. Extensive works have been undertaken

by the Council to clear 18 vacant plots, level them, providing infrastructure such as supporting walls, access to water and paths and each cleared plot with have a shed or greenhouse, if requested. Four vacant plots remain for allocation to new tenants. This work has rationalised and improved the quality of the Cemetery Road Allotments site, Huddersfield and provides the infrastructure for continued community use.

#### 2.54.4 Reason 4:

*The proposed new “Brambles” Primary School Academy has expressed an interest in using an area at the top of the allotments, close to the school, for Forest School activities/a nature study area, cultivation, which under current plans will be converted into a ‘playing pitch’.*

Response to reason 4:

The leadership team of the new Brambles Primary Academy has confirmed that it intends to become a Forest School, which is a process that offers all learners regular opportunities to achieve and develop confidence and self-esteem through hands on learning experiences in a woodland or natural environment with trees.

The new location of the school is ideal for this purpose. On either side of the school there are two sets of allotments – Cemetery Road Allotments and Highfields Allotments – both of which have vacant plots that could be used by the school. The surrounding site is an open grassed area with multiple trees and bushes. Within the fenced school grounds there will be a number of outdoor areas with flowers, planting and trees such as wild cherry and crab apples. This will provide the school with an opportunity to undertake Forest School activities within the school grounds, in the surrounding environment and in either of the Allotments sites should it choose to do so.

#### 2.54.5 Reason 5:

*Playing pitches could be accommodated, as close to the new school, on the south, south east side of Highfields’ playing fields.*

Response to reason 5:

The surrounding playing fields are in the ownership of Greenhead College and they wish to retain these fields for the sole use of College students as part of its sports curriculum offer. In addition, if the fields had been in Council ownership this would not have enabled the Council to meet Sport England requirements to replace the playing field lost to the development with replacement provision of at least equal quantity and quality. The appropriation of the defined area of Cemetery Road Allotments, Huddersfield enables the Council to deliver a solution within the Council’s ownership and meet Sport England requirements.

2.54.6 Reason 6:

*As far as I know, Kirklees Council has not made an application to the Secretary of State for consent to dispose of land forming part of Cemetery Road Allotments for non-allotment purposes as I believe is required to do so by law.*

Response to reason 6:

An application to the Secretary of State is only required in the case of statutory allotments and, as detailed extensively above in the parts of this report that cover legal matters, the Cemetery Road Allotments, Huddersfield are not statutory. This therefore means that the approval of the Secretary of State is not required.

2.54.7 Reason 7:

*The appropriation process must be suspended until the correct procedures are established and are followed.*

Response to reason 7:

Officers have undertaken extensive research and sought appropriate legal advice before undertaking the appropriation process and are confident that the correct procedures have been applied. It should be noted that in relation to publication of Notices, the Council has gone beyond what is required. There are no grounds for suspending the process as the correct procedures have been followed.

2.54.8 Reason 8:

*The allotments are an important community and environmental asset which need to be preserved as part of the inheritance of future generations.*

Response to reason 8:

The council is proposing to invest around £11m in a brand new and much-needed 420 place primary school at Clare Hill to serve North Huddersfield including Birkby and Edgerton. This will create an important community facility that will provide excellent learning and sports opportunities for local children for generations to come. The principle of building the school and its associated playing fields, including the loss of a defined area of the Cemetery Road Allotments site, Huddersfield has already been established through the planning process.

It is acknowledged that allotments do play an important role in society but in this instance it needs to be placed in context. As stated previously, the existing allotment has 36 vacant plots, many of which are overgrown, out of a total of 82 plots.

The number of plots being lost to the appropriation process is 34, of which 14 are vacant. Of the remaining 20 plots, these are occupied by



14 tenants as some have more than one plot. Whilst it is acknowledged that the transfer of the existing plot holders to another part of the site will cause disruption for a small number of people, this is, in the opinion of officers, far outweighed by the benefits of the new school.

The plot holders will benefit from a planning condition that states that the Council must implement the following package of measures to ensure that there is an equivalent community benefit to that which was lost:

- All new replacement plots to be dug out/up and prepared for planting to save the new plot holder from having to start again from scratch;
- Replacement of existing sheds/greenhouses that are currently situated on plots to be lost to be either relocated to the owner's new plot or a suitable new shed/greenhouse provided;
- A path to be provided to all allotments set to accommodate a displaced plot holder;
- Any established trees (e.g. apple tree) to be relocated to the owner's new plot – This would need to be dealt with on a case by case basis as each plot holder's circumstances will be different;
- Crop compensation between the crossover period between the old and new allotment in order to assist in the relocation and the phasing of crops.

In reality, the new provision that has been created is better than what currently exists and the remaining site will be better organised / rationalised with significantly less, if any, vacant plots. Please see photographs at **Appendix F**.

#### 2.54.9 Reasons 9 /10:

*Tenants of the area proposed for appropriation have paid their rent for 12 months. This year's tenancy agreement expires on the 6 April 2019. Any proposed alteration of tenancy agreements would need to be put into effect after the 6<sup>th</sup> April 2019, providing the correct procedures had been followed by Kirklees Council.*

Response to reasons 9 /10:

As stated previously, only 14 tenants are affected by the redevelopment and all of these tenants have been offered a replacement plot within the existing Cemetery Road Allotments site, Huddersfield. Twelve out of the 14 tenants have engaged with the Council to express a plot preference, which will be confirmed following a positive conclusion of the appropriation process. New plots within the remaining section of Cemetery Road have already been created in accordance with the planning condition by the Council's Parks and Open Spaces team.

Tenants' rents and tenancy agreements will therefore not be affected as displaced plot holders will continue to have access to at least one allotment plot, which will also include a significant transition period before tenants will need to relocate plots permanently.

If any tenants have paid their rent in advance they will be given a credit to their new plot rent or arrangements can be made to refund allotment holders if they no longer wish to continue.

Tenancy agreements do allow the Council, if it needs to do so, to provide a period of three months' notice to quit in certain situations as defined within the agreement. The appropriation of land is one such circumstance.

- 2.55 One letter was received in support of the proposal, which was from an existing plot holder on the Cemetery Road Allotments site, Huddersfield. The letter expressed concern about the number of plots that have either been abandoned and are collecting debris or appear to be used for purposes other than growing vegetables or gardening activities. Given the number of un-used and abandoned plots, the plot holder's opinion is that this scheme can only improve the site by reducing the number of available plots and relocating some plot holders to other plots where they will have the bonus of a cleared prepared plot together with a shed.

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

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

The new Brambles Primary Academy will provide 420 additional, high quality primary school places to help address the significant shortfall of places for children aged 5-11 in North Huddersfield.

#### **3.2 *Economic Resilience***

The construction of the new school will involve a capital investment by the Council of around £11m which will generate employment and supplies opportunities for local labour and businesses. The new school, when opened, will provide a range of new teaching and non-teaching jobs, both full time and part time, that will benefit the local economy.

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

The new school will be a light, airy and spacious building providing state of the art facilities that will encourage and inspire children to learn and develop. It will have its own fenced grounds, which will contain all the external facilities needed to stimulate young minds, and will have access to its own playing fields to encourage active involvement in sports and health / well-being activities. The school is set in an environment of trees, playing fields and allotments which will encourage children to explore their natural environment as part of the school's commitment to the Forest Schools programme.

#### **3.4 *Reducing the Demand for Services***

The school will have a main hall, studio and direct access to playing fields, which will encourage the development of healthy children. The

modern, state of the art facilities will provide an excellent opportunity for pupils to achieve and develop into the best young people and adults that they can be.

### 3.5 *Equalities Impact Assessment*

The Equality Act 2010 places the Council under a duty - the Public Sector Equality Duty - to have due regard to the need to achieve equality objectives when carrying out its functions. Members are reminded that before making any decisions that they have a legal duty to consider the **Equality Act 2010 - Section 149**, which introduced a public sector equality duty that the Council must, in the exercise of their functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

An Equalities Impact Assessment (EIA) has been carried out on (a) the proposal to build a new school and (b) the loss of 34 allotments. In relation to the new school the Stage 1 EIA indicates the positive impact of this development.

In relation to the loss of 34 allotments, the Stage 1 EIA has indicated that there will be a limited impact on service users. A Stage 2 EIA has therefore been undertaken indicating the consultation and mitigation measures taken to lessen the identified limited impact. The EIAs for this project can be found at <http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>)

### 3.6 Legal Implications

Extensive correspondence has been exchanged between the Council's Senior Legal Officer and representatives of the Friends of Cemetery Road Allotments Group regarding their belief that the above named allotments are statutory, not temporary, and therefore subject to Secretary of State approval and not Cabinet approval.

As outlined extensively above in the parts of this report that cover legal matters, the Council has robustly defended its position that the allotments are temporary but this is not accepted by the Group. There may therefore be a risk that the Group will seek a Judicial Review of this situation. Should this occur Cabinet is requested to authorise officers to

continue to defend the Judicial Review action should it occur. This is to ensure that the proposals for the new school can continue and to minimise any delay in being able to do that.

Legal Services are proceeding with the acquisition of the playing field from Greenhead College using officer delegated powers.

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

The proposed appropriation of a defined part of Cemetery Road Allotments, Huddersfield has been subject to a consultation process as explained extensively in the sections of this report dealing with the appropriation process and the responses received to that process are detailed with appropriate responses from Officers working on the project.

Ward Members for Greenhead and Newsome have been consulted during the course of the development of the project to build a new school on the Clare Hill playing field site. Members have expressed strong support for the need for the new school and have understood the rationale for the appropriation of part of the allotments. Officers were asked to provide support to the allotment holders and to ensure that they were treated fairly. The planning condition relating to the relocation of the plot holders and the compensation required reflects the discussions held with local Ward Members previously.

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

Subject to approval of the recommendations in this report, officers will undertake the work to complete the appropriation process. A further report will be brought to Cabinet in September / October 2018 seeking approval to invest approximately £11m in the provision of these fantastic new school facilities and authority to let a contract to the successful construction contractor.

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

Based on the content of this report, Officers make the following recommendations to Cabinet. Members are asked:

- to note and consider the responses to the non-statutory advertisements appearing in the Huddersfield Examiner on 16, 21 and 23 March 2018 giving notice of the Council's intention to appropriate the land edged blue on the plan at **Appendix B** to the report from general estates purposes to education purposes;
- that having considered the responses, authorise the appropriation of the land edged in blue on the plan at **Appendix B** to the report from general estates / temporary allotment purpose to education purpose 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;

- to authorise officers to provide a formal three months' notice to quit to the 14 affected plot holders and work with the plot holders to ensure a smooth and stress free re-location to their new plots;
- to authorise officers to defend any Judicial Review in relation to the appropriation decision, if taken, 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, not statutory allotments.

Officers make these recommendations as they enable the Council to enact its decision to build a 420 place primary school serving North Huddersfield with associated playing fields and other ancillary provision on the Clare Hill site. This new build school will provide excellent learning facilities and address the Basic Need requirement for additional quality schools places in this part of Huddersfield. The new school will be an important community facility that will serve local families for generations to come.

It is acknowledged that overall 34 allotment plots will be lost but there are 36 vacant plots at present across the whole site. Fourteen plot holders will be displaced but they will be provided with new plots elsewhere within the same site and to a standard set by the relevant planning condition. The need for the new school far outweighs the loss of the temporary allotments and the inconvenience caused to 14 tenants.

## 7. Portfolio Holders Recommendations

The Portfolio Holders for Learning and Aspiration, Communities and Engagement and Corporate recommends that Cabinet:

- note and consider the responses to the non-statutory advertisements appearing in the Huddersfield Examiner on 16, 21 and 23 March 2018 giving notice of the Council's intention to appropriate the land edged blue on the plan at **Appendix B** to the report from general estates purposes to education purposes;
- having considered the responses, authorise the appropriation of the land edged in blue on the plan at **Appendix B** to the report from general estates / temporary allotment purpose to education purpose 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;
- authorise officers to provide a formal three months' notice to quit to the 14 affected plot holders and work with the plot holders to ensure a smooth and stress free re-location to their new plots;

- authorise officers to defend any Judicial Review in relation to the appropriation decision, if taken, 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, not statutory allotments.

We make these recommendations as the new Brambles Primary Academy will provide fantastic state of the art facilities, both internally and externally, that will serve generations of children and their families in North Huddersfield. The new school will provide 420 additional high quality primary school places that are required to address a shortfall of places in the area. A new school requires the provision of external playing fields and the appropriation of part of the adjacent Cemetery Road Allotment site, Huddersfield enables the Council to ensure that access to such facilities is delivered on site. This is an important commitment to the health and well-being of the pupils and staff that will use the school.

This will impact on a small number of existing plot holders but measures are being put in place to ensure that the migration to new plots elsewhere on the site, which have been prepared in advance by the Council's Parks and Open Spaces team to comply with the relevant planning condition, will be as efficient and stress free as possible.

## **8. Contact officers**

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

Andrew Hoyle – Senior Legal Officer - Legal Services  
Tel: 01484 221000  
Email: [andrew.hoyle@kirklees.gov.uk](mailto:andrew.hoyle@kirklees.gov.uk)

## **9. Background papers and history of decisions**

The requirement for the new school and the proposed appropriation of part of the Cemetery Road Allotment site, Huddersfield was approved by Cabinet on 18th October 2016.

## **10. Service Director responsible**

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

## **11. List of Appendices**

Appendix A                      Indicative visuals of the new Brambles Primary Academy

- Appendix B Plan showing land to be purchased from Greenhead College (edged in red) and temporary allotment land to be appropriated from general estates purposes to education purposes (edged blue).
- Appendix C Land previously transferred to Greenhead College.
- Appendix D Appropriation Notice and site plan
- Appendix E Standard template objection received from 48 individual objectors
- Appendix F Photos of the existing Cemetery Road Allotments site, Huddersfield to be appropriated and the cleared, new plots on the remaining site.

## **Appendix A**

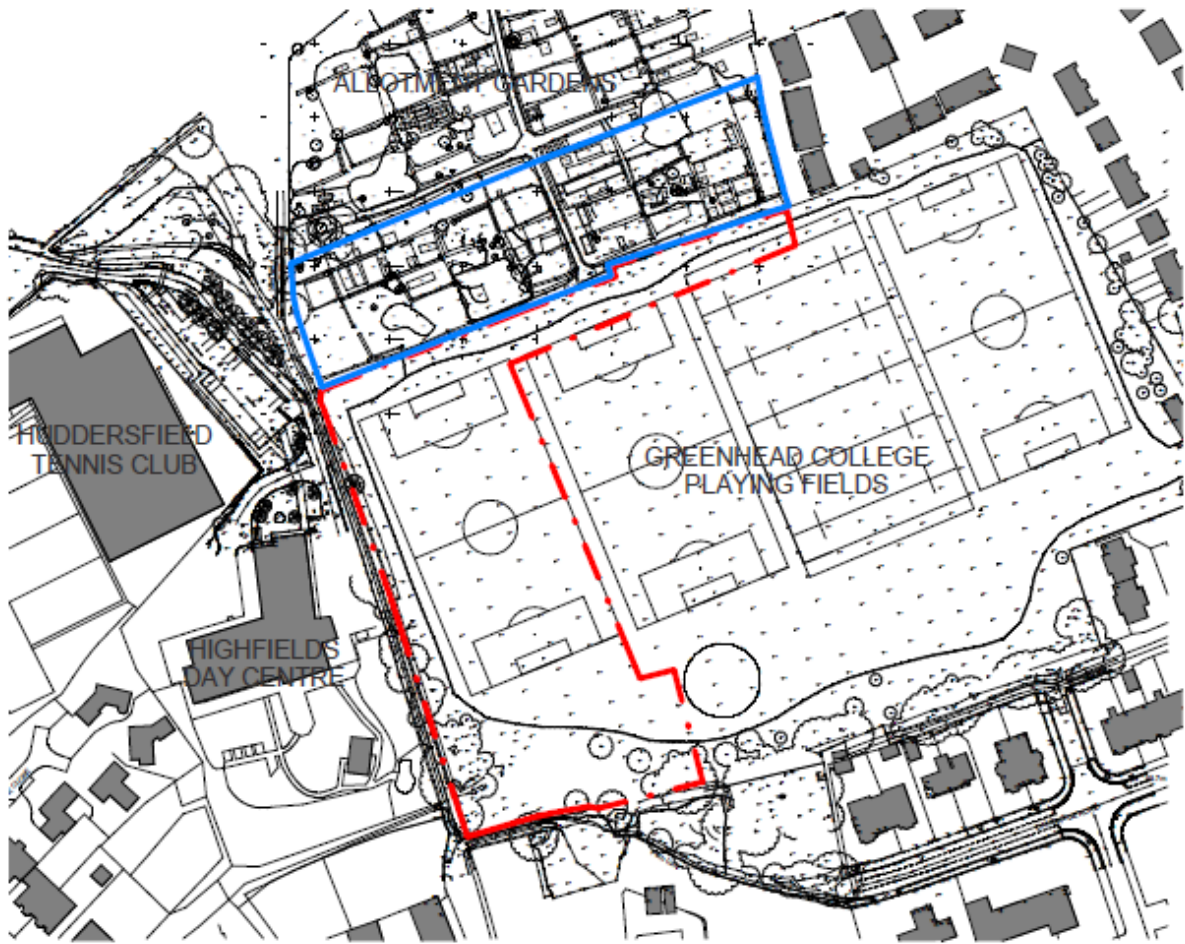




## APPENDIX B

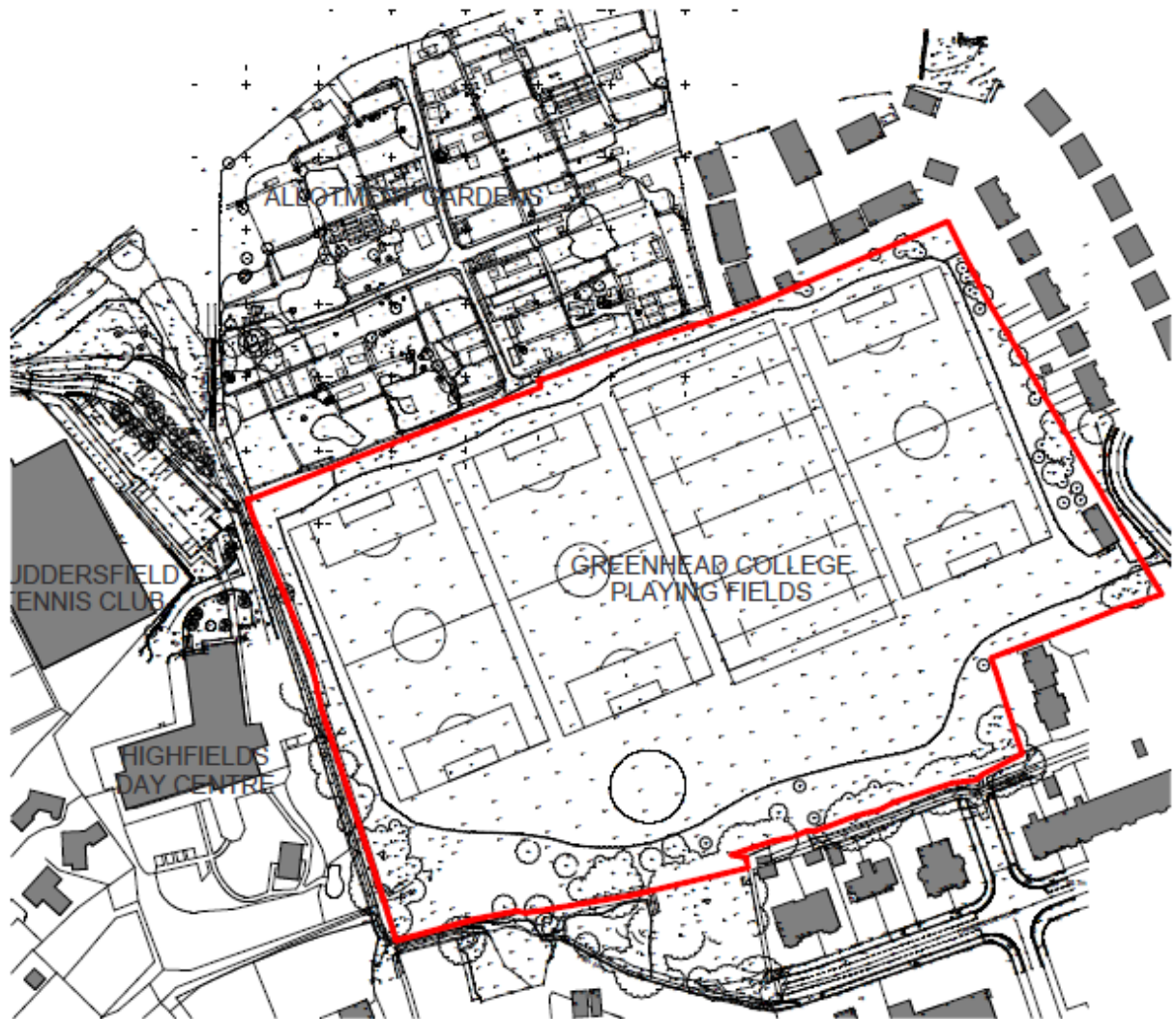
Diagram showing Brambles Primary Academy site assembly. The area that Kirklees Council is purchasing from Greenhead College is shown in red. Allotment land to be appropriated from general estates purposes to educational purposes for the benefit of the new school is shown in blue.





## APPENDIX C

Diagram showing Clare Hill playing fields land owned by Greenhead College edged in red



## APPENDIX D

**Appropriation Notice Advertised in Huddersfield Examiner  
And Site Plan - Area of Cemetery Road Allotments,  
Huddersfield for Appropriation**

**KIRKLEES COUNCIL**

**LOCAL GOVERNMENT ACT 1972 - SECTION 122**

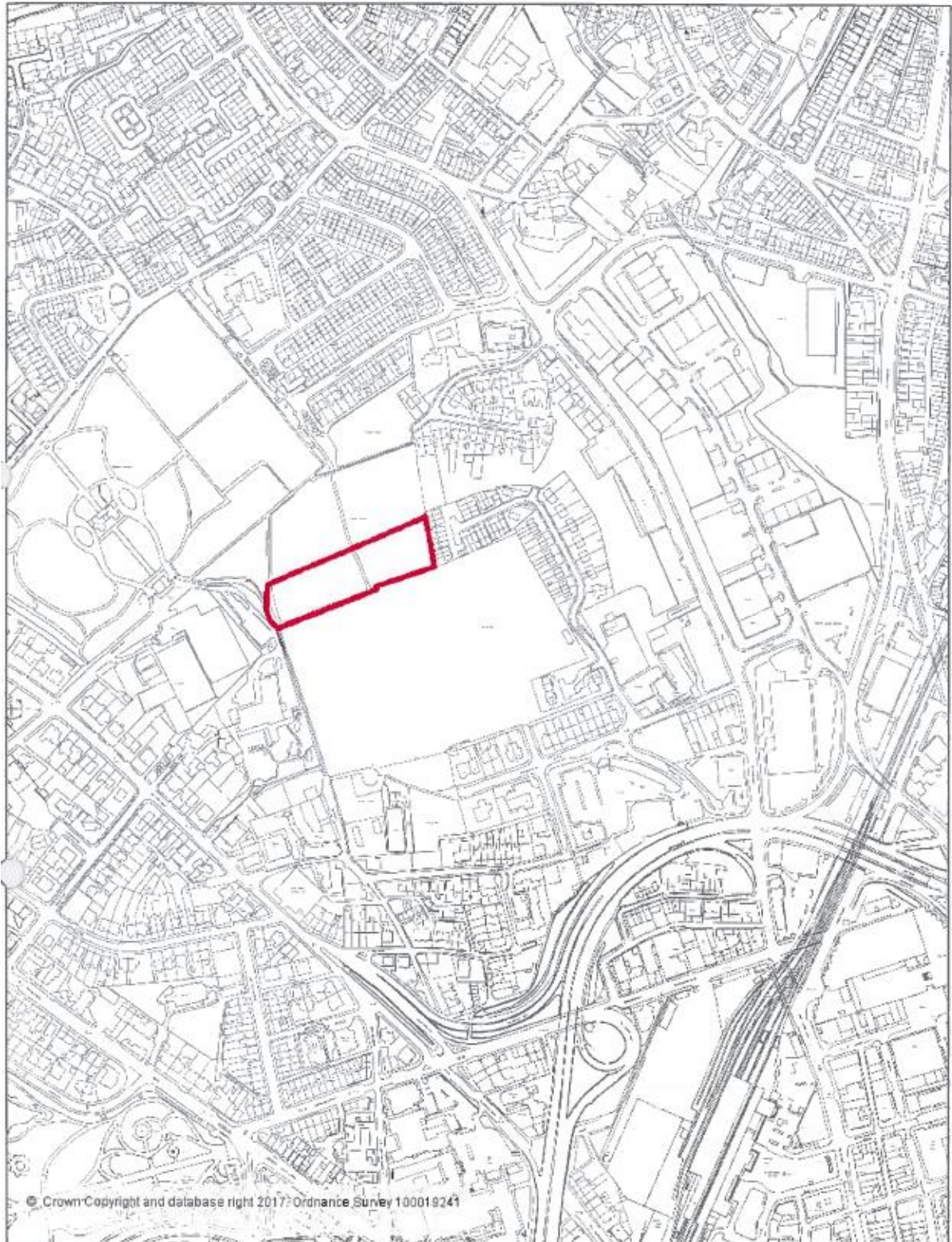
**APPROPRIATION OF LAND OFF CEMETERY ROAD, NEWTOWN,  
HUDDERSFIELD**




**NOTICE IS HEREBY GIVEN** that Kirklees Council intend to appropriate an area of approximately 2 acres of land off Cemetery Road, Newtown, Huddersfield. The land is intended to be appropriated from general estates purposes to education purposes (new school provision).

Any person having any objection to the appropriation should make such objection in writing to the Service Director (quoting reference: DEV/SJH/D70A/463), Legal, Governance and Commissioning, Second Floor, High Street Buildings, High Street, Huddersfield HD1 2ND no later than Friday 13 April 2018, giving full reasons for such objection.

A copy of the plan showing the area in question may be inspected free of charge during normal hours at Customer Services Centre Civic Centre 3, Huddersfield (Monday to Friday 9.00 am - 5.00pm except Thursday 10.00am - 5.00pm) and Legal, Governance and Commissioning, Second Floor, High Street Buildings, High Street, Huddersfield HD1 2ND.

Julie Muscroft - Service Director - Legal, Governance and Commissioning  
Kirklees Council, Legal, Governance and Commissioning, Second Floor,  
High Street Buildings, High Street, HUDDERSFIELD HD1 2ND



 <p><b>Kirklees</b> COUNCIL</p>  <p><b>Kompass</b> Kirklees Mapping Service</p> <p>Tel: 01484 221757 (tollfree 800 1757) E-Mail: <a href="mailto:maps@kirklees.gov.uk">maps@kirklees.gov.uk</a></p>	<p>Land off Cemetery Road Edgerton</p> <p>0 m    100 m    200 m</p> <p>Scale 1 : 5000</p>	
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**APPENDIX E**

## Standard objection template received from 48 individuals

Julie Muscroft, Kirklees Senior Director – Legal, Governance and Commissioning, Second Floor, High Street Buildings, High Street, Huddersfield, HD1 2ND.

### PROPOSED APPROPRIATION OF PART OF CEMETERY ROAD ALLOTMENTS

Local Government Act 1972 – Section 122

Reference: DEV/SJH/D70A/463

#### OBJECTION

To whom it may concern:

I deplore the proposed appropriation of part of Cemetery Road Allotments and the enforced 'migration' of plot holders to the remaining area of Cemetery Road Allotments.

I note:

1. Plot holders who are forced to 'migrate' to alternative plots will have no more security of tenure than before and, therefore, all plot holders may be moved again, in the same way, at any time.
2. The area of proposed appropriation makes a significant contribution to the wildlife habitat of the Urban Green Space designated in the Kirklees Local Plan.
3. The allotments as a whole also provide areas for community support services.
4. The proposed new "Brambles" Primary School Academy has expressed an interest in using an area at the top of the allotments, close to the school, for Forest School activities/a nature study area, cultivation, outside classroom, etc., which under current plans will be converted into a 'playing pitch' (and/or a car park).
5. Playing pitches could be accommodated, as close to the new school, on the south, south east side of Highfields' playing fields. Therefore, the appropriation of Cemetery Road allotments for playing pitches is unnecessary.
6. As far as I know, Kirklees Council has **not** made an application to the Secretary of State for consent to dispose of land forming part of Cemetery Road Allotments for non allotment purposes, as, I believe, it is required to do by law.
7. The appropriation process **must** be suspended until the correct procedures are established and are followed by Kirklees Council.
8. The allotments are an important community and environmental asset which need to be preserved as part of the inheritance of future generations.
9. Tenants of the area proposed for appropriation have paid their rent for 12 months. This year's tenancy agreement expires on the 6 April 2019.
10. The letter from the "Brambles" School Project Leader, James Mould, dated 15 March 2018, stating tenants have "until the end of October 2018 to vacate [their] existing allotment plots" is inaccurate. Any proposed alteration of tenancy agreements would need to be put into effect after the 6<sup>th</sup> April 2019, providing the correct procedures had been followed by Kirklees Council until then.

Yours faithfully

Address:

Date:

## Photos of existing allotments on upper part of the Cemetery Road Huddersfield site

### Plots to be Appropriated (South Section)



Abandoned plots with derelict structures



Abandoned plots



Some active plots but neglected infrastructure



Container with surrounding waste material

## Photos of cleared plots on lower part of Cemetery Road Allotments site Huddersfield awaiting installation of sheds / greenhouses

## New Plots (North Section)



New gravel path to cleared allotment plots



Cleared and prepared allotment plot with fresh topsoil and new access path



Cleared and prepared allotment plot with new base to accept Council provided shed or greenhouse



Several new cleared and prepared plots with new edge boarding

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**Name of meeting:** Cabinet

**Date:** 21<sup>st</sup> August 2018

**Title of report:** Kirklees Libraries Service Redesign

The purpose of this report is to propose to cabinet the next steps in re-designing the library service.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>YES</b>  <b>YES Significant impact on all wards</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>YES</b>  Registered 20 <sup>th</sup> July 2018
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>YES</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Richard Parry - 13.08.2018</b>
<b>Is it also signed off by the Acting Service Director - Finance IT and Transactional Services?</b>	<b>Eamonn Croston - 10.08.2018</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Julie Muscroft - 13.08.2018</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Graham Turner</b> <b>Portfolio Holder for Corporate (Access to Services – place based working)</b>

**Electoral wards affected:** ALL

**Ward councillors consulted:** N/A

**Public or private:** Public

## 1. Summary

- 1.1 Locally and nationally, library services have been evolving and new approaches developing. The Library Service in Kirklees needs to continue to modernise and to evolve. It needs to be accessible to all but must not lose sight of, and indeed it must maximise, the role that it has in supporting the more vulnerable in our communities.
- 1.2 It is clear that libraries are about much more than books. At a time when many public services have contracted, introduced stricter criteria for access, reduced their physical presence and moved online, libraries have become a universal safety net and, increasingly, one of the remaining symbols of public service in a local community. They are a universal space that people can turn to for advice and information, particularly more informal advice and knowledge about local communities and services. They recognise the importance of local identity, how needs differ in different communities and the services delivered in libraries reflect this.
- 1.3 Libraries provide a range of initiatives to support vulnerable people and linking them to other council and wider services such as Community Plus and Early Help will support the system to improve outcomes for people, providing help and advice for people in the communities where they live.
- 1.4 The community capacity created through opportunities for people to get involved with the library service, and therefore with the council, has supported people to become more engaged in their communities and shape services at a local level. Joined up working with local groups and volunteering opportunities that really benefit people's neighbourhoods have helped to create stronger, cohesive communities
- 1.5 Library services are reflective of the three key principles of the Kirklees Corporate Plan 2018/20 - working with people, working with partners and place based working. The service is sensitive to the diversity of communities, their differing needs and abilities in terms of community capacity. The same is true of needs around accessing advice and information. There is a core partnership basis to service delivery, particularly with partners in health and the VCS, which enables library services to reach beyond the walls of physical libraries and into the places in communities where people really need them.
- 1.6 For many public services, including the Council, they are a service that enables digital delivery by providing an option for the digitally excluded, providing access to those who don't have it at home and support to those who don't have the skills to get online.
- 1.7 Many people reference the requirements of the 1964 Museums and Public Libraries Act to provide a "comprehensive and efficient service". This Act didn't envisage the world of today. Providing the book based element of a library service is far simpler than delivering the breadth of outcomes that our communities turn to the Library Service for.
- 1.8 The purpose of this report is to summarise the findings from the 12 week consultation that was carried out between the 8<sup>th</sup> of January 2018 and 2<sup>nd</sup> of April 2018 and from subsequent local discussions that have taken place with elected members, to consider the models of national best practice that are emerging around the country and, on the basis of this, to propose some immediate changes that could be made and a framework within which to develop local solutions for a sustainable library service.

## 2. Information required to take a decision

### 2.1 The Consultation

The Library Service engaged Qa Research Consultants to design the survey, carry out the consultation and analyse the responses. The report can be found here: <http://www.kirklees.gov.uk/beta/libraries/pdf/Libraries-Consultation-Report-2018.pdf>

### Summary of findings

#### *Conclusions*

#### **Conclusion 1: Libraries are perceived to fulfil a wider societal function beyond book lending.**

Although the majority (86%) of survey respondents saw borrowing books as one of the most important functions of a library, it is clear from the qualitative research that libraries are no longer seen as services purely for book lending alone.

Library users, volunteers, and staff emphasised the wider community function of the local library and subsequently expressed concern over the potential for closure. The qualitative research in particular highlighted this theme, with consistent concern expressed across all discussion groups over a core number of service users who frequently used libraries for social connection. There was agreement amongst staff and Friends of groups that these softer library outcomes were hard to evidence and as a result the library service was an 'easy target' for budget cuts and reductions in service.

Consultation findings also highlight the importance of the IT function of the library service (and the support provided to access this) with 28% of respondents highlighting this as the most important library service after book lending. The qualitative research also highlighted that this is an important service for some, e.g. people on low income or looking for work. However, concerns were raised around how this function could be sustained within the context of further budget cuts.

#### **Conclusion 2: Views are mixed on the issue of library location/buildings.**

Moving the local library to another building (or privately run building) attracted some support, with nearly half (48%) of library service users supporting this idea. The qualitative research highlighted that for some areas, the library building itself was held in high regard as a historic building and focal point for the community. Opposition to this idea is more apparent when communities cannot see a viable alternative building in their locality.

However, there appears to be more support for bringing other services into the library environment instead of moving the library out. Just over half (51%) of respondents supported the idea of the Council looking to reduce the running costs of libraries by sharing space, staffing, and integrating services. Within the qualitative research, this idea i.e. the community hub concept was viewed positively by some if it meant that library services could continue to be delivered within the community. In terms of sharing staff across the library service, it was noted that this was happening already in terms of library staff however some people found it difficult to understand how other department staff could fulfil library roles. There was strong feeling that there is still a need to retain trained librarians.

However, consultees noted that this type of model might work better in some communities than others, reiterating the theme that library services recognise the differing needs of places across Kirklees and the importance of local identity.

Reflecting this, and remaining consistent within the different strands of the research, the view was expressed that libraries should be 'local', reflecting the fact that users primarily visit their nearest library run by the Council. Overall, participants were not willing to travel further afield to access library services, with less than half (37%) disagreeing with this whilst the qualitative research unearthing concerns on older people and those from deprived areas continuing to have access to library services. A further 36% of respondents felt they would stop using library services altogether. This was a view most prevalent amongst older residents, with younger participants being more likely to travel further afield.

### **Conclusion 3: Volunteers have played a pivotal role in recent years but there are concerns about sustainability.**

Within the qualitative research, there was a general view that volunteers have made a very positive contribution to Kirklees Libraries and have been vital in maintaining opening hours and assisting paid staff. However, many people questioned the sustainability of any model which was reliant on further expansion of the volunteer pool. There was acknowledgement that volunteer management and retention can be challenging and training and engagement is an ongoing task. There was also concern that any further reduction of paid library staff would have a negative impact on the quality of the service. Although many volunteers are willing and able, in some cases they are many in number covering short shifts and this can mean it is difficult for skills to be developed and retained.

34% of survey respondents, over 1000 people, felt they were willing to volunteer, leaving the majority disagreeing that they *'would be willing to volunteer to help run a library'* (43%). This support is also evident in the number of participants who stated they would need a, qualified and paid member on site to support them in their role as volunteer.

Discussion within the focus groups centred on the characteristics of the volunteer base, e.g mostly older retired residents. However, the consultation reveals support for/interest in volunteering from younger people. For example, a NET majority of 56% of young people (16-24 year olds) stated they were willing to volunteer and were often more willing to travel to libraries out of their immediate locality. This suggests there could be some value in attempting to widen volunteer recruitment strategies to try and attract younger volunteers perhaps by and/or linking in with any existing volunteering schemes.

There was also discussion around the capacity of more deprived communities to respond to the call for volunteers to support library services given that people living in more deprived areas are less likely to volunteer.

However, there is clear support for using volunteers to support the delivery of the Home Library Service with over half (57%) of respondents agreeing with this proposal.

### **Conclusion 4: The results of the children's consultation largely reflect the findings from the qualitative and quantitative research conducted, and remain consistent in terms of how libraries are used and ideas for sustaining services for the future.**

Children were full of praise for library staff and struggled to envisage an effective delivery of library services without staff. The majority (47%) of children disagreed with the statement *'do you think moving your library to another building is a good idea?'* and found it difficult to identify alternative spaces which would ensure high quality library services are maintained.

Although combining library services with schools was a frequent suggestion in other parts of the research, from the perspective of a school pupil, it should be noted libraries are often a place for children to relax away from school and home. This is also reflective of a wider theme found in this research that libraries are often more than book lending facilities, but have become alternative spaces of social care, particularly for children and older people.

**Conclusion 5: There are seen to be different advantages and disadvantages to keeping library services within the Council, but generally there is a clear preference for library services to remain within the Council.**

The majority of residents (79%) expressed a preference for there to be no change in how library services are currently run, and would like services to remain Council led. Less than one in ten residents did not support the idea of library services remaining within the Council (9%).

The qualitative research revealed confusion around the alternative delivery models. Many focus group participants were reluctant or felt unable to express a preference for a particular delivery model or whether they supported the Council exploring these models. Thus, this may have led some respondents to default to the status quo.

Preference for library services to stay within the Council came out strongly in the qualitative research, and many felt a significant number of Kirklees residents would suffer should libraries go outside of the Council's jurisdiction.

**Conclusion 6: Support for the idea of alternative delivery models is variable.**

There was a time when a number of councils considered wholesale alternative delivery models for their library service. A number of councils have taken this forward, but the considerable majority of councils have chosen to retain their library wholly in house.

In the consultation, the alternative models were met with varying levels of support, although, as mentioned previously, it should be stressed that many struggled to comprehend the delivery of services outside the Council, and therefore found it difficult to discuss the different model types.

This was particularly evident when discussing each model in the qualitative research, with findings for each model broken down as follows;

- **Local Authority Trading Company-** beyond remaining within the Council, this model was seen as most preferable amongst survey respondents (NET support of 36%). The qualitative research allowed a number of concerns to be voiced, with many centring on the mention of profits and confusion over how libraries might generate an income.
- **Public Service Mutual-** those taking part in the qualitative research could identify merits in exploring this approach, allowing communities a greater degree of autonomy in running their own local library. From the survey, 30% of all respondents supported this model.
- **Joint Venture-** The majority of qualitative participants felt this model was inapplicable to the Kirklees area. Generally, participants could see merit in exploring this option, but not in the Kirklees area. Whilst some thought it might work well in Huddersfield, it was felt smaller towns and villages might subsequently lose access to a local library, should funding go towards a Joint Venture model. This is reflected in the results of the self-completion survey, with a net majority of 63% of participants not supporting this model.

- **Outsource-** This model generally received the least amount of support across the qualitative and quantitative research. Concerns were raised over the types of external organisation which would become involved in delivering library services, and elements of trust were raised as to whether external support would deliver an effective service. Discussions in the qualitative research centred on profit-making and the feasibility of libraries generating an income, leaving residents with a question mark over the practicalities of the involvement of external companies in the running of libraries. Uncertainty and dislike of this model is also reflected in the results of the quantitative research, with a net majority of 79% of respondents not supporting outsourcing.

**2.1.1** From the discussions with Friends of Groups, it is apparent that they vary in terms of their capacity and willingness to develop further. Some appear highly organised, with a clear structure of roles/responsibilities and have already developed business plans and received funding for projects, whereas others appear to be more content to remain as they are. This variable capacity includes the extent to which they would like/feel able to engage with discussions on alternative models of delivery; some of which are community-led to varying degrees. In terms of taking this element forward, Friends of members, staff and library users alike would like to see the Council develop a clear business case which includes some analysis of how/where alternative delivery models have worked in other areas, how they have enabled library sustainability, and how they might operate within Kirklees.

## **2.2 Different Models of delivering a library service**

As part of redesigning a library service the Library Taskforce whose role is to enable the delivery of the recommendations from the [Independent Library Report for England](#) and to build upon and add value to existing good practice, partnerships and other activities that are already supporting public libraries, recommends that library services explore alternative methods of delivering our service when redesigning services. The Taskforce reports to ministers via the Department for Digital, Culture, Media and Sport (DCMS) and the Local Government Association (LGA).  
<https://www.gov.uk/government/groups/libraries-taskforce>

The library service was successful in obtaining a Government grant of £25K to explore this. [Feasibility Study](#). This study identifies a number of helpful points that can be taken forward regardless of the actual delivery model chosen.

It is clear from the consultation feedback that the continued change and uncertainty facing the library service risks undermining the ability to sustain and build on the existing community support to libraries. It is also clear that the majority of the respondees to the consultation were not in support of models of alternative delivery models outside of the Council or did not understand them sufficiently. Whilst this is not, in itself, a reason not to pursue them, it is likely that the uncertainty that will be created by further consideration of alternative delivery models will undermine delivery by the service (staff and volunteers).

## **2.3 Library Service Delivery**

The Council is looking to redesign its library service. The Library Service budget has reduced by 43% to date and, based on the MTFP will reduce further next year with a total reduction of 63%. Delivering the full 63% whilst maintaining outcomes to more vulnerable people will be extremely challenging. The MTFP savings are based on the

staffing and other direct library service costs and do not include the value of building related savings (either direct savings or future capital expenditure that is avoided).

There are a number of changes that can be made which will enable further savings whilst maintaining outcomes for the more vulnerable people as part of the Early Intervention and Prevention approach.

A number of these will be specific to individual communities but need to be considered as part of an overall framework.

Whilst the review of library service delivery sought to make savings solely within the library service budget included in the MTFP, it should be recognised that a whole system approach to delivering library services could lead to efficiency savings in other services.

## **2.4 Proposed Principles and Framework:**

- Libraries must be situated in the right building in the right place, to meet community needs and maximise the impact on early intervention and prevention
- Libraries should be situated where possible on one floor to ensure an efficient and cost effective delivery model
- A local plan should be developed for each area to reflect the differing needs of each community
- Staff should be equipped and supported to deliver on the future library strategy and job profiles should reflect the future roles needed to deliver the new service
- The services and activities provided must meet the Council's outcomes

### **Buildings:**

It is clear that a number of communities place a strong value on the building that is currently used a library. This may be because the building has a strong historic presence in that community or because it is the only remaining public service building in that community. The demands that the library service and partner organisations place on a building have changed over the years. A single floor, open plan library is the most cost effective and accessible layout to deliver a library service from.

Computers, events and groups place particular requirements on the way in which that building is fitted out. Full disability access is critical and parents with young children value toilets that have a changing table. Since many of the library buildings were built, the communities that they serve have changed markedly so that the library is no longer in the best location or other buildings that could also deliver the library service have opened.

In a number of locations where the cost of occupation of the building falls to the council and can be attributed to the library, the revenue cost of the building is greater than the revenue cost allocated for the actual delivery of the service. Additionally, a number of these libraries will require significant capital expenditure to maintain them to an acceptable standard.

The service therefore needs to be respectful of the current buildings but must not be tied to them. It should, on a case by case basis, consider whether there are other local buildings (or proposals for new space) that can be used to deliver the service in

a way that reduces the overall cost of the service and/or achieves better outcomes. If the location does change, the council should be mindful of any future re-use of the vacated building.

## **Community Managed libraries**

Community Managed Libraries are developing across the country. This is not a new approach and the origins of public libraries can be traced back to libraries owned by local communities. This is also a model present in other countries.

It is clear that the success or otherwise of Community Managed Libraries depends on the strength of partnership working between communities and the local council. In some councils this has been better managed than in others.

Kirklees Council should continue to proudly embrace and support Community Managed Libraries and learn from the mistakes of other councils.

Whilst they offer opportunities to continue delivery at a reduced cost, they should be seen as a real asset that builds on the capacity and strength of individual communities. There are great examples in Kirklees of community asset transferred buildings hosting a number of services alongside the Library and partnerships with other organisations that could support delivery should be maximised.

Taking this approach will ensure that the greatest Early Intervention and Prevention gains can be made and support to the more vulnerable in local communities maximised.

- 2.4.1** We would seek to maintain library services in as many communities as possible, though this may involve people using different locations and approaches. We will require community support to do this, through partnerships with local communities, local organisations and from other council services.
- 2.4.2** We maintain an open mind about the ways communities could support local library services and aim to work with people to establish community-specific service delivery proposals. Co-delivery at a local level will be key to this
- 2.4.3** Since the previous library service review we have received a great deal of support from communities with many of our libraries establishing strong Friends of Groups and approximately 450 volunteers helping with the day to day running of the library service. We recognise the valuable role volunteers play in delivering our services. Community libraries could be a continuation of this model, with groups taking on buildings to support the running of library services from or supporting other community based council staff in established buildings.
- 2.4.4** There could be financial support - for example through a parish precept- towards the cost of services including the delivery of library facilities. Examples of where the Council could support any community wanting to take on their library are with training for volunteers, the provision of book stock (including a regular supply of new books) and IT support. This would have to be discussed on a place by place basis and possible ways of financing this discussed.
- 2.4.5** There are many other potential models, which could involve sharing various responsibilities; the Council will be as flexible as possible.



Useful information on Community Libraries can be found here:

<https://www.gov.uk/government/collections/community-libraries-good-practice-toolkit>

We recognise that some of our proposals present difficult choices for communities and wish to stress there is no expectation that communities should step forward. Where communities are unable to provide sufficient support to maintain the delivery of the library service, alternative library services will be provided such as library outreach services, delivered in other community venues and with internal and external partners.

## **2.5 Supporting more vulnerable individuals and communities.**

**2.5.1** Within every community there are individuals who are more vulnerable. This may be related to poverty, to ill health, to the barriers of language or as a result of social isolation. The Council's Early Intervention and Prevention approach is intended to ensure that support is available to support individuals to maximise their independence.

**2.5.2** The library service is already delivering a range of projects to address the early intervention and prevention agenda. A more collaborative approach to the delivery of these projects would benefit the Council but needs a willingness on the part of other services and partners to work with the library service.

It is clear from the Consultation that volunteers play an invaluable role. Some people have expressed concern about turnover as volunteers move into paid employment. Whilst this is a pressure on the service it is a positive indicator of the council improving outcomes for individuals and supporting economic growth by enabling people to secure paid employment.

**2.5.3** The Access to Services Strategy makes reference to the availability of community hubs where appropriate that co-locate a number of services – these could include the voluntary and community sector, primary care, adult and children's social care, communities teams as well as access to a networked libraries offer to:

- Create opportunities for greater voluntary sector and community involvement in the future delivery of localised services
- Remove the silo-based operation of services and promote greater integration and joint provision of delivery
- Reduce costs of provision yet meeting and achieving greater targets through focussing on outcome based performance and collaboration
- Increase the "wealth" of the community and focus on reducing hotspots of need
- Improve and enhance a cohesive partnership between collocated partners in a bid to provide safer communities and dedicated support to rising concerns.

**2.5.4** We will continue to deliver books and services to people who are unable to access us in other ways through the Home Service Library but consider that this could be done more efficiently by partnering with an external organisation that can offer added value through other services that they might already provide to vulnerable people and which can reduce the costs of this service.

We will explore opportunities for the Kirklees Transcription Service and the Community Language Service for people who require services and information in different languages and formats to work more closely with associated services in the Council (such as Assistive Technology services for people with a disability). We will

also review the basis on which these services are charged to other organisations (in line with the DCMS funded feasibility study) in order to optimise opportunities for realising more income.

**2.5.5** We would continue to support book collections in local areas without a library, if a community has a suitable venue to house a collection, and will also maintain sufficient book fund to grow the provision of e-books.

**2.6** Library fines have been a long standing arrangement in libraries but they potentially disproportionately impact on those who are most vulnerable (financially or as a result of cognitive disability or mental ill health). The fear of a library fine may be a deterrent to using the service for some people from these groups. In addition, the administration and extra responsibility of collecting library fines can be seen as a deterrent to potential volunteers. We therefore propose to explore Kirklees Council becoming one of the first authorities in England to no longer charge library fines. The loss in income would be circa £18k but would be partially offset by the costs associated with cash handling.

## **2.7 Maximising efficiencies**

The service will pursue opportunities identified in the feasibility study referenced in **2.2** above to raise income or reduce costs. This will include sharing services on a cross-boundary basis which has the potential to provide a valuable contribution to the overall efficiency savings target within individual Councils. **(Appendix A)** outlines some of the work already happening nationally and regionally. We must continue to look for efficiencies when designing new library services. We will continue conversations across authorities building on work already done.

### **A comprehensive and efficient service**

<http://www.legislation.gov.uk/ukpga/1964/75/crossheading/the-public-library-service>

Comprehensive and efficient – to ensure a number of fully staffed libraries within the proposed budget and look at further options and opportunities on a local level working closely with Community Plus.

**2.8** As we change our service delivery we will need to ensure we have the right staffing model, we need to learn from the previous review of libraries and ensure robust support for communities helping us to deliver the service.

It is also important that we are able to articulate a compelling long term vision and future for the service. The library service will need to continue to adapt and evolve like all parts of the Council, but it is clear that successive rounds of consultation and uncertainty undermine the ability of the service to transform effectively and to recruit and retain staff and volunteers needed to deliver the services ambition.

## **3. Implications for the council**

### **3.1 Best Start - Children have the best start in life**

#### **3.1.1**

- Engaging and inclusive story and rhyme times

- Implementing a range of engaging reading initiatives e.g. Pageturners Children's Reading Festival
- Working with local schools to support the curriculum and to promote reading for pleasure.
- Digital literacy - Coding based play through to Girl Geeks

### **3.2 Well - People in Kirklees are well as possible for as long as possible**

#### **3.2.1**

- Providing support, help and advice to people in communities
- Advocating healthy lifestyles through outdoor events like storywalks
- Using parks and local open spaces for events
- Delivery of bibliotherapy outreach for people with mental health conditions and dementia

### **3.3 Independent - People in Kirklees live independently and have control over their lives**

#### **3.3.1**

- We reach out to individuals who cannot easily access our service. Our Home service is a lifeline to people isolated in their own homes because of age, infirmity or personal circumstance.
- Supporting the Council's digital by design agenda
- Signposting according to need.
- Increasing IT skills
- We empower the community to develop their local service offer

### **3.4 Aspire and Achieve – People in Kirklees have aspiration and achieve their ambitions through education, training, employment and lifelong learning**

#### **3.4.1**

- We support adults to learn to read
- We support the curriculum through book stock selection
- We provide quality work placement and volunteering opportunities
- We provide free access to appropriate learning resources and signpost to other opportunities
- We provide a safe neutral space to learn in and share skills
- We work with our learning partners to seek funding to deliver learning opportunities.
- We provide access to information via alternative formats e.g Braille and Audio transcription

### **3.5 Sustainable economy – Kirklees has sustainable economic growth and provides good employment for and with communities and businesses**

#### **3.5.1**

- We provide information for aspiring Kirklees business-people
- We share space with businesses such as the Post Office and charities and work in a joined up way
- We provide and get involved in local events that contribute to the vibrancy of our towns and villages

### **3.6 Safe and cohesive – People in Kirklees live in cohesive communities, feel safe and are protected from harm**

### 3.6.1

- Actively contributing to community capacity building through creation of volunteering opportunities and engagement of community groups in library activity
- Partnership work with other services striving for safe and cohesive communities, such as Safer Kirklees and community hubs
- Provision of safeguarding training to all staff and volunteers

## 3.7 Efficient and effective – Kirklees Council works smart and delivers efficiently and effectively

### 3.7.1

- Libraries deliver service in local communities. They support the Digital by Design programme by providing support to people who are digitally excluded to access on-line services.
- The Access to Services strategy sets out the way we should design our services and includes
  - Local access points which have due regard to the wider assets within neighbourhoods, wards and communities which are well networked and supported by a high quality back office.
- Therefore we must look at our service on a place by place basis, ensuring we work with partners and communities in each area to look at best possible solutions.

**3.7.2** We must engage with communities to deliver our services, working in partnership with community groups. Many of our services are already supported by Friends of Groups and volunteers and we must continue to proudly grow this model.

**3.7.3** The outcome the Council is seeking is for residents and communities to be able to readily access information, signposting and services in order to improve the customer experience and journey, first time, more of the time.

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

A comprehensive and efficient service

**3.8.1** Local Authorities (LA) have a statutory duty under Section 7 of the Public Libraries and Museums Act 1964 to ‘...provide a comprehensive and efficient library service for all persons..’ in the area they wish to make use of it. More information can be found on the website:

<http://www.legislation.gov.uk/ukpga/1964/75/crossheading/the-public-library-service>

**3.8.2** There is no statutory requirement i.e. no requirements or procedure set out under legislation detailing what the exact procedure or specific consultation requirements for library consultation should be. However, in relation to library services the duty to consult arises out of a common law principle that the LA should act with fairness in the exercise of its functions. The Council has carried out two consultations recently in 2015 and 2017. Links to those and their findings are set out below in section 4

**3.8.3** The Council has to have due regard to the public sector equality duty when making decisions.

The following Equality Impact Assessments are relevant to this report:

EX OC5 Libraries EIA 180117 [http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02\)%20Adults%20&%20Health/Libraries/UPDATED%20EX%20OC5%20-%20Libraries%20EIA%20180117.xlsm](http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02)%20Adults%20&%20Health/Libraries/UPDATED%20EX%20OC5%20-%20Libraries%20EIA%20180117.xlsm)

EXCT1 Community Capacity [http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations201718/04\)%20Communities,%20Transformation%20and%20Change%20Directorate/EXCT1%20Community%20Capacity/EXCT1%20\(formerly%20EPS12\)%20EIA%20Stage%201%20Community%20Capacity.xlsx](http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations201718/04)%20Communities,%20Transformation%20and%20Change%20Directorate/EXCT1%20Community%20Capacity/EXCT1%20(formerly%20EPS12)%20EIA%20Stage%201%20Community%20Capacity.xlsx)

RE12 Access to Services [http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations201718/10\)%20Resources%20Directorate/RE12%20Access%20to%20Services/RE12%20EIA%20Stage%201%20Access%20to%20Services.xlsx](http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations201718/10)%20Resources%20Directorate/RE12%20Access%20to%20Services/RE12%20EIA%20Stage%201%20Access%20to%20Services.xlsx)

They should be borne in mind by members in coming to a decision on this matter.

Financial:

The MTFP sets out savings requirements on the library service. The savings for 2018/19 will be delivered and further savings delivery is possible but full delivery of the 2019/20 savings has the potential to adversely impact on the more vulnerable in our communities. Work is underway to model the financial and outcomes for vulnerable people impacts of potential changes. This will be informed by progressing opportunities in the framework set out in 2.4 above.

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

4.1 A comprehensive consultation was undertaken in 2015, the results of this can be found at:

<http://www.kirklees.gov.uk/beta/libraries/pdf/LibrariesReviewReport.pdf>

Other engagement information can be found at **Appendix C** and other submissions at **Appendix D**.

Relevant petitions are here:

<http://democracy.kirklees.gov.uk/mgEPetitionListDisplay.aspx?RPID=504898803&HPID=504898803&VM=2>

A Home Library Service consultation was carried out in October 2017  
[Home Service Survey October 2017](#)

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

It is proposed, subject to the agreement of Cabinet:

To carry out further conversations with library Friends of Groups, stakeholders and partners to arrive at place based solutions for communities using the framework in section 2.4 above. This is to include local-level reviews of the locations and suitability of the accommodation that houses each library (subject to the agreement of Cabinet of the framework).

In order to accommodate and support these local reviews, in a timely way, where appropriate, consideration be given to delegated decision making.

To redesign the service in a timely manner giving due thought and consideration to a comprehensive and efficient service with appropriate staffing, based on community needs and Council priorities and opportunities to reduce expenditure or secure more income.

To move to secure an external partner to provide the Home Service on behalf of the Council.

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

That Cabinet agree the Framework set out in **2.4** above and that there is a period of time to establish how the service, with support from communities and partners will contribute to Council priorities and outcomes in a local context within a reduced financial resource.

That the service procures an external partner to provide the Home Service on behalf of the Council.

That the service reviews the charging of library fines.

That Cabinet notes the risks set out in **2.2** associated with moving to alternative delivery models at this time and takes a decision about retaining delivery with council staff and volunteers.

That Cabinet delegates individual change service decisions to the Strategic Director, Adults and Health , in consultation with the **Portfolio Holder for Corporate (Access to Services – Place based working)**

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

The Portfolio Holder supports the officer recommendations

## **8. Contact officer**

Carol Stump  
Chief Librarian

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

- Library Consultation, Cabinet Report 21<sup>st</sup> of November 2017
- Access to Services Strategy. Cabinet Report 17<sup>th</sup> of October 2017

## **10. Service Director responsible**

Dave Thompson – Head of Access Strategy and Delivery  
Sue Richards – Service Director, Integration

## Appendix A

### Shared Services - (Regional and National Library Services)

#### What do Kirklees Libraries do already?

##### Nationally

The Chief Librarian for Kirklees Libraries is a trustee for the Libraries Connected (LC), which leads and manages public libraries in England, Wales and Northern Ireland. LC is made up of the head of service of every library authority, and advocates for continuous improvement of the public library service on behalf of local people.

LC membership gives access to a skilled network of library professionals that helps us improve and develop our library service.

Benefits include:

- **Universal offers:** These are unique partnership, promotion and funding opportunities brokered centrally by LC and locally by library leaders. Universal offers include: Reading, Culture, Digital, Information, Health and Learning offers.
- **Learning pool:** An evolving platform of training on digital skills, working with children and young people, Reading Well Books on Prescription, the Six Steps Promise (for the blind and partially sighted) and reader development. This gives a wealth of training opportunity for staff and volunteers and saves thousands of pounds per annum.
- **Funding support:** Pursuing national and regional tenders that benefit library services across the country.
- **National influence and advocacy:** LC is the national voice for libraries, with direct access to senior decision makers. Members are able to directly influence and contribute to the national agenda via the LC executive.
- **Workforce development** for library leaders and their teams, including bespoke training courses and bursaries. The Chief Librarian leads on the Public Library Skills Strategy on behalf of LC.
- **Forum** to share best practices regionally and nationally

LC successfully applied and secured a place on the Government Digital Services (GDS) for the supply of Assisted Digital/Digital Inclusion services. This allows us to tender for paid opportunities to provide assisted digital and digital inclusion services for the public via the libraries network.

##### Regionally

Kirklees library service forms part of the Yorkshire and Humber region of Libraries Connected. The national executive disseminates news and information via regional reps to this group. The group includes the following authorities: Barnsley, Bradford, Calderdale, Doncaster, East Riding, Hull, Kirklees, Leeds, North Yorkshire, North and North East Lincolnshire, Rotherham, Sheffield, Wakefield and York.

The regional authorities (with the exception of Leeds) are part of a book purchasing consortium, which gives us greater bargaining power when buying from book suppliers. Leeds is expected to join the consortium shortly. The region is looking at a framework for commissioning the Library Management System in the same way. This could mean great benefits for customers e.g. a single library card, customers borrowing from any library in the

region, greater access to resources and for the authorities will mean big savings because of the purchasing power of the consortium.

Thoughts for future purchasing consortiums include self-issue machines, self- service printing and solutions for community run libraries.

The region also has a music and drama collection, managed by Leeds Libraries for the benefit of all authorities.

Kirklees and Wakefield Libraries are working on joint funding bids to deliver projects, including a reminiscence project (unhampered reads) and a health literacy project – sharing skills and resources to enable access to all to our health resources, including ‘easy read’ health books. A skill sharing day will be held for frontline staff.

### What else can be done?

Sharing of library services could be done on a small scale or consideration could be given to share services on a larger scale.

Uniting libraries from two or more councils into one unit can save money by reducing number of managers and backroom staff while benefiting from other economies of scale. It also allows users greater access to services between boroughs.

For example:

- Bournemouth and Poole are looking to create joint tourism and library services to save £1m.
- Cheshire West and Chester and Cheshire East share Bibliographic Services, library management system, stock (reservable across both boroughs) and education library service.
- Derby and Nottingham –Library card of either city is valid in the other, to aid commuters between the two cities.
- Essex, Southend and Thurrock have a joint library management system and shared catalogue of stock with Essex providing bibliographic services to the other two.
- Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan – Move towards having one library card for all member authorities.

As Council’s review their library services it is important that they consider all options available when looking for efficiencies.



## Appendix B

### Engagement during consultation

General:

The Portfolio Holder attended public meetings when invite. These took place in Batley and Cleckheaton. He also attended Golcar Friends of Group AGM.

The Portfolio Holder, the responsible Service Director and the Chief Librarian held briefing sessions for all ward councillors.

Other engagement is detailed below:

Service Point	Discussions/Meetings and Dates	Councillor Involvement	Officer Involvement
<b>Almondbury</b>	Attendance at Friends group meeting to introduce consultation process 9/12/17		AP
	Attended Friends group 23/1/18 to update on consultation. No specific issues about the consultation)	CLlr McGuin	AP
	AGM 10/4/18	CLlr McGuin	AP, JP
<b>Batley</b>	Attendance at Friends group meeting to introduce consultation process 11/12/17		JM
	Attended Friends group meeting 12/2/18	CLlr Fazila Fadia	CS and JM
	Attendance at Friends group meeting 9/4/18		SS
	Attendance at Friends group 23/4/18		CS
<b>Birkby/Fartown</b>			

<b>Birstall</b>	Attendance at Birstall and Birkenshaw Ward Forum 23/11/17	All three ward councillors present	CS
	Attended Friends group 10/1/18	Cllr Smaje	AP
	Attended Friends group 7/2/18	Cllr Smaje	JM
	Attended Friends group and volunteers 14/3/18	Cllr Smaje	CS/JM/SS
<b>Cleckheaton</b>	Attendance at Friends group meeting to introduce consultation process 4/12/17	N/A	JM
<b>Deighton -Chestnut Centre</b>			
<b>Denby Dale</b>	Attended volunteers group to introduce consultation process 6/12/17		AP
	Meeting of trustees with Cllr GT, CS, AP to discuss submission and future discussions 26/1/18	Cllr Turner, portfolio holder Cllr J Dodds in chair Cllr R Brook	CS, AP
	Attended Trustees meeting 9/4/18	Cllr J Dodds in chair	AP
<b>Dewsbury</b>			
<b>Golcar</b>	Attendance at Friends group to introduce consultation process 30/01/18	Cllr H Richards in chair	JM
<b>Heckmondwike</b>			

<b>Holmfirth</b>	Attendance at Friends group to introduce consultation process 27/11/17	N/A	JM
	Attendance at Friends group 19/03/18		JM, SS
	Attendance at Friends meeting 23/04/18		SS
<b>Honley</b>	Attended meeting with group of volunteers/Friends group members to discuss additional opening hours staffed only by volunteers		SS
<b>Huddersfield</b>			
<b>Kirkburton</b>	Attended Friends group to introduce consultation process 21/11/17	Cllr Armer present + other parish councillors	AP
	Attended Friend group to discuss ongoing consultation 23/01/2018	Cllr Turner, Cllr Armer, Cllr Taylor	CS
	Attended FOKL 20/2/18	Cllr Armer and Cllrs Boden & Sykes	AP
	Attended FOKL Action group 30/4/18		AP
<b>Kirkheaton</b>	Attended Friends group to introduce consultation process 15/12/17		AP
	Attended Friends group 15/3/17		CS
<b>Lindley</b>	Attendance at LLCG to introduce consultation process 18/12/17		AP
	Attended LLCG 15/1/18	Cllr Burke	AP
			AP

	<p>Attended LCG 19/2/18</p> <p>Attended meeting to discuss consultation procedure and next steps 28/03/18</p> <p>LLCG 9/4/18 AGM</p>	<p>Cllr Turner Cllr Burke Cllr Eastwood</p> <p>Cllr Burke</p>	<p>CS</p> <p>RA</p>
<b>Marsden</b>	<p>Attendance at Friends group to introduce consultation process 27/11/17</p> <p>Attended Friend group to update on consultation 22/01/2018</p>	<p>Cllr Rob Walker</p> <p>Cllr Turner and Cllr Walker</p>	<p>JM</p> <p>CS</p>
<b>Meltham</b>	<p>Attendance at Friends group to introduce consultation process 15/12/17</p> <p>23/04/18 attended volunteer/Friends meeting. CS talked about consultation + way forward as part of new directorate.</p>	<p>Cllr Charles Greaves Cllr Terry Lyons</p>	<p>JM</p> <p>CS/SS</p>
<b>Mirfield</b>	<p>Attendance at Friends group to introduce consultation process 6/12/17</p> <p>Attended AGM 23/4/18</p>	<p>Cllr Graham Turner</p> <p>Councillor David Pinder</p>	<p>CS</p> <p>AP</p>
<b>Ravensthorpe – Greenwood Centre</b>	<p>Two meetings with Dewsbury Community Hub (Scouthill)</p>		<p>AP</p>
<b>Rawthorpe/Dalton</b>	<p>Attended meeting where S2R reported back on their engagement work</p> <p>8/2/18 Ward meeting</p>	<p>Cllrs McBride, Khan, Mather</p> <p>Cllrs McBride, Khan and Mather</p>	<p>AP</p> <p>AP</p>
<b>Shepley</b>	<p>Attended volunteers group to introduce consultation process 8/12/17</p>	<p>Cllr John Taylor</p>	<p>JM</p>
<b>Skelmanthorpe</b>	<p>Attended Friends group to introduce consultation process 29/11/17</p> <p>Attended Friends group 18/1/18</p>		<p>AP</p> <p>AP</p>

	Attended volunteers meeting 31/1/18 to brief about the consultation.		AP
<b>Slaithwaite</b>	Attended a Holme and Colne Valley Friends group meeting at the Civic Hall hosted by Thelma Walker to discuss consultation and future opportunities 03/18	Thelma Walker MP Cllr Graham Turner Cllr Hilary Richards	CS
<b>Home Service/KTS</b>			
<b>External partner engagement</b>	Meetings with Parish Councillors about possible support for the service 27/11 & 13/12		AP
	Meeting between Calderdale and Kirklees to discuss shared services 01/02/2018	Cllr Press Calderdale Cllr Graham Turner Kirklees	CS DT
	Meeting with Jeremy Cuss, Carrie Birch, Gillian Waterhouse to discuss future of libraries and possible FoG network 29/03/18		CS MR

## Appendix C

Library Location	Quantity Received
Batley	15
Birstall	3
Cleckheaton	7
Denby Dale	1
Golcar	1
Holmfirth	2
Honley	1
Kirkburton	1
Kirkheaton	3
Lindley	1
Marsden	1
Mirfield	1
Shepley	1
Skelmanthorpe	2
Home Service	1
General	1

Theme	Sub theme and details
<b>General</b>	<p><u>Balancing the budget</u> One submission questioned whether other departments have suffered a cut of over 40%. The allocation of budgets should be fair as possible to all citizens. Taking a thin slice off all departmental budgets would have a very small effect on each individual department, but would go a long way toward reducing the impact of the cuts on libraries.</p> <p><u>Benefiting those who need it</u> Loneliness is recognised as a growing social problem of an ageing population. Any loss of what libraries can offer would be very short-sighted in this respect. Libraries are too important in enabling the young, old or vulnerable in leading fulfilling and independent lives. Having access to a range of activities in the community encourages the population to engage, helps older people maintain interests and contribute to the community. The library is a safe place to interact, an active community supported library has a vital role in helping all people reach their full potential.</p> <p><u>Councils approach and goals</u> A volunteer run library, without access to a professional library service, will not survive as a library. A rapidly deteriorating book stock, no access to IT, volunteers not receiving training and not being able to share in local, regional and national campaigns will all need support from professional library staff. No small volunteer run library could hope to provide these and it would be ridiculous to try</p>

to duplicate across a number of small libraries. It is believed that outsourcing to a private organisation does not recognise the wider social role of local library services in local communities. A local library spawns other activities in the community. This in turn fulfils one of the council's aims to encourage older people to be more socially active which is proven to reduce their need for other council services. It is argued that in order to maintain a meaningful library service it is necessary to have back-up of core services provided from a central point, including the management of book stock, the maintenance of IT support, the maintenance of a full reference and local history library, with the library being part of a common interface between the community and the council with the creation of a "village hub". The council seems to have overlooked the invaluable contribution made by libraries towards the general well-being of the population. Libraries provide company and security, and are a great help in reducing loneliness – particular among older people – and in doing so they help to reduce the demands on the social budget.

#### Volunteering

Kirklees Council survey suggests that users prefer their library to have both volunteers and professional library staff. No reconfigured service should rely on volunteers to run a library on their own; they must be supported by the library service. Friends groups will find it easier to attract external funding if it becomes a CIO. Reductions in professional staff mean that more volunteers will be needed and a comprehensive training programme is required again. There is considerable support from Friends of Groups to work with the Kirklees Library Service to maintain a wide branch network.

#### Staff

There is an acknowledgment that a significant proportion of the library budget is staff costs. In reconfiguring the service, there should be emphasis on recruiting, training and supporting volunteers to do the basics, freeing up the professional staff to focus on value added activity. One submission believes that a team of professional staff members dividing their time between several libraries supporting volunteers could be arranged. A gradual reduction in staffing hours will push the FoG volunteers to learn more with a package of training offered to each library which included staffing, new books, LMS, other IT is suggested in one submission. A mix and match of the areas will help to meet the locations needs and the balance could be changed every year.

#### Access

Travelling any distance is not an option for many – so overconcentration of the service onto a central library should be avoided. All citizens should have a fair share of library resources.

#### Buildings

Premises should be shared to enhance the service that is provided to the community, exploring new partnerships and collaboration to reduce and share costs, one suggestion is the local university.

	<p><u>Service provision</u> Further contraction of libraries harm the least fortunate. Kirklees Council describes itself as ‘digital by design’ and it is believed that is already discriminatory against people who don’t have access to home computers. For non-computer owners the cost of bus fares to and from a central library is not an option. One submission said “I would miss very much having a local place where I can read and handle physical books, browse amongst up to date books, dip into unfamiliar authors”. Kirklees Council has relied on the library service being able to support people with new services.</p> <p><u>Sense of community</u> It is the view of FOML (Friends of Marsden Library) that the provision of a local and accessible library service is a central part of any community. It is key to social inclusion and the ability of local people of all ages, ethnicities, gender and class to access information, community activities, art and culture.</p> <p><u>Communication</u> One of the biggest problems is communication, as volunteers sometimes working on our own we can’t have access to emails, the intranet, network files and various software solutions. If there is to be a successful partnership between the library service and volunteer groups this needs to be looked into.</p>
<p><b>Specific to Batley Library</b></p>	<p><u>Service provision</u> Concerns are raised that a large proportion 30-40% of adults living in Batley have no internet access.</p> <p><u>Local sense of community</u> The library is seen as a valuable resource for community and local groups who use the function rooms extensively. It is warm, friendly and a safe environment.</p> <p><u>Children’s education</u> Local schools use the library to further their education especially Years 10 and 11 who use the IT facilities to help them with their studies. Libraries help to support children’s learning and develop their language, concentration and confidence. One submission focused on developing children’s imaginations, extending learning throughout summer with Summer Reading Challenge.</p> <p><u>Benefiting those who need it most</u> It is argued that since the demise of the textile industry Batley has suffered greatly, resulting in high unemployment and social deprivation. The library plays a vital role in providing a wide range of services and facilities for the unemployed, vulnerable and elderly. The job centre has gone, people come to this library to search for jobs. For many Asian men and women the library proves a valuable focal point in helping them integrate and actively become involved with the community. It has been instrumental in providing support for start-up businesses. Closing the library would have a negative effect on people’s lives and the town centre.</p> <p><u>Building and equipment</u></p>



	<p>Batley Library was gifted and should not be sold off. Disabled access means all can enjoy the artwork on display and use the library. The library is easily accessible by most, specifically those who do not have access to transport. It is said that the library is the heart of the community. Many people have commented on the positioning of the building for great access, as a successful example of community cohesion, how beautiful the building is, the library should continue to co-exist with the art gallery and it's the only place that different cultures can come together.</p> <p><u>Staff</u> Staff are seen as being excellent, both professional staff and volunteers including Duke of Edinburgh students. In the absence of many other services such as police station, staff are able to provide advice on wider Kirklees services.</p> <p><u>Volunteers</u> Friends of Groups are already struggling to meet the present volunteering needs, so it will not be possible to take on all the responsibilities.</p> <p><u>Wide range of uses</u> In addition to offering reading material, regular events such as storytime, craft, holiday activities and cinema club are all well attended and often oversubscribed. People use libraries at different stages in their lives and libraries are part of the solution of social care. One submission asks 'what message are you sending to us, the children of Batley'.</p> <p>Two submissions note this library has the third highest footfall based on visitor figures.</p>
<p><b>Specific to Birstall Library</b></p>	<p><u>Volunteering</u> A Volunteer at Birstall Library said volunteering has given them confidence, an opportunity to work with children and achieve their inspirations which they would not have been to do without the support of the library and support of library staff.</p> <p><u>Local sense of community</u> Birstall Library is an integral part of the community and supports local businesses and residents alike. To close the library would have a serious and long lasting impact on Birstall</p> <p><u>Wide range of users</u> Birstall has the fourth highest visitor's figures and proves its value that residents place on it. Birstall Library has a wide range of clubs and many people use the library at different times in their life.</p> <p><u>Staff</u> The professional staff and volunteers make Birstall Library a welcoming place and can help with advice on offer subjects than library provision. Professional staff are essential to sustain the service.</p> <p><u>Building</u></p>

	<p>Birstall Library is a modern building fully accessible for all users and benefits from free parking immediately outside the building.</p> <p><u>Benefiting those who need it the most</u>  Closure of Birstall Library could put pressure on the community and other council budgets. The Ambitions of Public Libraries report are very clearly seen in action, which in turns supports the Council's Economic and Health and Wellbeing Strategies. The Administration should explore and utilise opportunities in the delivery of both Council services and strategies. Birstall has an area of deprivation in the worst 20-40% and has a higher than average population of between 45 and 65 and over 65. The library contributes to people's health and wellbeing, helping to reduce loneliness, isolation and providing job seekers facilities that they may not have at home.</p> <p><u>Service provision</u>  Not everyone has access to IT and many services including the Councils are now digital by default. Public access computers meet this need and both professional staff and volunteers assist many community users.</p> <p><u>Children's education</u>  At the public meeting it was said that a library is essential to the development of children's' artistic, writing, reading skills and that schools rely on a library. Through reading schemes there is positive encouragement of reading for young people. Eight letters from local pupils make reference to the benefits that they have in having a library that they can visit with their families and on class visits.</p> <p><u>Local sense of community</u>  Birstall Library is a safe a haven for people with a friendly welcome for all. Regular events help with confidence building and help build new friendships. One submission from a young person said 'the library is a huge part of them and their heart'. Another submission from a young person said if the library closed 'it would change how their school is and how people are' and asks 'do we understand what we will destroy?'</p>
<p><b>Specific to Cleckheaton Library</b></p>	<p><u>Staff</u>  Staff are approachable and ready to help.</p> <p><u>Benefiting those who need it most</u>  One user said that Cleckheaton Library has been 'a big part of their life for 50 years. A job seeker said without Cleckheaton Library they wouldn't have secured employment as every job opportunity was online and they didn't have access to IT at home. Residents regularly ask for help in contacting the council or carry out compulsory transactions with the council. The Council's "go digital" strategy is disenfranchising a proportion of its residents, mostly elderly people, but also those with physical or mental health problems. Access to computers and the internet is a critical part of the library service; no other body provides this service. Cleckheaton has already suffered disproportionately severe cuts at the hands of Kirklees Council, losing its sport centre, Red House Museum and treasured foundation building at Whitcliffe Mount School.</p>

	<p><u>Local sense of community</u>  Cleckheaton Library is seen as a safe environment, a place to relax, the backbone of the local community and a life-saver to many. The library is socially inclusive where any-one regardless of age, gender, ethnicity, disability or ability to pay, can access high quality services. A successful writers group was set up and runs regularly events including a self-led writing workshop, something that is valued in the community.</p> <p><u>Service provision</u>  Cleckheaton Library is seen as a community hub. Having access to IT means not having to travel to Liversedge by foot.</p> <p><u>Education Children and Adults</u>  The library is described as comforting, from families who use the library with small children to users who say their ventures into reading have been defined by Cleckheaton Library and used it for more than 65 years. Having access to books is vital to aid learning and appreciation of literature. It is thought that a number of young people use the library for homework and revision. In lower socio-economic communities the library is the only free, warm and dry space outside school, now the youth service has been decimated. The children's activities witnessed are an investment in the future by Kirklees Council.</p> <p><u>Building</u>  Cleckheaton Library was purpose built, it is light filled, calm and comfortable, offering a variety of environments for individual and group interaction. The library is situated in North Kirklees and offers services to many people who could not readily access services at Dewsbury or Huddersfield. It is the community centre for Cleckheaton as there is no other community centre in the town.</p> <p>A recent survey by the Friends of Group concluded: most people lived locally and travelled to the library by car or by bus, the library is used for a myriad of reasons not just for books, it was a great place to revise, it seemed that the library service was doing everything right and the only problem being the threat of closure. A number of people said they did not know what they would do if Cleckheaton Library was to close.</p>
<p><b>Specific to Denby Dale Library</b></p>	<p><u>Building</u>  Denby Dale Library co-exists with other organisations and is owned and managed by a community trust. The benefits of this is that they are able to provide new and enhanced services to the community. Sharing premises and working in partnership with charities, social enterprises and businesses should be the norm.</p> <p><u>Volunteers</u>  It is stated that Volunteers cannot run a library without help from a professional library service. It is felt that without support centrally purchasing, stock management and circulation of books would be affected.</p>

<p><b>Specific to Holmfirth Library</b></p>	<p><u>Sense of community</u> Having recently moved to Holmfirth with small children one submission said Holmfirth Library has provide the family with a wonderful resource, activities for the children and a sense of belonging. Having a library in the area was a deciding factor in the move. Holmfirth Library and Tourist information Centre is seen as a focus of creativity and interaction in all aspects of life in the town. Loss of all or part of these provisions would be detrimental to the health of the community. Holmfirth Library is used by a number of groups and volunteers are keen to keep outside official opening times to extend this further. Enhanced activities are supported by library volunteers such as gardening projects including creation of a nearby sensory garden, poetry evenings, writer’s workshops and book launches.</p> <p><u>Local population</u> Over the last two years has seen greater diversity of interest generated, with corresponding increase in numbers of people coming to Holmfirth Library.</p> <p><u>Staff and Volunteers</u> A dedicated professional staff and an enthusiastic body of volunteers work closely together.</p> <p><u>Children</u> A twice weekly Storytime is organised and presented by volunteers with attendees of up to 30 children and adults in addition to a sling library operating from Holmfirth Library.</p>
<p><b>Specific to Honley Library</b></p>	<p>A recent questionnaire circulated to residents in Honley concluded that the library is used for borrowing books, use of computers, research, photocopying, events and activities, clubs for both children and adults. Most users tend it use it monthly, although a significant number visit Honley Library weekly. Most support set charges to cover events, although there is some support for giving donations and annual subscriptions. At least fifteen new volunteers came forward to support the library following the questionnaire.</p>
<p><b>Specific to Kirkburton Library</b></p>	<p><u>Access to library services</u> The 2016 Kirklees Library Survey found that 70% of responder’s indicated that they would stop going to a library if they had to drive to a Central Library. Travelling any distance is not an option for many, Kirkburton Library provides library services to areas including Emley, Stocksmoor, Thurstonland, Lepton, Farnley Tyas, Shelley, Highburton and Kirkburton with a population close to 10,000. Kirkburton Library was the only community library having an increase in visits in 2017 (10%) and more active members (1098) than any other small community library in Kirklees.</p> <p><u>Children’s education</u> Kirkburton Library is especially proactive in providing activities to children ages 0 -12 years. Up to 30 children from 0 – 5 years attend weekly Rhymetime and up to 15 children aged 2 – 5 years come to</p>

	<p>weekly Storytime. These ever changing groups provide education, support and social interaction. Partner working with Kirkburton First School sees library volunteers running weekly lunchtime 'Book and Chatter' groups, the final session takes place at Kirkburton Library where the children are shown the ways in which the library can support their education and interests. Activities organised in school holidays are a mix of mental, physical and creative events. Liaison with and visits from early years providers, including weekly visits from disabled pupils enables volunteers to support children in the provision of books for school projects and the joy of reading.</p> <p><u>Sense of community</u> Kirkburton Library hosts several regular weekly groups with some members coming to the meetings for social interaction as the primary reason to attend.</p> <p><u>Volunteers</u> Volunteers overwhelming support keeping the library open and with many volunteers offering to increase their level of commitment. FOKL suggests that Kirklees Library Service increase emphasis on recruiting, training and supporting volunteers to undertake basic tasks which would allow for professional staff to focus on value added activity. A possible scenario is a team of professional staff members dividing their time and expertise between several libraries. FOKL are in the process of applying for Charitable or Trust status to enhance opportunities for the future of Kirkburton Library.</p>
<b>Specific to Kirkheaton Library</b>	<p><u>Active Members</u> Whilst Kirkheaton has the lowest visitor numbers it has 9.64% active members whilst only one other Kirklees library has more than 5%.</p> <p><u>Sense of community</u> Kirkheaton History Group was formed in 2015, many people have used the group to research their own family history and the group has extended its offer to monthly talks. The library service is essential to them in order to continue with this community support.</p>
<b>Specific to Lindley Library</b>	<p><u>Local usage needs</u> There is a really positive and lively atmosphere in Lindley Library with many groups using the library facilities and services.</p> <p><u>Staff</u> All of the professional staff work extremely well with volunteers, guiding and supporting them as much as possible.</p>
<b>Specific to Marsden Library</b>	<p><u>Building</u> Following fundraising by the Trust and FOML the building where the library is located has been refurbished. This demonstrates the extent of the commitment of the FOML and Trust to the continuation of a library service in Marsden. The refurbishment will ensure the space is multi-functional.</p>
<b>Specific to Mirfield Library</b>	<p><u>Benefiting those who need it</u></p>

	<p>One submission said that her mother had used the library all her life, attending events and talks now when no longer able to use books. The library service had been where one person had started their career.</p> <p><u>Building</u> An offer by a local builder to develop another site may be an ideal solution to save costs.</p> <p><u>Volunteering</u> Volunteering at Mirfield Library means so much to me. We are able to host events, it's a place for lonely people to meet up and make friends.</p>
<p><b>Specific to Skelmanthorpe Library</b></p>	<p><u>Volunteering</u> We have been assisting in Skelmanthorpe Library for over two years, we help open up and close at the end of the day, enabling the library to be open 16 more hours when the professional staff aren't on shift. We would not want to do this without knowing that there was staff member who would be regularly present. Training and continuing support of professional staff are vital to volunteers.</p> <p><u>Local usage needs/service provision</u> Skelmanthorpe Library is a vital centre for our community, its easily accessible to all and with a safe, comforting and welcome ambience. It provides technology for all, supports literacy and fulfils a social function in supporting people of all ages who may be isolated. A library promotes prosperity, making Skelmanthorpe a great place to live encouraging investment in the local community.</p> <p><u>Building</u> The building is conducive to the variety of uses it has. Local organisations use the library to promote local activities for old and young. The recently formed U3A has benefited from the support of the library and enthusiasm of the volunteers as many groups meet in the building. The asset transfer of the building from Kirklees Council to the Denby Dale Parish Council has resulted in a vibrant and developing centre that serves as a focus for local residents and village networks.</p> <p><u>The councils approach/goals</u> The success of Skelmanthorpe Library as a community supported library has been achieved by the active support of a professional member of staff, and the library service overall, the commitment and dedication of the volunteer co-ordinator and the professionalism of the volunteers who have committed to the project.</p>
<p><b>Specific To Home Service</b></p>	<p><u>Benefiting those who need it most</u> One submission said that their elderly mother was dependent on Home Service not only for the talking books, but also the visit from the member of staff.</p>

**Name of meeting:** Cabinet  
**Date:** 21<sup>st</sup> August 2018  
**Title of report:** The new Spen Valley Leisure Centre

### Purpose of report

This report will update on progress to date on the new Spen Valley Leisure Centre and seek Cabinet approval to move to the detailed design stage of the proposed £15m new build facility.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	Yes  This will impact on more than two wards and will involve the commitment of up to £15m of capital investment.
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	Yes  16 / 02 / 2018
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Yes
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	Karl Battersby - 10.08.2018
<b>Is it also signed off by the Acting Service Director for Finance IT and Transactional Services?</b>	Eamonn Croston - 10.08.2018
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	Julie Muscroft - 10.08.2018
<b>Cabinet member <a href="#">portfolio</a></b>	Cllr Graham Turner – Corporate Cllr Masood Ahmed – Learning and Aspiration Cllr Musarrat Khan – Health

**Electoral wards affected:** Cleckheaton, Heckmondwike, Liversedge and Gomersal, Mirfield

**Ward councillors consulted:** None

**Public or private:** Public

### 1. Summary

- 1.1 As previously established, the existing Spenborough Pool and the associated Peak Fitness gym complex are nearing the end of their economic life and are in need of replacement. So that Spen Valley residents can be supported to be more active and therefore lead healthier lives, the council has made a commitment to build a modern leisure facility in collaboration with Kirklees Active Leisure (KAL), its leisure operator.
- 1.2 An options appraisal has identified that the most suitable location for a new leisure facility is the site of the current swimming pool. This will mean the closure of the existing pool facilities for approximately two years which will have an impact on schools,

Spenborough Swimming Club, the public and KAL. Plans are being developed to mitigate this short term negative impact. The long term impact will be very positive financial, health and social outcomes for the Spen Valley.

- 1.3 Cabinet is being asked to approve a capital budget of £15m for the construction of a new Spen Valley Leisure Centre on the existing site; authorise detailed design and implementation to commence; note the impact of the closure for approximately two years on current users; and request that officers and KAL develop detailed plans to engage stakeholders and mitigate the impact during the closure period.

## 2. Information required to take a decision

### *Existing facilities*

- 2.1 Spenborough Pool was opened in 1969 and is a reinforced concrete framed building with non-load bearing masonry panel infills and glazing around the façade above the external ground level. The swimming pool walls and the perimeter walls around the building façade below ground level are continuous reinforced concrete.
- 2.2 Due to the high temperatures and humidity levels in swimming pool halls, this creates one of the most aggressive atmospheres to be found in any building environment which, over time, leads to corrosion of steel and steel reinforcement within concrete. After nearly 50 years of use, the building is showing signs of marked deterioration which will require very significant intervention in the coming years. In essence, it is rapidly approaching the end of its economic life and will eventually close itself due to the deteriorating condition of the structure.
- 2.3 The adjacent Peak Fitness complex dates from the 1960s, with a modular extension added in 2016. Whilst it is in a better condition, the building is separated from the swimming pool facilities which makes the delivery of an integrated leisure offer difficult to achieve.
- 2.4 One of Kirklees' outcomes is to ensure that "*people in Kirklees are as well as possible for as long as possible.*" It is therefore important that the pool and fitness facilities are replaced so that residents in the Spen Valley can "... *have access to opportunities to improve their health and well-being*" (Kirklees Council's Corporate Plan 2018-20). The new facility will also provide opportunities for employment and social interaction plus support local primary schools to meet their statutory obligation to ensure Key Stage 1 and 2 pupils can learn to swim.

### *Site search*

- 2.5 An initial search in 2015-16 for potential sites in the Spen Valley area for the construction of a new Spen Valley Leisure Centre did not identify any deliverable sites due to issues such as ownership, planning and/or legal constraints and Sport England concerns about other sporting facilities. A detailed options appraisal was therefore commissioned to evaluate potential locations on the existing Spenborough Pool site, with the locations considered shown on the plan attached at **Appendix A**.
- 2.6 The appraisal concluded that the most appropriate site for the new build Spen Valley Leisure Centre was on the site of the existing swimming pool building. This was because of its frontage onto Bradford Road (Location 1) and its deliverability in planning terms compared to the un-deliverability of the other locations on site.



2.7 The playing field at the rear of the existing pool (Location 2) is recognised as a flood plain and given appropriate protection from development by the Environment Agency; the playing fields known as Princess Mary playing fields and stadium were ruled out due to Sport England concerns and the cost of finding and creating replacement provision elsewhere (Location 3); whilst the temporary car park (Location 4) was found to be too small. The site of the existing Peak Fitness and Playing Field Pavilion buildings was eliminated due to planning constraints relating to the adjacent residential properties and the size / shape of the land available (Location 5).

#### *The new facilities*

- 2.8 The proposed new Spen Valley Leisure Centre will contain the following facilities mix:
- Eight lane 25 metre x 16.5 metre main swimming pool;
  - Five lane 20 metre x 10 metre learning pool with moveable floor;
  - A Fitness Gym (Approximately 600m<sup>2</sup>);
  - Two Exercise Studios (Approximately 245m<sup>2</sup> and 152m<sup>2</sup>);
  - A Spin Studio (Approximately 75m<sup>2</sup>)
  - Seating Gallery to observe the main swimming pool for around 90-100 people;
  - Changing Village (Wet side) that enables public and school swimming to occur simultaneously;
  - Changing facilities (Dry side) for the users of the gym and studios;
  - A Changing Places compliant facility for users with complex needs as well as other appropriate toilets and changing facilities for people with disabilities;
  - Large foyer and seating with refreshment facilities for customers;
  - Appropriate administrative and support space for KAL staff.

This brief was developed in conjunction with the Council's Sports and Physical Activity Team and KAL.

- 2.9 In late 2016, following a tender process, White Young Green Consultancy, supported by Ellis Williams Architects, was appointed to lead the development of an initial design for the new Spen Valley Leisure Centre on the site of the existing building to be delivered within a budget of £15m as set by Council in February 2017.
- 2.10 Following an iterative design process involving KAL, the Council's Culture and Vibrancy Service and the Capital Delivery team, a proposed internal and external layout for the new Leisure Centre has been developed and is attached at **Appendix C**, alongside indicative visuals at **Appendix B**.
- 2.11 The visuals show a building of merit and high quality that integrates well with the existing retained site features and surrounding context. The building is two storey in height and will be fully accessible and inclusive for all. The key internal spaces are all accessed from the main double height foyer which acts as the fulcrum for the building. From this space, users will find easy access to the ground floor where the new swimming pools, wet changing facilities and a refreshments / seating area will be. A staircase and lift in the foyer will provide direct access upstairs to a mezzanine floor where the extensive, state of the art fitness facilities and dry changing provision will be located, alongside spectator seating for the main pool below.
- 2.12 The proportions of the double height foyer and the plentiful natural daylight will create a light, airy and spacious feel to the new Spen Valley Leisure Centre which will be clearly visible from Bradford Road. The rectilinear footprint provides an efficient design but a striking appearance will be achieved through the use of carefully selected

materials and the articulations of the elevational treatment that will further enhance the attractiveness of the design. A large canopy over sailing the entrance and piazza areas will provide a clearly identifiable entrance whilst creating shelter for customers. The new car park will significantly increase the amount and quality of parking available compared to the existing centre.

- 2.13 The design of the new Spen Valley Leisure Centre is currently indicative and will be developed further during the Stage 3 detailed design process. The proposed layout is DDA compliant but will be further enhanced, for example, through widened pool surrounds to ensure that users with complex needs, for example from the Council's Day Centres, will be able to use the facilities. The building will also be designed to be Dementia Friendly and inclusive for all.

*Key delivery milestones*

- 2.14 An indicative delivery programme has been developed based on Cabinet approval to proceed being provided on 21<sup>st</sup> August 2018 and commencement of Stage 3 detailed design in September 2018. The following broad timeline is suggested:

<b>Key Activity</b>	<b>Start Date</b>	<b>Finish Date</b>
Detailed Design	September 2018	February 2019
Planning Application process	March 2019	August 2019
Tender / Contractor appointment	March 2019	August 2019
Closure of the existing pool	September 2019	
Demolition	October 2019	March 2020
Construction	April 2020	August 2021
Fit and opening for the new Spen Valley Leisure Centre	September 2021	
Demolition of Peak Fitness buildings	September 2021	November 2021

This programme will be developed in greater detail as we progress through the design and planning application processes. At tender stage, potential bidders for the project will be asked to provide their optimum programme, as well as an alternative programme based around accelerated demolition and construction (if possible). Any possible alternative programme may well be at an additional capital cost which would need to be considered by the Council in due course.

- 2.15 It is proposed that the project will be tendered via the Yorkshire and Humberside YorBuild regional framework which is a construction framework developed by local authorities in the region to provide an efficient and collaborative approach to the procurement of major construction projects.

*Closure of the existing swimming pool*

- 2.16 Regrettably, it is inevitable that the existing swimming pool will need to be closed in order to allow the demolition of the building and its replacement with a new leisure centre. There are currently approximately 1300 school children using Spenborough Pool each week; a major swimming lesson programme delivered by KAL; use by the Kirklees Swim Performance Programme; use by Spenborough Swimming Club; together with significant use by KAL fitness members and the general public. Existing

users will need to be displaced to other leisure facilities in North Kirklees and, potentially, into nearby facilities in surrounding local authority areas.

- 2.17 Essential swimming services, such as the School Swimming Programme, will be prioritised by KAL when re-programming their water space across North Kirklees, with some pool space also needed to be found for the swimming club that uses the Pool at present. Overall, this would mean reduced opportunities for public swimming across North Kirklees, though this could be offset, to a degree, by longer opening hours in some of the remaining facilities, especially at Batley Baths and Recreation Centre. The impact of the closure has been assessed through an Equality Impact Assessment (EIA). The EIA undertaken in relation to the new build demonstrates that this short term negative impact during closure will result in a very positive long term gain for the Spen Valley. Further details about the EIAs are included at point 3.7.
- 2.18 A detailed stakeholder engagement plan will be developed and delivered by Officers, working closely with our partners in KAL, to ensure that all relevant user groups are engaged and involved in discussions to understand the impact on their usage and the potential alternative provisions that could be made available. A detailed communications plan will also be developed as the changes to the swimming programme will need to be widely and successfully communicated to residents, members and all other interested parties.
- 2.19 The closure for approximately two years will have an impact on the revenue position of KAL. An initial financial modelling exercise based on an assumed reduction in income from the loss of the existing pool and from other KAL run leisure facilities elsewhere in North Kirklees, which will be impacted as their existing swimming programmes will be disrupted by the closure, has indicated that the current surplus for the Spenborough Pool and Peak Fitness complex would turn into a three year deficit (two years without the swimming facilities and one year of the new operation getting back up to speed and winning back lost custom) before returning to a surplus in Year 4.
- 2.20 Officers from the Council's Culture and Vibrancy Service and Strategic Finance will work in partnership with KAL in the coming months to understand and support KAL as they model in detail the financial impact of the closure. They will develop proposals to mitigate and lessen the impact on KAL.
- 2.21 It should be noted that the adjacent Peak Fitness building will be retained and remain open for customers to use during the construction period though it is likely that car parking for this facility will need to transfer to the car park adjacent to the Princess Mary Playing Fields.

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

#### **3.1 Early Intervention and Prevention**

In the short term, there will be a negative impact whilst swimming provision in North Kirklees is disrupted and reduced by the temporary loss of the Spenborough Pool facilities. In the medium and long term, the new Spen Valley Leisure Centre will comfortably re-accommodate all the displaced swimming groups as well as provide enhanced provision for swim, gym and fitness users. International research has demonstrated that physical activity improves people's physical and mental health; prevents the development of many illnesses and health conditions; and can help those

with long term conditions to manage their own health. The new leisure centre will ensure that in the long term, residents in the Spen Valley will be able to access opportunities to improve their health and well-being.

### 3.2 Economic Resilience

The construction of the new Spen Valley Leisure Centre will generate employment and supply opportunities for local labour and businesses with the successful contractor being required to achieve targets for local employment. The new centre will, when established, positively impact on the business plan for KAL, helping secure the future viability of facilities within its portfolio.

### 3.3 Improving Outcomes for Children

The replacement of the existing antiquated Spenborough Pool with a modern leisure centre providing an integrated offer of high quality swimming and fitness provision that can be accessed by school pupils in North West Kirklees, community swimming clubs and the KAL Swim Performance Programme for the next 60 years will have a positive health benefit for generations to come. It will support primary schools to achieve their statutory obligation to ensure pupils in Key Stage 1 or 2 can learn to swim.

### 3.4 Reducing the Demand for Services

In the medium to long term, there should be health related benefits for the Council and wider public services such as the NHS as the new Leisure Centre will comfortably re-accommodate all existing users as well as providing enhanced opportunities for swim, gym and fitness users. In addition, the improved accessibility and facilities such as Changing Places and a Dementia Friendly design should encourage more residents in North Kirklees to make greater use of the new Centre, thereby helping to produce increased physical and mental health outcomes.

### 3.5 Financial

#### (a) Capital

The anticipated capital budget requirement for the new build Spen Valley Leisure Centre is £15m. This is profiled within the July 2019 Council Capital Plan as follows:

Source	Spent	FY 18/19	19/20	20/21	21/22	22/23	Total
Council Borrowing	£518K	£500K	£1500K	£8000K	£3500K	£232K	£14,250K
KAL Contribution						£750K	£750K
<b>Total</b>	<b>£518K</b>	<b>£500K</b>	<b>£1500K</b>	<b>£8000K</b>	<b>£3500K</b>	<b>£982K</b>	<b>£15000K</b>

As this project is to be funded primarily from Council borrowing, the revenue impact of funding £14.25m equates to £897,750 per annum revenue finance charges at 6.3% for a period of 20 years. The Council will also incur £750,000 capital expenses through prudential borrowing on behalf of KAL, which KAL have agreed to provide to the Council as a capital contribution towards the new centre. The repayment terms for KAL equates to £47,250 per annum over a 20 year period. In total, the £945,000 per annum is funded within the Council's Medium Term Financial Plan (MTFP).

#### (b) Revenue

As outlined previously in paragraph 2.19 of this report, there will be a revenue impact on KAL due to the closure of the swimming provision at Spenborough Pool and the subsequent knock on impact on other leisure facilities in North Kirklees. Further work between the Council and KAL will occur to fully understand the implications of this for both parties and to ensure that the Council effectively supports KAL's revenue position during this period.

In addition, it is anticipated that other revenue costs will potentially arise over the coming 1-4 years relating to the delivery of this project. For example, extensive stakeholder engagement and communication plans will be required, marketing activities and potential relief support for some existing users. This is difficult to estimate at this juncture but a suggested total revenue allowance of £100k over the next four financial years starting 2019/20 should be sufficient.

### 3.6 Communications and Stakeholder engagement

As stated in paragraphs 2.17, the closure for approximately two years of swimming provision will impact on schools, the local swimming club and the public. The impact will be felt throughout the existing leisure facilities in North Kirklees as the current swimming programmes will need to be redrafted to take account of school and club swimming displaced from Spenborough. There will be a reduction in the availability of public swimming in North Kirklees during the closure period.

As a consequence, council and KAL officers will need to develop a detailed stakeholder engagement plan as Spenborough is currently used by 26 primary schools for swimming lessons, Spenborough Swimming Club, KAL Fitness members and the general public who undertake a range of swimming programmes such as Aquatic Fitness, Ladies / Sitara sessions and Learn to Swim at this site and other centres that will be impacted across North Kirklees.

A detailed communications plan will also need to be developed to alert users and residents throughout North Kirklees to the changes to the swim programme during the closure period but also to develop awareness of the fantastic new facilities that will be available once construction of the new Spen Valley Leisure Centre is completed.

Cabinet Members and Local Ward Members will need to be actively engaged in the process to ensure community support for this once in a generation opportunity to make a step change in the leisure facilities available in North West Kirklees.

### 3.7 Equalities Impact Assessment

The Equality Act 2010 places the Council under a duty - the Public Sector Equality Duty - to have due regard to the need to achieve equality objectives when carrying out its functions. Members are reminded that before making any decisions that they have a legal duty to consider the **Equality Act 2010 - Section 149**, which introduced a public sector equality duty that the Council must, in the exercise of their functions, have due regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Officers have produced three Equality Impact Assessments (EIA) as follows:

- A Stage 1 EIA for the new build Spen Valley Leisure Centre which indicates a positive impact of the new facilities;
- A Stage 1 EIA for the up to two years period whilst the existing pool is demolished and the new pool built. This indicates a negative impact on protected characteristic groups;
- A Stage 2 EIA that assesses the impact on the affected groups and the measures that will be developed to mitigate the impact.

The EIAs for this project can be found at:-

[http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/03\)%20Economy%20&%20Infrastructure/Economy,%20Regeneration%20and%20Culture/Spen%20Leisure%20Centre%20-%20EIA%20Stage%201%20-%20Closure%20period.xlsm](http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/03)%20Economy%20&%20Infrastructure/Economy,%20Regeneration%20and%20Culture/Spen%20Leisure%20Centre%20-%20EIA%20Stage%201%20-%20Closure%20period.xlsm)

[http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/03\)%20Economy%20&%20Infrastructure/Economy,%20Regeneration%20and%20Culture/Spen%20Leisure%20Centre%20-%20EIA%20Stage%202%20-%20Closure%20period.doc](http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/03)%20Economy%20&%20Infrastructure/Economy,%20Regeneration%20and%20Culture/Spen%20Leisure%20Centre%20-%20EIA%20Stage%202%20-%20Closure%20period.doc)

[http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/03\)%20Economy%20&%20Infrastructure/Economy,%20Regeneration%20and%20Culture/Spen%20Leisure%20Centre%20-%20EIAStageOneForm%20-%20new%20build.xlsm](http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/03)%20Economy%20&%20Infrastructure/Economy,%20Regeneration%20and%20Culture/Spen%20Leisure%20Centre%20-%20EIAStageOneForm%20-%20new%20build.xlsm)

Members should have due regard to the Equality Impact Assessments when considering the proposals outlined in this report.

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

The Portfolio Holders for Corporate, Learning and Aspiration and Health and the current and previous Leaders of the Council have been regularly briefed on the development of this exciting project over the past 18 months.

KAL is working collaboratively with the council and has been involved at all stages of the project. The organisation has commented that, “KAL is delighted that the Council is looking to move forward with the development of a fantastic new leisure centre in Spenborough. The planned fitness and swimming facilities within the new site will be able to offer a huge range of activities for local people to become more active, healthier and happier. Whilst there will be some disruption caused by having no swimming pool for up to 2 years, KAL is confident that we can work with our customers and user groups

to reduce the impact, with the reward of a brand new £15m leisure centre to look forward to.”

## 5. **Next steps**

If approved, Officers will instruct commencement of Stage 3 Detailed Design and will begin work to submit a planning application for the new build Spen Valley Leisure Centre, work up and submit tender documentation and prepare the project for implementation. Detailed stakeholder engagement and communications plans will be developed for future consideration and agreement with Cabinet Members before being implemented. Future update reports will be brought back to Cabinet at appropriate points in the project.

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

Members are requested to:

- Approve a capital budget of £15m for the delivery of the new Spen Valley Leisure Centre and the associated revenue financing costs;
- Note that there will be a financial impact on KAL of a closure for approximately two years but that Officers will work with KAL to understand this impact and to support KAL to develop mitigation measures that will lessen the impact on the Council and KAL;
- Note the requirement for a cumulative £100K revenue budget over the next four financial years starting in 2019/20 for additional Council costs for marketing, communications, stakeholder engagement and potential relief support costs;
- Authorise officers to move the project into the detailed design, planning application and tender stages;
- Request officers to develop detailed stakeholder engagement and communications plans for future consideration by Members;
- Note that future reports will be brought back to Cabinet as the project develops to keep Members informed of progress.

Officers make these recommendations as the existing Spenborough Swimming Pool complex is at the end of its economic life and will eventually close unless significant capital investment occurs. The current building is showing marked signs of deterioration and needs replacing with a new build Spen Valley Leisure Centre that will replace the existing swimming pool complex and the adjacent but detached Peak Fitness building. This will enable the delivery of an integrated swim, gym and fitness offer from one facility that will provide a step change in the quality of provision for residents in North West Kirklees and the wider area and support their management of their physical and mental health.

## 7. **Cabinet portfolio holder’s recommendation**

The Joint Portfolio Holders for Health, Corporate and Learning and Aspiration warmly welcome the proposed £15m investment to construct a new Leisure Centre to serve the Spen Valley.

This striking, modern new building will provide a step change in the quality of leisure, health and well-being facilities available for local people. The existing antiquated swimming pool will be swept away and replaced by a new Leisure Centre that is fully inclusive, provides state of the art facilities and which makes a statement about the importance and positive impact that fitness can have on residents. There will inevitably be some challenges and disruption during the two year period that it will take to remove the old complex and build the new Spen Valley Leisure Centre but the overwhelmingly positive benefits of the new building and its wonderful facilities will make these initial difficulties worthwhile.

8. **Contact officer**

David Martin – Head of Capital Delivery and Facilities Management – [david.martin@kirklees.gov.uk](mailto:david.martin@kirklees.gov.uk)

Adele Poppleton – Head of Culture and Vibrancy – [adele.poppleton@kirklees.gov.uk](mailto:adele.poppleton@kirklees.gov.uk)

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

None

10. **Strategic / Service Director responsible**

Karl Battersby – Strategic Director for Economy and Infrastructure – [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

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

11. **Appendices**

Appendix A - Locations considered for new Leisure Centre on existing site.

Appendix B - Indicative visuals of the new Spen Valley Leisure Centre.

Appendix C - Indicative internal and external layouts of the new Spen Valley Leisure Centre.





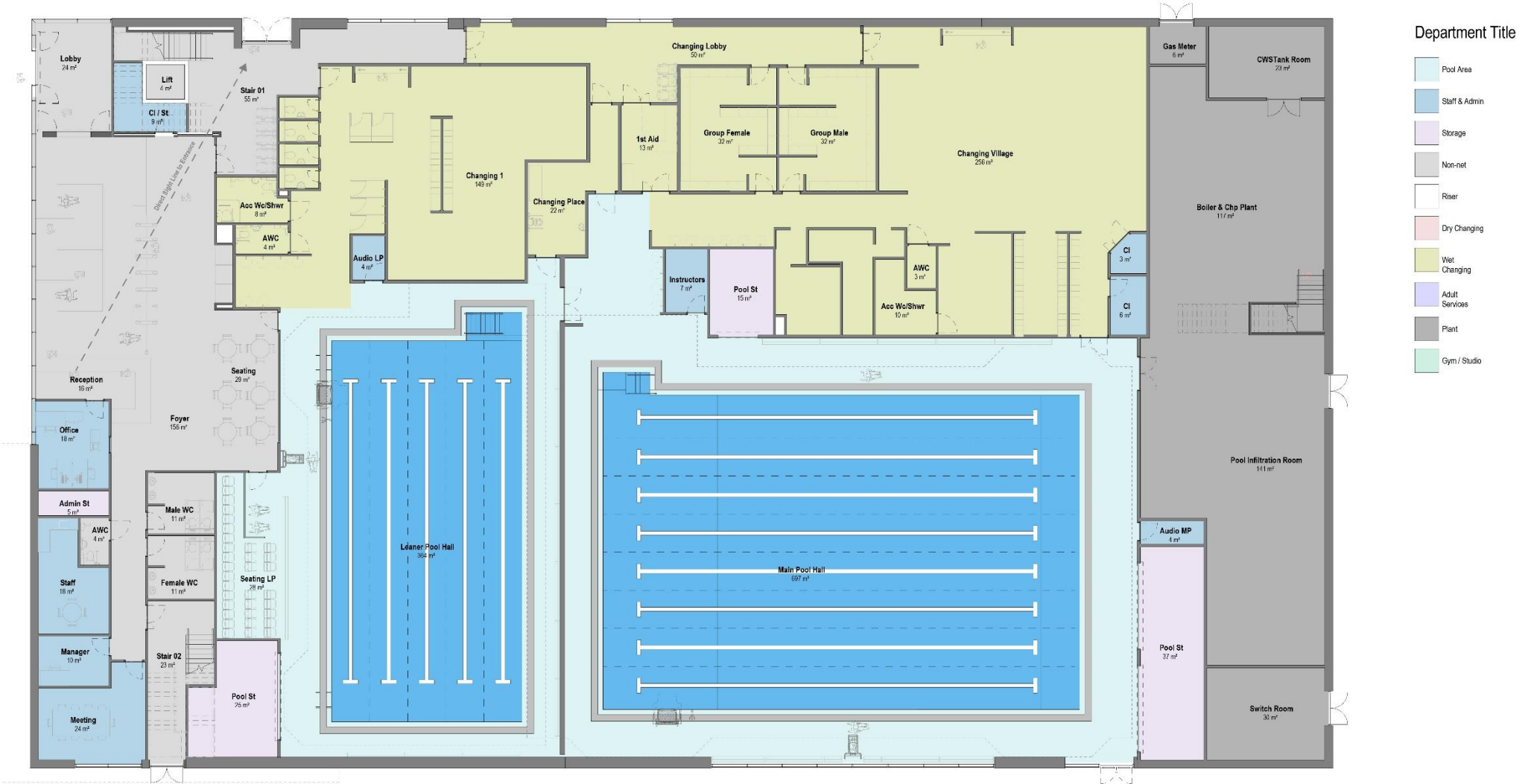


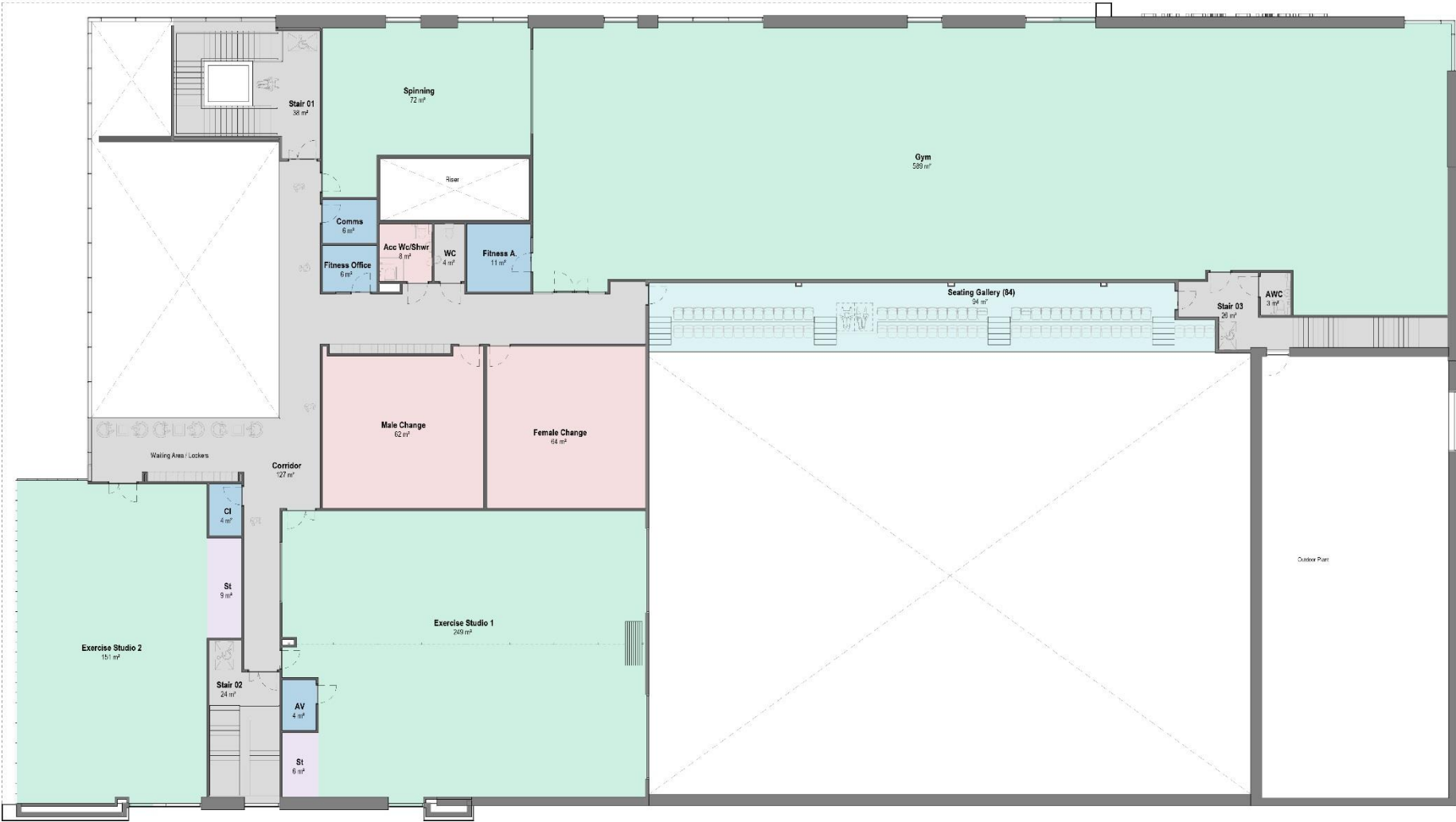
For illustrative purposes only.





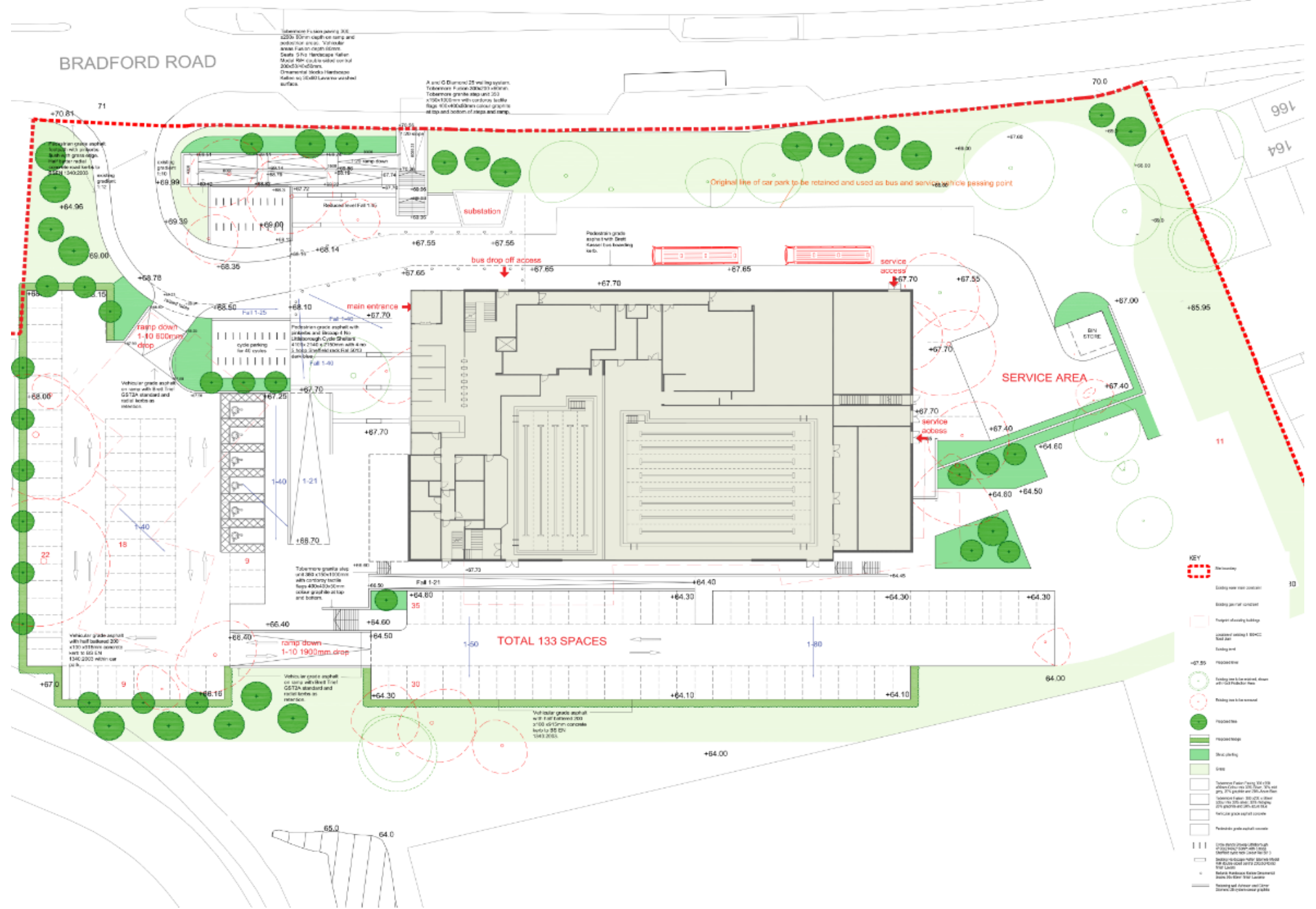
# Appendix C





Department Title

- Pool Area
- Staff & Admin
- Storage
- Non-net
- Riser
- Dry Changing
- Wet Changing
- Adult Services
- Plant
- Gym / Studio



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**Name of meeting:** Cabinet

**Date:** 21<sup>st</sup> August 2018

**Title of report:** Kirklees Council Fire Safety Policy

**Purpose of report**

To seek approval for a refreshed and updated Council Fire Safety Policy.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	Yes.  The Policy will apply across the whole Council and therefore affects all wards.
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	Yes  17/07/2018
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Yes
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Acting Service Director for Finance, IT and Transactional Services?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	Karl Battersby - 6.08.2018  Eamonn Croston - 10.08.2018  Julie Muscroft - 13.08.2018
<b>Cabinet member <a href="#">portfolio</a></b>	Cllr Graham Turner – Corporate

**Electoral wards affected:** All

**Ward councillors consulted:** None

**Public or private:** Public

## 1. Summary

- 1.1 A Fire Safety Policy is a fundamental requirement in order for the Council to comply with its legal obligations, meet the expectations of the Fire Prevention Concordat with West Yorkshire Fire and Rescue Service and to create and nurture a fire safety culture that provides a safe environment for employees and other persons affected by the Council's activities.
- 1.2 The new revised and updated Policy document, **which is attached at Appendix A**, sets out how the Council will discharge its responsibilities in relation to fire safety including a policy statement, details of organisational structure, roles and responsibilities and the status of supplementary documentation.
- 1.3 Cabinet are asked to consider and approve the new refreshed Fire Safety Policy and delegate the approval of supplementary documentation to the Strategic Director for Economy and Infrastructure.

## 2. Information required to take a decision

- 2.1 The aim of the Policy is to enable the Council to discharge its legal obligations and in particular those contained in the Regulatory Reform (Fire Safety) Order 2005 (the Order). The Order requires the Council, as "Responsible Person", to take "general fire precautions" and other fire safety duties. This includes: carrying out Fire Risk Assessments and reviewing them regularly; telling persons about identified risks; putting appropriate fire safety measures in place; designing emergency evacuation plans and providing fire safety information and training for staff.
- 2.2 The responsibilities of all levels of the organisation are clearly explained, with particular emphasis placed on the role of Directors and Heads of Service in ensuring that fire safety precautions are embedded within workplaces that they are responsible for; that staff are nominated and trained (if volunteers do not come forward) for key fire safety roles and that co-operation occurs in multi occupancy buildings to ensure that the Council's legal duties in relation to fire safety are effectively discharged.
- 2.3 Whilst the Policy itself is relatively short, a detailed supplementary guidance note has been produced as the Council is very large and a "one size fits all" approach will not work, therefore the supplementary guidance will provide more background information and guidance for Services, alongside other site-specific documents such as bespoke Fire Log Books and Emergency Evacuation Plans. As the supplementary guidance is expected to be a living document that is regularly updated as working practices change and evolve, it is recommended that approval of the supplementary guidance is delegated to the Director of Economy and Infrastructure, along with the ability to amend the documents as circumstances require.

## 3. Implications for the Council

### 3.1 Legal

The approval and implementation of this updated policy will ensure that the Council meets its duties in relation to the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety at Work etc. Act 1974.

## 3.2 Financial

In order to implement the new policy additional resources will be required in terms of capital and revenue. Capital resources of £3m have been identified in the Council's February 2018 Capital Plan and a detailed report on the planned expenditure of this funding will be brought to Cabinet in October 2018.

Existing revenue budgets will be used to implement changes associated with the new policy in Financial Year 2018/19 and additional funds of around £230K per annum for 2019/20 onwards will form part of the Council's Revenue budget plan to be presented to Council in February 2019.

## 4. Consultees and their opinions

The Council's Health and Safety Oversight Board and Executive Team have been consulted and fully support this policy.

## 5. Next steps

If Cabinet approve the new updated Fire Safety Policy, officers will implement the roll out across the Council from September 2018.

## 6. Officer recommendations and reasons

Members are requested to:

- Approve the new updated Corporate Fire Safety Policy and authorise officers to implement the policy;
- Delegate approval of the Supplementary Fire Guidance to the Director for Economy and Infrastructure;
- Note the legal and financial implications of the policy.

Officers make these recommendations as a new, refreshed and updated Fire Safety Policy is required to ensure that the Council continues to meet its legal obligations and protect the safety of staff, visitors and residents using Council facilities.

## 7. Cabinet portfolio holder's recommendation

I fully endorse this report and the contents of the new refreshed and updated Council Fire Safety Policy.

## 8. Contact officer

David Martin – Head of Capital Delivery and Facilities Management – [david.martin@kirklees.gov.uk](mailto:david.martin@kirklees.gov.uk)

Jonathan Quarmby – Corporate Facilities Manager – [jonathan.quarmby@kirklees.gov.uk](mailto:jonathan.quarmby@kirklees.gov.uk)

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

None

10. **Strategic Director responsible**

Karl Battersby – Strategic Director for Economy and Infrastructure – [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

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

11. **Appendices**

Appendix A - Proposed new refreshed Fire Safety Policy for Kirklees Council

# Kirklees Council Corporate Fire Safety Policy

## Contents

	<b>Foreword</b>
<b>1</b>	<b>Introduction</b>
<b>2</b>	<b>Policy Statement</b>
<b>3</b>	<b>Organisational Structure, Roles and Responsibilities</b>
<b>4</b>	<b>Training</b>
<b>5</b>	<b>Supplementary Documentation</b>
<b>6</b>	<b>Review</b>

<b>Issue Date:</b>	July 2018
<b>Review Date:</b>	July 2019

## Foreword by Chief Executive

*Here at Kirklees Council, the way we do things is crucial in creating a high performing organisation.*

*The Council is very different to how it used to be and it is important that our policies keep up with these changes and perhaps, more importantly, that we translate these Policies into tangible action.*

*Moving forward as we implement this refreshed and updated policy as part of the “We’re Kirklees” culture, we will see investment in our staff resources and development to ensure that our services are fit for purpose, are compliant with fire legislation and good practice and provide quality outcomes for our users and the environment.*

*I hope that we can all embrace this Policy and work together to provide fire-safe environments to the public, our service users, people in our care, our employees, volunteers, elected members and to all others affected by the Council’s activities.*

*Jacqui Gedman  
Chief Executive  
Kirklees Council*

## 1. Introduction

- 1.1. This document outlines how Kirklees Council (The Council) discharges its responsibilities in relation to fire safety. It sets out the Council's policy, organisational structure, roles and responsibilities and arrangements for managing and minimising fire safety risks to all employees and other persons lawfully using or in the vicinity of Council premises other than school buildings.
- 1.2. The aim of the Policy is to enable the Council to discharge its legal obligations and in particular those contained in the Regulatory Reform (Fire Safety) Order 2005 (the Order). The Order requires the Council, as "Responsible Person" to take "general fire precautions" and other fire safety duties. This includes: carrying out a Fire Risk Assessment and reviewing it regularly; telling persons about identified risks; putting appropriate fire safety measures in place; designing emergency evacuation plans and providing fire safety information and training for staff.
- 1.3. The Policy applies to the fire safety arrangements in all workplaces, communal areas of premises under the Council's control and to all other premises including community buildings, business parks, and non-domestic leased premises where the Council retains elements of control. There is a separate Fire Safety Policy for those schools where the Council is the employer of staff and which therefore constitute Council workplaces.
- 1.4. Both Kirklees Active Leisure and Kirklees Neighbourhood Housing have duties under the Order and have developed their own fire safety policies and/ or procedures.
- 1.5. The Policy should be read in conjunction with the supplementary documentation (referred to in Section 5) and the Council's Corporate Health and Safety at Work Policy.

## 2. Policy Statement

- 2.1. Kirklees Council is committed to ensuring the health, safety and wellbeing of all its employees and relevant persons who may be affected by its activities. This includes matters relating to fire safety.
- 2.2. The Council will discharge its duties and obligations in relation to fire safety legislation including those required by the Order, other regulatory requirements and the Council's Corporate Health and Safety at Work Policy.
- 2.3. The Council will ensure that arrangements are in place to minimise the likelihood of a fire occurring and, in the event of a fire, to minimise injury and loss.
- 2.4. The Council will ensure the delivery of high standards in fire safety performance and in particular will:
  - a) Manage fire safety in all Council workplaces and in any other non-domestic Council premises and other relevant premises where the Council has an element of control so as to ensure that risks are reduced as far as is reasonably practicable.
  - b) Safeguard all persons from death or injury due to fire through the effective management of fire safety.

- c) So far as is reasonably practicable, minimise the risk and limit the spread of fire and the potential for fire to disrupt services, damage buildings and equipment, or cause harm to the environment.
- d) Maintain a fire-safe and healthy environment in all premises where the Council is the employer and in other premises where there are fire safety matters within the Council's control.
- e) Comply with legislative requirements, guidance documents and recognised best practice in relation to fire safety.
- f) Provide adequate resources to secure and maintain standards in relation to fire safety.
- g) Undertake all required Fire Risk Assessments in accordance with legislation and ensure that significant findings are recorded and communicated and that the necessary actions identified are undertaken in a timely fashion.
- h) Provide employees with suitable and sufficient training, instruction and supervision in relation to fire safety.
- i) Ensure that fire safety procedures and information are in place and are reviewed if there are changes to legislation or working practices.
- j) Explain how fire safety measures are organised, managed and communicated and, where appropriate, identify persons who are assigned specific responsibilities together with the nature of those duties and responsibilities and ensure that all persons are aware of their individual and collective responsibilities in terms of managing fire safety.
- k) Ensure, in respect of fire safety matters, that there is effective co-ordination and co-operation with other persons as is necessary.
- l) Ensure, in respect of fire safety matters, that there is effective co-ordination and co-operation with others where there are shared facilities and/or multi occupied sites including those that are occupied but not necessarily managed by Council services.
- m) Ensure that premises are routinely inspected to ensure maintenance of fire safety standards and that fire detection, alarms, emergency lighting, sprinklers and other systems are checked and tested in accordance with best practice and relevant standards.
- n) Undertake emergency evacuation exercises on a regular basis.
- o) Provide access to competent fire safety advice.
- p) Investigate all fire events and accidental activations and take appropriate action to eliminate or minimise the likelihood of a recurrence.
- q) Monitor and report on the Council's fire safety performance.
- r) Take appropriate steps to ensure support and co-operation from those contractors and partners that also work in our workplaces and encourage and



seek similar from volunteers, service users and visitors who use Council services, facilities or premises.

- s) Seek to ensure all partners and other persons appointed to deliver Council services have adequate arrangements in place to achieve compliance with legislation.

### **3. Organisational Structure, Roles and Responsibilities**

3.1. To ensure that this Policy is effectively implemented throughout the Council, the fire safety duties and responsibilities of management, employees and other persons are specified in this section. These responsibilities may be supplemented in order to make them service-specific; however in all cases, any amendments or additions must at least meet or improve on the standards set out in the corporate documents.

3.2. It is recognised that some responsibilities may need to be applied collectively. For example, whilst the Chief Executive has ultimate responsibility for fire safety and in setting strategic direction, this in practice is achieved through the whole Executive Team.

3.3. Roles and responsibilities:

#### **a) The Council**

##### *Duties as a "Responsible Person":*

Under the Order, the corporate body of Kirklees Council is, when it constitutes the "Responsible Person", the primary duty holder to discharge the requirements to take fire precautions under the Order.

The corporate body of Kirklees Council is the Responsible Person in the case of all Council workplaces and also all other non-workplace premises which are under the control of the Council (to the extent that matters in other non-workplace premises are within the control of the Council).

##### *Duties as an "Other Person":*

Whilst the Responsible Person is the primary duty holder under the Order, "Other Persons" can also be under obligations to take fire precautions if they have any repairing, maintenance or responsibility for fire safety under any leases or tenancies.

The corporate body of Kirklees Council therefore owes a duty to discharge the requirements to take fire precautions under the Order where it has leased out premises (generally in multi-let buildings) but has retained the responsibility for repair and/or maintenance and/or fire safety.

The scope and extent of this duty as an "Other Person" only applies to the extent that it falls within the responsibility for repair and/or maintenance and/or fire safety.

More detail of the interpretation of "Responsible Person" and "Other Person" and how it applies to the Council is contained in the supplementary document.

## **b) Chief Executive**

The Chief Executive provides effective leadership, sets the strategic direction and has overall accountability for ensuring that the Council discharges its obligations and duties under fire safety legislation, in ensuring that adequate resources are made available to achieve high standards of fire safety and that arrangements are in place for such standards to be monitored and reviewed.

## **c) Strategic Directors and Service Directors**

All Directors support the Chief Executive in providing strategic direction and oversight and are responsible for effective leadership of fire safety within their sphere of influence. Directors hold responsibility for providing adequate resources to enable the discharge of fire safety duties placed upon the Council under legislation and in particular those contained in the 2005 Order.

Directors are accountable for ensuring robust fire safety management systems and arrangements are in place and that measures are taken to ensure compliance with statutory requirements, Council procedures and guidance in respect of fire safety.

Strategic and Service Directors are responsible for:

- Demonstrating clear commitment to achieving high standards of fire safety through positive leadership.
- Ensuring, within their area of responsibility, that adequate fire safety information, instruction, training and supervision is provided and communicated, as appropriate, to all employees and other relevant persons to ensure that employees, and others, are aware of their responsibilities.
- Providing sufficient resources including financial resources to meet all foreseeable fire safety requirements within their area of responsibility.
- Ensuring that suitable and sufficient written records are made and kept for all fire safety arrangements.
- Ensuring that that arrangements are made for joint consultation with all employees.

## **d) Heads of Service**

Heads of Service (HoS) provide support and are responsible to the Chief Executive, Strategic Directors and Service Directors for all operational matters relating to fire safety within their Service and for ensuring resources are in place to effectively undertake fire safety duties and to implement emergency evacuation plans.

Heads of Service are responsible for:

- Providing support to the Chief Executive and Directors in implementing and discharging their duties under this Policy and the 2005 Order.
- Ensuring that managers, supervisors and others in the Service including those with specific roles undertake their respective fire-safety duties.

- Ensuring that all service-specific actions identified in Fire Risk Assessment Action Plans are undertaken in a timely manner.
- Ensuring that there are suitable and sufficient Emergency Evacuation Plans in place and that, where necessary, the arrangements are co-ordinated. In most cases, this will involve liaison with the Head of Service with responsibility for corporate buildings.
- Ensuring that sufficient staffing resources are in place to implement the Emergency Evacuation Plans including the identification and appointment of a sufficient number of Fire Wardens and Fire Marshals and that they receive suitable and sufficient information, instruction, training and supervision to fulfil their role. The number of wardens and marshals needs to be sufficient to cover holidays and other absences and for working outside of normal office hours.
- Where necessary, appointing persons to assist in fire safety matters for example routine checking of fire alarms and emergency lighting and, where appropriate, in the use of firefighting equipment.
- Ensuring that fire safety information including corporate arrangements, instructions and specific guidance relating to fire safety is disseminated within all areas of their responsibility and that the information is acted upon appropriately.
- Taking steps to ensure that fire safety arrangements are maintained when workplaces are reorganised or when systems of work are changed or when new plant or machinery is introduced.
- Taking steps to ensure that information (in respect of fire safety risks and the preventative and protective measures taken) is provided to the employer of any person from an outside organisation who is working in Council premises (e.g. lessees, contractors).
- Taking steps to ensure that third parties (e.g. building hirers, friends of and volunteer groups) are provided with appropriate instructions and relevant information about preventative and protective measures and the fire safety risks to persons in their control.
- Taking steps to ensure that employees, volunteers, contractors and, as appropriate, other visitors sign in and out or use other systems as identified in the Emergency Evacuation Plan so as to ensure persons are accounted for in the event of an evacuation.
- Ensuring that in multi-occupied buildings, service representatives participate in Building User Group (or equivalent) meetings.
- Where services are commissioned in premises that are outside the Council's direct control, the HoS responsible for the commission shall seek to ensure that the Council discharges all its necessary obligations under the Order.

## **e) Head of Service with Responsibility for Corporate Buildings**

In addition to the general Head of Service duties, the Head of Service with responsibility for corporate buildings has further fire-safety duties in respect of buildings within the control of the Council. This includes responsibility for:

- Assisting and supporting the Chief Executive and Directors in ensuring that the responsibilities in respect of the Fire Safety Policy are met.
- Maintaining a Corporate Fire Safety Team to provide expert advice, guidance and training including the appointment of Competent Person(s) to carry out general fire precautions under the Order.
- Making arrangements for the completion of suitable and sufficient Fire Risk Assessments and providing appropriate guidance in relation to achieving compliance with Fire Risk Assessment Action Plans.
- Making arrangements to ensure that Fire Risk Assessments and Action Plans are regularly reviewed and updated to reflect changes in the building and operation of the premises.
- Monitoring compliance with the Fire Safety Policy through appropriate audit programmes and by way of other monitoring activities and reporting of critical exceptions to the Chief Executive in a timely manner.
- Ensuring that Heads of Service have appointed sufficient Fire Wardens and Marshals, that suitable and sufficient Emergency Evacuation Plans are in place and are practiced and tested and that, where necessary, the arrangements are co-ordinated.
- Making suitable arrangements for the inspection, servicing, repair and maintenance of fire protection equipment as required by the Order.
- Making suitable arrangements to ensure that ignition sources and all other equipment, for example, gas boilers and electrical equipment is serviced and tested as appropriate.
- Maintaining regular liaison with the West Yorkshire Fire and Rescue Service including the upkeep of the Fire Protection Concordat.
- Providing guidance in relation to fire safety training packages for all levels in the organisation and providing advice as to the frequency of training.
- Ensuring that Building User Groups are established in multi-occupied buildings that are in the Council's control and that they are used for communicating fire safety information to building occupiers.

## **f) Corporate Facilities Management Team**

A number of duties assigned to the HoS with responsibility for Corporate Buildings are discharged through the Corporate Facilities Management Team (Corporate FM). These include:

- Developing, maintaining and reviewing corporate fire safety documentation including Policy and supporting documents and the site-specific Fire Log Books.
- Managing a rolling programme of Fire Risk Assessments (FRAs).
- Commissioning relevant building-related remedial fire safety works arising from FRAs.
- Ensuring that all matters identified in FRA Action Plans are actioned in a timely manner, including liaison with individual Services and other building occupiers.
- Commissioning the maintenance, repair and servicing of plant and equipment critical to maintain a fire-safe environment such as gas and heating appliances, ventilation and ductwork, electrical installations, portable appliances etc.
- Providing assistance and practical advice to Services including support with the production of Emergency Evacuation plans including the number and roles of Fire Wardens and Marshals.
- Undertaking inspections, audits and other compliance monitoring.
- In main Council buildings undertaking the routine testing of fire alarms, emergency lighting and other equipment.
- In main Council buildings undertaking fire evacuation drills.
- Ensuring that Services have made adequate provision for the routine testing of fire alarms, emergency lighting and are undertaking fire drills in any other Council buildings that they occupy.
- Co-ordinating Building User Groups in main Council buildings.
- Maintaining a register of Fire Wardens and Fire Marshals including details of training.
- Assisting the Fire Safety Team with the investigations into fire-related matters.

#### **g) Fire Safety Team**

Certain duties assigned to the HoS with responsibility for Corporate Buildings are discharged through Competent Person(s) in the Fire Safety Team. These include:

- Assisting the Council in undertaking Preventative and Protective Fire Safety Measures as defined in Article 2 of the Order.
- The provision of expert advice and guidance
- The provision of fire safety training.
- Working with Services, Corporate FM and clients to provide practical and effective fire safety solutions and in particular to help ensure that the actions set out in the Fire Risk Assessment Action Plan are carried out.

- Working with Corporate FM to manage a programme of commissioned Fire Risk Assessment inspection and monitoring progress in respect of Fire Risk Assessment Action Plans.
- Arranging for the inspection, servicing and maintenance of equipment including firefighting equipment, fire detection, sprinklers and fire alarms as commissioned by Corporate FM.
- Investigating and providing advice and recommendations in relation to fire events.
- Notifying the Corporate Safety Unit of any reportable dangerous occurrences involving fire as required by the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Working in collaboration with the West Yorkshire Fire and Rescue Service including the upkeep of the Fire Protection Concordat.

#### **h) Managers and Supervisors**

Kirklees staff who line-manage others are responsible for fire safety in respect of their employees and other persons affected by activities over which they have day-to-day control. This includes responsibility for:

- Ensuring that they are familiar with the Corporate Fire Safety Policy, guidance, procedures, organisation and arrangements documents, and other fire safety rules or codes of practice.
- Ensuring that the measures outlined in the above are effectively implemented within their area of control.
- Maintaining and updating their own skills, information and knowledge in relation to fire safety matters in accordance with corporate guidance.
- Taking responsibility for fire safety matters within their sphere of control including the provision of Personal Emergency Evacuation Plans (PEEPs) for staff and other persons in their care who may have a disability and require assistance with any evacuation.
- Providing access to suitable and sufficient information, instruction, training and supervision to all employees, volunteers and relevant persons in respect of fire safety in line with corporate guidance.
- Ensuring that employees under their control are capable and have adequate skills, knowledge and experience to undertake any fire safety tasks expected of them.
- Ensuring that the appointed Fire Wardens and Marshals and other staff with fire safety responsibilities undertake their respective duties (e.g. emergency evacuations, monitoring and maintaining fire safety arrangements, fire alarm and emergency lighting tests).

- Ensuring that the appointed Fire Wardens and Marshals and other staff with fire safety responsibilities have access to relevant training and this is discussed at their appraisal and that this is recorded in accordance with corporate guidance.
- Ensuring that records of all fire safety activities including details of risk assessments, action plans, records of fire equipment testing, hot work, alarm actuations, emergency evacuation drills etc. are up-to-date and kept in the Fire Safety Log Book.
- Ensuring that there are safe working procedures in place for the storage and handling of any Dangerous Substances as defined by the Order and, where necessary, seek expert advice from the Fire Safety Team and/or the Corporate Safety Unit.
- Ensuring that procedures are in place to inform non-employees (e.g. volunteers, visitors, room hirers) of the fire safety arrangements within the building, of the relevant risks to them, and to provide information about the nominated fire safety personnel, and fire safety procedures for the premises.
- Ensuring that employees, volunteers and visitors under their control comply with safe working arrangements and systems at work in so far as they relate to fire safety.
- Ensuring that staff members and others as appropriate, sign in and out or use other systems as identified in the Emergency Evacuation Plan so that persons can be accounted for in the event of an evacuation.
- Undertaking visual building inspections in accordance with guidance in the Fire Safety Log Book and the reporting and recording any concerns.
- Working closely with the others in respect of matters that may affect the fire safety of their employees.

#### **i) Fire Wardens and Fire Marshals**

The 2005 Order requires the Responsible Person to nominate sufficient numbers of Competent Persons (as defined by Article 15) within the organisation to implement the fire procedures so far as they relate to the evacuation of the relevant persons from the premises. In Council buildings, the responsibility for the appointment of Fire Wardens and Marshals rests with the Head of Service.

All Fire Wardens and Marshals shall familiarise themselves with the locations of fire exits, the designated assembly point, the position of firefighting equipment and any other arrangements in relation to fire safety including procedures for alerting the emergency services.

When the fire alarm is activated Fire Wardens and Marshals shall, without putting themselves in danger, facilitate the safe evacuation of the building in accordance with relevant procedures and guidance.

The Fire Marshal is responsible for notifying the Fire Safety Team of all fire-related events and all fire alarm actuations.

In addition to the above, Fire Wardens and Marshals may also undertake inspections of the workplace and report any fire safety hazards identified during normal operations to their line manager.

#### **j) Corporate Safety Unit**

In addition to responsibilities outlined in the Corporate Health and Safety Policy, the unit will:

- Provide competent health and safety advice as required.
- Undertake audit compliance with this Policy as part of reviewing and evaluating the performance and effectiveness of the Council's health and safety management systems.
- Formally report all RIDDOR notifiable events involving fire or explosion.

#### **k) Other Persons to Assist in Fire Safety Matters**

In addition to Fire Wardens and Marshals, a sufficient number of "Competent Persons" (as defined by Article 13 of The Order) must, where necessary, be appointed to use any fire-fighting equipment that has been provided for the purpose of fighting fire in that particular premises.

Other persons may be given fire safety responsibilities such as the testing of fire detection and alarm systems, emergency lighting and checking means of escape.

In all cases it is the responsibility of the Head of Service to ensure that persons appointed to these roles have sufficient training and experience, knowledge or other qualities to be able to implement the duties required of them.

#### **l) All Council Employees**

All employees have a responsibility to:

- Co-operate so far as is necessary, to enable the Council to secure compliance with its legal obligations.
- Work in accordance with the information, instruction and training provided.
- Take reasonable care of their own health and safety and the health and the safety of any other person who may be affected by their acts or omissions at work.
- Sign in and out or use other systems so as to ensure persons can be accounted for in the event of an evacuation.
- Follow control measures including adhering to safe systems of work; not to intentionally or recklessly interfere with or misuse anything provided in the interests of fire safety.



- Report without delay to their line manager any work situation that presents a serious or immediate danger or any identified shortcomings in the Council's arrangements for fire safety.

#### **m) Recognised Safety Representatives**

The Council recognises the importance of employee involvement in fire safety matters. Where such representatives are appointed in accordance with legislation and the Council's Corporate Health and Safety at Work Policy the Council will work with representatives in accordance with current and future legislation.

## **4. Training**

- 4.1. Training is a means of achieving competence and is a specific requirement laid down in the Order. The Council recognises the importance of having well-informed and well-trained employees in achieving a fire-safe working environment.
- 4.2. The Head of Service with responsibility for Corporate Buildings will provide general guidance in relation to fire safety training packages for all levels in the organisation and providing advice as to the frequency of training.
- 4.3. All Council employees will receive basic induction training on commencing employment. Basic fire safety information should be included within the individual service's induction pack given to all employees.
- 4.4. All Council employees are required to complete mandatory fire safety training. This is delivered through the MiPodXtra system, however employees who do not have access to a computer will be provided with an alternative covering the contents of the mandatory training. Employees are required to refresh this training on an annual basis.
- 4.5. Where activities undertaken by a Service present a specific risk, for example workshops and where Dangerous Substances are stored or used, the Head of Service shall ensure that staff are appropriately trained in relation to fire safety.
- 4.6. Other persons with specific responsibilities, such as Fire Wardens/Marshals; those appointed to assist with specific fire-safety roles and those responsible for checks to emergency lighting, fire alarms etc., will be provided with appropriate training.
- 4.7. Details of all fire safety training will be recorded.
- 4.8. Fire safety training may be supplemented with specific awareness initiatives.
- 4.9. Heads of Service shall ensure that their employees and those with particular fire safety duties are provided with the necessary information, instruction, training and supervision.
- 4.10. Managers and Supervisors shall ensure that employees are given access to such information, instruction and training and that they receive adequate supervision.

## 5. Supplementary Documentation

- 5.1. This Policy is supported by a number of supplementary documents, guidance and procedures that address specific fire safety issues. This includes the following:
- a) Supplementary Documentation to the Policy detailing responsibilities and mandatory fire safety arrangements.
  - b) Fire Risk Assessments and associated Action Plans for individual buildings.
  - c) A Fire Safety Log Book and Information Manual containing building-specific fire safety information and log sheets for recording fire safety actions.
  - d) Building-specific Emergency Evacuation Plans.
  - e) Training information and records including MiPodXtra.
- 5.2. Services may supplement corporate fire safety documentation. These may take the form of policies, guidance and procedures that are specific to that service and will be necessary where operations have specific fire risks such as workshops or storage of flammable materials.
- 5.3. In all cases, supplementary documentation must at least meet or improve on the standards set out in the corporate documents and copies shall be provided to the Fire Safety and Corporate FM teams.

## 6. Review

This Policy will be reviewed annually or more frequently after any significant fire event.

**Name of meeting: Cabinet**

**Date: 21<sup>st</sup> August 2018**

**Title of report: Dewsbury Heritage Action Zone**

**Purpose of report**

Cabinet on the 20<sup>th</sup> March 2018 approved a report on the North Kirklees Growth Zone which included the allocation of £2 Million from the Capital Plan to fund actions within the Dewsbury Heritage Action Zone (HAZ) and gave delegated authority to the approve the HAZ Delivery Plan to officers and the portfolio holder. This report updates on progress and requests approval for a number of items that will assist in the effective, efficient and timely implementation of the Heritage Action Zone and wider regeneration of Dewsbury Town Centre.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Yes</b>
<b>Key Decision</b>	<b>Yes it involves spend of over £250k</b>
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by Strategic Director &amp; name</b>	<b>Karl Battersby - 10.08.2018</b>
<b>Is it also signed off by the Acting Service Director - Finance, IT and Transactional Services</b>	<b>Eamonn Croston - 13.08.2018</b>
<b>Is it also signed off by the Service Director - Legal Governance and Commissioning?</b>	<b>Julie Muscroft - 13.08.2018</b>
<b>Cabinet member portfolio</b>	<b>Cllr Peter McBride</b>

**Electoral wards affected: Dewsbury East**

**Ward councillors consulted: Dewsbury East, Dewsbury West, Dewsbury South**

**Public or private: Public**

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## **1 Summary**

### **Purpose of the report**

- 1.1 This report informs Cabinet of progress on the Heritage Action Zone (HAZ) and seeks approval of more detailed arrangements to allow its effective, efficient and timely delivery and the wider regeneration of Dewsbury Town Centre.
- 1.2 The report requests approval to accept a grant offer from Historic England's (HE) Partnership Scheme in Conservation Area (PSiCA) that will provide the £550,000 of HE funding for the HAZ. It also requests that the Council funds allocated for the HAZ (the HAZ fund) can be used for a range of activity that will help delivery of the HAZ objectives. It is proposed that the Council, via the HAZ is able to offer a range of financial support including grants, loans and rental guarantees so that the right type of support is available to enable projects to go ahead while ensuring value for money and managing the Councils interests. In addition it is requested that funds could, where appropriate, be used to acquire property, carry out works to property acquired by the Council and undertake public realm works.
- 1.3 It is proposed that the 'Private Sector Housing – Other' part of the approved capital plan and the HAZ fund can be used to fund acquisition of key properties within the HAZ area, where it contributes to achieving HAZ objectives and the wider objectives of regenerating Dewsbury Town Centre. Acquisition would generally be sought by agreement, including at auction, but it is proposed that the Council approves the principle of using Compulsory Purchase Powers (C.P.O.) to acquire properties should it be unlikely that the Council could acquire the properties by negotiation.
- 1.4 In order to assist in the effective operation of the fund it is proposed that the Service Directors responsible for overseeing the HAZ programme are, in consultation with the portfolio lead, given delegated authority for expenditure of up to £500,000 from the HAZ Fund and the 'Private Sector Housing – Other' part of the approved capital plan. The proposed flexibility in the use of the HAZ fund, delegated powers for the funds and willingness to use C.P.O. powers will help maximise the chances that the HAZ will be successfully delivered over the 5 year timeframe of the initiative

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

### **Background**

- 2.1 On the 17th November 2015 the Council approved the initial report setting out the rationale and next steps for the North Kirklees Growth Zone (NKGZ). The NKGZ is in line with the two strategic drivers for the district, the Kirklees Economic Strategy and the Kirklees Health and Well-being Strategy. A series of recommendations designed to bring about long term sustainable change for North Kirklees were agreed, with a clear vision statement underpinned by 4 broad objectives.

- 2.2 The vision recognised the role Dewsbury and its hinterland could play within the wider Northern region - "To have a thriving living town, tapping into the potential of its people, and maximising its role as a key transport and economic location".
- 2.3 The 4 broad objectives at the heart of the vision are:-
- The area could be a focus for housing and economic growth;
  - The area could be seen as a key strategic employment location within the Leeds City Region;
  - A key transport node for both road and rail (connecting to HS2, Leeds and the wider north of England); and
  - Dewsbury as the primary economic and service centre, with a town centre that is fully occupied through increased housing and leisure provision, with a consolidated retail and commercial core.
- 2.4 The opportunity arose in late 2017 to submit a bid for Heritage Action Zone status and following a positive decision by Historic England (HE) in December 2017, Cabinet agreed on 20th March 2018 to support a Heritage Action Zone for Dewsbury.
- 2.5 There are 5 key objectives of the HAZ:
- To improve the condition, appearance and sustainability of key buildings and sites within the Dewsbury Town Centre Conservation Area
  - Support the living town concept introducing new activity through the reuse of vacant buildings and sites
  - To develop a new heritage home ownership model with Historic England
  - To improve public spaces within the town centre and connectivity between them
  - To deliver a programme of engagement with participation from all communities to recognise and celebrate the areas heritage
- 2.6 The Cabinet on the 20<sup>th</sup> March approved match funding of £2m towards a total sum of £2.55 Million for the HAZ. It also agreed that the Service Director Housing and Service Director for Economy, Regeneration & Culture, be authorised to finalise the detail of the HAZ Delivery Plan with Historic England and to negotiate a Memorandum of Understanding with Historic England for delivery of the HAZ Programme, that final acceptance of the Delivery Plan and MoU be delegated to the Service Director Housing and the Service Director for Economy, Regeneration & Culture Service in consultation with relevant portfolio holder(s).

### **Progress to date**

- 2.7 Following the Cabinet decision on the 20<sup>th</sup> March officers have proceeded to finalise the Delivery Plan with Historic England and the associated application for funds from the Partnership Scheme in Conservation Areas (PSiCA) scheme. The HE HAZ approval was in effect a gateway to accessing the funds and the PSiCA application was required in order to finally approve the Historic England contribution of

£550,000 towards the HAZ. The Memorandum of Understanding and the Delivery Plan are now agreed by the HE and the Council. At the time of writing the decision on the approval of the PSiCA application is awaited. The proposals contained in this report will assist in achieving the aims and objectives of the HAZ Delivery Plan, the associated PSiCA grant and the Memorandum of Understanding.

- 2.8 The HAZ Project Team and HAZ Partnership Team have been established and the first meetings held. Work has started on progressing a number of the individual projects within the HAZ programme. These include a Historic Area Assessment (HAA) and community engagement. Officers are in contact with 2 property owners about progressing potential refurbishment schemes.
- 2.9 Having more people to live in Dewsbury Town Centre is a key objective for the Council and one of the ways it is going to deliver this is through the Heritage Action Zone. Project 7 (Repurposing Historic Buildings) of the HAZ programme is specifically focussed on getting vacant and underused buildings back into beneficial use by providing financial support. Because of the size of the fund relative to the scale of the issues in the town, it will be necessary to target resources in a part of the HAZ area.

Flexibility in use of the fund.

- 2.10 Officers have considered how best to deploy the HAZ Fund to maximise the chances of successfully delivering a substantive and visible impact within the HAZ area over the next 5 years. In the March Cabinet report the objectives that would be applicable to the public funding were described as :-
- To preserve and enhance the area's heritage through the re-use of buildings for housing;
  - To support the final living town strategy which would be published post Local Plan adoption;
  - To use public funding as a catalyst to maximise private sector investment through adoption of a "gap funding model";
  - To only support schemes that positively contribute to the Living Town concept, primarily focused in the Daisy Hill area and
  - To consider, as a reserve scheme and subject to additional funding being secured, at risk buildings of merit as part of the programme within the town centre area.
- 2.11 Having considered the delivery of the HAZ in more detail it is considered that having a more flexible HAZ fund would be advantageous in supporting implementation. It is therefore proposed that the Council has the flexibility to offer grant, loans, rental guarantees, enter into development/partnership agreements or other related variants or combinations of support that will enable projects to proceed. This flexibility will allow bespoke solutions to be created for each of the potential schemes and make it easier for the Council to manage its risk and achieve value for money. There also may be occasions where it would be beneficial to carry out public realm works to support private sector investment within the HAZ and it is therefore proposed that the

HAZ Fund could be used, if deemed to be beneficial, to fund such works. The money from Historic England will remain subject to its own specific guidance and eligibility criteria, which limit it to grant assistance for a specific range of works.

- 2.12 Due to the relatively limited amount of HAZ funding available relative to the issues to be addressed across the whole HAZ area (the Dewsbury Town Centre Conservation Area), both the Council and Historic England resources will be geographically focussed on the Daisy Hill/Bond Street area, to be known as the HAZ Priority Area, as shown in Appendix One.

#### Potential Acquisition of Properties

- 2.13 In addition to providing financial support to property owners to refurbish their properties and bring them back into use it may, in some circumstances, be more beneficial to acquire specific key properties, throughout the HAZ area. These properties could either be sites and/or buildings where public ownership would help achieve the objectives of the HAZ and/or wider objectives to regenerate Dewsbury Town Centre. For example sometimes owners are either unwilling, or do not have the capacity, to undertake refurbishment of properties for the desired types of use, to the required standard or in the timescale required. In these sort of cases acquisition may be a more effective means of delivering the HAZ programme and achieving the general objective of regenerating Dewsbury Town Centre.
- 2.14 Following purchase the Council would, in the case of buildings, where relevant, carry out works to de-risk them, using the funds available and seek an investor/developer to refurbish and/carry out new build for the uses, standards and timescales desired. In addition to the HAZ Fund it is proposed to use the 'Private Sector Housing – Other' part of the approved Capital Plan to fund acquisition and related works.

#### Key Properties

- 2.15 Key properties, either buildings and/or sites, that may be acquired, would all be within the Dewsbury Town Centre Conservation Area (coterminous with the HAZ boundary) and would have at least three of the following characteristics :-
1. Acquisition by the Council would be likely to contribute to achieving the promotion or the improvement of the economic, social, environmental improvement of the area
  2. Acquisition supports the objectives of the HAZ in 2.5 above
  3. Is within the HAZ priority Area
  4. Is a 'heritage asset'
  5. Is vacant, partially vacant, underused
  6. Is of poor condition
  7. Is part of a potentially larger site that would meet the objectives immediately above
- 2.16 Any decision to acquire would be undertaken in light of the factors outlined in 2.15 above; the buildings relative priority and the resources available.

## Compulsory Purchase

- 2.17 It would be the intention to acquire key properties by negotiation; or through auctions should this be the method of sale. However it is proposed that the Cabinet approve the principle of acquiring key properties within the HAZ area by Compulsory Purchase Order should it be considered that the Council would be unlikely to be able to acquire such properties by negotiation.
- 2.18 The decision to agree 'in principle' to use compulsory purchase powers to acquire a property does in itself not necessarily mean that the Council will formally make an order for that property, as it may be possible to subsequently agree terms to acquire. However, given the amount of time required to complete the compulsory purchase process, it is sensible for the Council to indicate its willingness to use C.P.O. procedures and initiate formal procedures whilst negotiations are still in progress.
- 2.19 Cabinet should note that the use of compulsory purchase powers is intended as a last resort and ministerial policy requires that a Compulsory Purchase Order may only be made if there is a 'compelling case in the public interest'. If the Town and Country Planning Act Powers are to be used then the Council would need to demonstrate that exercise of the power would be likely to contribute to achieving the promotion or the improvement of the economic, social, environmental improvement of the area.
- 2.20 An 'in principle' agreement to use C.P.O. powers is the first stage in the process. If it should be necessary to make a compulsory purchase order for an individual or group of properties then a report would be brought to Cabinet for approval, describing the legal powers to be used the rationale for using the powers

## Timescales

- 2.21 The process for developing schemes and gaining the necessary approvals takes time and money for investors and developers. In the case of schemes in the HAZ, the timescales and risks can be greater, creating uncertainty and leading to delay in the implementation of projects. The Council should aim to make the processes as efficient and timely as possible, while ensuring that due process is undertaken.
- 2.22 The governance arrangements for the HAZ include a Partnership Team including representatives from Kirklees Council and Historic England, Chaired by the Service Director Economy, Regeneration & Culture or Service Director Housing. Its decisions are limited by individual officer's delegated authority which currently is a maximum of £250,000. Given that a number of individual items could be above this limit, then in order to create an efficient system for approving expenditure it is proposed that the Service Director – Economy, Regeneration and Culture or Service Director Housing, in consultation with the Portfolio lead for the Economy is given delegated authority to approve individual items of expenditure of up to £500,000 from both the HAZ fund and the 'Private Sector Housing



– Other’ element of the approved Capital plan. A business case will be produced for each of proposed items of expenditure.

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

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

- 3.1 There are no direct implications from this report, but the wider strategy will incorporate a series of indirect positive contributions towards this theme.

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

- 3.2 The HAZ initiative forms a key element of the Dewsbury Town Centre programme which in turn is part of the North Kirklees Growth Zone which is aligned to the Kirklees Economic Strategy and the Health and Well-being Strategy. The NKGZ is a key plank of the ER theme, with outcomes designed to increase growth, provide local employment, training and business opportunities and raising the area’s spending power.

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

- 3.3 Work is ongoing with Kirklees College to deliver the new Dewsbury Learning Quarter and opportunities for linking training and apprenticeships into the NKGZ programme are continuing.

#### **Reducing demand for services**

- 3.4 Whilst the early stages of work on the NKGZ and the HAZ programme have been driven by the Public Sector we envisage the significant investment will come via partners and the private sector. Integral into the programme are support for key Council themes, such as a stronger more prosperous and vibrant locality. The HAZ is part more of a long term NKGZ plan to help make communities more resilient, whilst increasing the opportunities for strengthening income streams for the Council.

#### **Other Implications (e.g. Financial, Legal, HR, IT, planning)**

##### **Financial**

- 3.5 It is proposed that the £2 Million Council element of the HAZ fund is funded from the allocation ‘Regeneration of Strategic Town Centres – Dewsbury’ in the approved Capital Plan. The acquisitions will predominately be funded from the allocation for ‘Housing Private Sector – Other’ in the approved Capital Plan, unless it is more beneficial to use the HAZ fund or the allocation for Regeneration of Strategic Town Centre – Dewsbury in the approved capital plan. As part of the providing financial support to third parties the Council will enter into appropriate legal agreements. There is a requirement within the HAZ Delivery Plan that the Council will fund a HAZ Project Officer and it is anticipated that this will come from within the Council’s existing staff resources.

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

- 4.1 Finance – comments from Finance are reflected in paragraph 3.5 above.
- 4.2 Legal – comments from the Service Director – Legal Governance and Monitoring are reflected in this report.

## **5 Next steps**

- 5.1 The HAZ is made up of a variety of individual projects and the anticipated next steps is outlined below:-

### Project 1: Baseline Data and Evaluation

Work has commenced on this and will be drawn together during 2018.

### Project 2: Daisy Hill/Bond Street Historic Area Appraisal

To be commissioned by Historic England in summer 2018.

### Project 3: Review and Enrichment of Historic Listings

Historic England to review historic buildings listings across the HAZ area, throughout the life of the HAZ. .

### Project 4: Daisy Hill/Bond Street – Development Framework

This will consider options about how the area can be developed and will be completed by the autumn.

### Project 5: Heritage Home Ownership Model

This will follow on from the projects 2, 3 & 4.

### Project 6: Community Engagement Programme

This is being scoped out and it is anticipated will commence in autumn 2018 and run until the end of the HAZ programme in March 2023.

### Project 7: Repurposing Historic Buildings

Officers are in contact with two owners about potential schemes.

### Other Activity in Dewsbury Town Centre

- 5.2 The HAZ is one element of a wider programme of activity within central Dewsbury that will help improve the heart of the town. The Dewsbury Learning Quarter, phase 1 (Springfield Centre) opens in September this year. Work on the Townscape Heritage Initiative (THI) is continuing, with implementation of a number of schemes expected over the next six months, including the former Black Bull Pub and Baileys Café building. Work on the Station Gateway scheme started in July 2018 and is due to complete by the end of this year. The enveloping works on the Pioneer building are due to complete by December 2018, with public realm improvements on Halifax Road outside the Pioneer building programmed to commence in April 2019.

## **6 Officer recommendations and reasons**

- 6.1 That Cabinet:-

- 6.2 Approve that the Council funded part of the 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 this report.

Reason: to enable the effective delivery of the HAZ programme.

- 6.3 Authorise the Service Director for Economy, Regeneration & Culture, or the Service Director Housing, in consultation with relevant portfolio holder(s) to approve individual items of expenditure of up to £500,000 from within the HAZ fund, the 'Private Sector Housing – Other' and 'Regeneration of Strategic Town Centre – Dewsbury' elements of the approved Capital Plan

Reason: to enable the effective delivery of the HAZ programme.

- 6.4 Approve that the Council accept the offer of grant from Historic England

Reason: to enable the effective delivery of the HAZ programme.

- 6.5 Authorise the Service Director for Economy, Regeneration & Culture, or Service Director Housing to negotiate and agree the terms of the grant offer from Historic England

Reason: to enable the effective delivery of the HAZ programme.

- 6.6 Authorise the Service Director - Legal Governance and Commissioning to enter into any related funding or ancillary agreement(s) with Historic England

Reason: to enable the effective delivery of the HAZ programme.

- 6.7 Approve the principle of acquiring key properties within the HAZ as described in the report and that the Service Director Economy, Regeneration & Culture, or Service Director Housing, in consultation with relevant portfolio holder(s) agrees individual purchases.

Reason: To achieve the objectives of the Heritage Action Zone and the wider aim to regenerate Dewsbury Town Centre.

- 6.8 Approves that property acquisitions and any related works described in the report, can be funded from the capital plan allocations described in paragraph 3.5 of this report.

Reason: To enable acquisitions to be funded.

- 6.9 Approve the principle of acquiring key properties within the HAZ by using Compulsory Purchase Order powers and that Service Director Economy, Regeneration & Culture, or Service Director Housing, in consultation with relevant portfolio holder, agrees the individual properties

Reason: To achieve the objectives of the Heritage Action Zone and the wider aim to regenerate Dewsbury Town Centre.

- 6.10 Note the intention, that where it appears unlikely that it will be possible to acquire by agreement, to bring back more detailed reports on individual or groups of properties with proposals to make a Compulsory Purchase order for that property(s).

Reason: Acquisition is likely to contribute to achieving the promotion or the improvement of the economic, social, environmental improvement of the area.

## **7 Cabinet portfolio holder recommendation**

- 7.1 The Portfolio Holder, Cllr Peter McBride, supports the proposals in this report and for the report to proceed to Cabinet.

## **8. Contact officer**

Peter Thompson  
Economic Resilience Project Manager  
(01484) 221000  
[peterr.thompson@kirklees.co.uk](mailto:peterr.thompson@kirklees.co.uk)

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

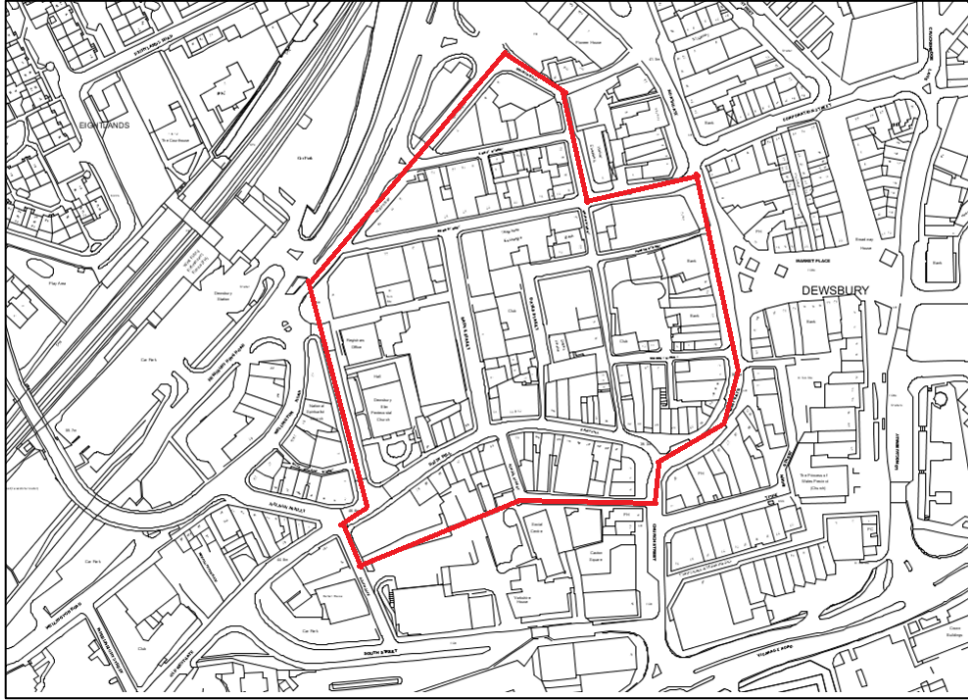
North Kirklees Growth Zone Next Steps Report cab - October 2016  
North Kirklees Growth Zone – 20<sup>th</sup> March 2018  
Heritage Action Zone Guidance 2017 -  
<https://historicengland.org.uk/services-skills/heritage-action-zones/breathe-new-life-into-old-places-through-heritage-action-zones>

## **10. Service Director responsible**

Naz Parkar – Service Director Housing  
(01484) 221000  
[naz.parkar@kirklees.gov.uk](mailto:naz.parkar@kirklees.gov.uk)

## Appendices

### Appendix One: HAZ Priority Area



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**Name of meeting:** Cabinet  
**Date:** 21st August 2018  
**Title of report:** Corporate Financial Monitoring Report, Quarter 1, 2018-19

### Purpose of the Report

To receive information on financial monitoring for general fund revenue, Housing Revenue Account (HRA) and Capital Plan, as at Quarter 1 (month 3), 2018-19.

Key decision – is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key decision - is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a> ?	Key decision - Yes
The Decision - Is it eligible for “call in” by <a href="#">Scrutiny</a> ?	Yes
Date signed off by Strategic Director & name	Rachel Spencer Henshall – 13/08/2018
Is it also signed off by the Service Director for Finance, IT & Transactional Services ?	Eamonn Croston – 31/07/2018
Is it also signed off by the Service Director – Legal, Governance & Commissioning ?	Julie Muscroft – 13/08/2018
Cabinet member portfolio - Corporate	Give name of Portfolio Holders Cllr Graham Turner

**Electoral wards affected:** None  
**Ward councillors consulted:** None

**Public or private:** Public

## 1. Summary

### General Fund

- 1.1 The Council’s General Fund controllable (net) revenue budget for 2018-19 was set at **£291.2m**. The budget includes planned (net) revenue savings of £16.4m in 2018-19.
- 1.2 A further £5.1m ‘temporary resources’ has been added to this budget in-year, reflecting planned drawdown from “one-off” earmarked reserves to fund a number

of “one-off” deferred expenditure commitments/other developments. This includes £1.5m from the revenue grants reserve, £1.1m from the revenue rollover reserve (previous year approvals) and £2.5m from the Transformation reserve. There is also an assumed contribution to Financial Resilience Reserves of £4.1m, released out of Central budgets from the overprovision of MRP (Minimum Revenue Provision). See also paragraph 1.11. This results in net transfer from reserves of £1.0m and a revised budget of **£292.2m** at Quarter 1.

1.3 There is a forecast overspend of £4.4m against the £292.2m revised budget at Quarter 1; equivalent to 1.5% variance against revised budget. This represents the following:

- i) £2.2m overspend against £16.4m planned savings. This translates to a forecast headline delivery of £14.2m savings; equivalent to 86%,
- ii) £2.2m net unplanned pressures elsewhere.

1.4 The forecast revenue outturn as at Quarter 1 is summarised by Strategic Director Portfolios in Table 1 below.

**Table 1 - Overview of 2018-19 general fund forecast revenue outturn position at Quarter 1**

Strategic Director Portfolios	Annual forecast		
	Revised Budget	Forecast	Variance
	£000	£000	£000
Children & Families	76,225	83,728	7,503
Adults & Health	104,829	104,825	(4)
Economy & Infrastructure	41,600	43,696	2,096
Corporate Services	31,441	31,215	(226)
Central Budgets	38,146	33,146	(5,000)
<b>Grand Total</b>	<b>292,241</b>	<b>296,610</b>	<b>4,369</b>

1.5 There is currently a £6.4m pressure identified within the High Needs funding block of the Dedicated Schools Grant, shown within Children and Families in Table 1 above. This includes a projected overspend figure of £3.7m in respect of placements of Kirklees children in independent and other local authority specialist provisions; compared to a £2.7m overspend in 2017-18. The average annual number of active placements in independent specialist provision has significantly increased over the last few years moving from an average of 88 active placements in 2016-17 to a current average of 126 as at June 2018, an increase of 43%. An increase of similar proportions is also evident over the same period in the annual average number of children placed in other local authority specialist provision, moving from an average of 20 children in 2016-17 to a current average of 28 children.

1.6 The balance of the £6.4m High Needs pressure is made up of £1.6m for support funding payments for high needs students in the local further education sector (predominantly at Kirklees College) and £1.1m in respect of top-up funding to support rising numbers of increasingly complex need children within the mainstream schools sector.



- 1.7 The Government's new National Funding Formula (NFF) for High Needs acknowledges that Kirklees requires more funding to support high needs issues from birth through to age 25. The initial outcome of the new formula indicated a near 21% increase in funding is merited, however maximum annual increases are capped at 3%, which translates to around £1.0m per year for Kirklees.
- 1.8 The projected NFF allocations from 2020-21 onwards will be dependent on the outcome of the next comprehensive spending review. Currently, around 50% of the High Needs NFF references historic funding levels. Kirklees would stand to gain should the balance within the NFF move away from these funding arrangements.
- 1.9 Following a recent Kirklees-wide High Needs Strategic Review (reported to Cabinet in February 2018) the Council, working with key education partners across the district, is working on a comprehensive action plan to deliver a more effective, whole systems approach which will begin to be implemented during 2018-19. This implementation plan will also inform the Council budget strategy update later in the year.
- 1.10 There is an option to mitigate the High Needs pressure in-year through the Government DSG grant mechanism that allows funding pressures to be rolled into future years as a 'deficit', provided they can be mitigated through planned cost reductions over a reasonable time-frame. However, as reported in the 2017-18 Financial Outturn and Rollover Report to Cabinet on 29<sup>th</sup> June 2018, this approach is considered by officers to be unrealisable, given both the scale and recurrent nature of these pressures and the timeline and measures to be put in place to deal with this. Instead it is proposed that the overspend is managed within the overall general fund in-year.
- 1.11 In line with the Council's reserves strategy set out in the budget report to Council on 14th February 2018, ring-fenced resources released from the proposed MRP (Minimum Revenue Provision) revision will be transferred from central budgets to reserves at each year end and their proposed use to take account of medium to longer term organisational flexibility and financial resilience requirements reviewed periodically. In light of the high needs issues highlighted in paragraphs 1.5 to 1.10 above, it is proposed that £5.0m of the £9.1m unallocated MRP budget will be used at this stage as an application of organisational flexibility to mitigate unfunded pressures in-year, with the balance of £4.1m transferring to financial resilience reserves. The service will consider any options for reducing costs through the remainder of the year and a strategic review of high needs will be factored into the forthcoming budget strategy update report.
- 1.12 There is a pressure of £1.2m within Child Protection and Family Support relating to External Residential Placements. Reviews of each placement have taken place within the service and there are plans to bring some children back into Kirklees when appropriate arrangements are in place. The service has also engaged with CCG (Clinical Commissioning Group) to ensure the health contribution is at the appropriate level. Work is underway to develop Early Intervention and Edge of Care processes which will hopefully impact on the future number of children and young people that need to be placed externally. However, this will be influenced by the availability of suitable in-house capacity and the wider development of a sufficiency strategy.
- 1.13 Within Adults and Health there is a forecast underspend of £1.9m owing to a lack of capacity in the Independent Sector Home Care market resulting in lower spend. In turn, this is anticipated to cause significant alternate spend on placements and short term packages.

- 1.14 There is an overspend on schools transport of £1.6m due volume pressures and the delayed implementation of savings rolled forwards from 2017-18. These savings are currently under review in terms of deliverability and timing. Also within Commercial Regulatory and Operational Services there is a £0.4m pressure relating to the loss of the West Yorkshire Driver Training Contract.
- 1.15 The Quarter 1 position does not include £2.8m additional resource and committed spend for Social Care Investment and Transformation. The funding is made up of £1.6m additional resource from the 100% business rates pilot plus £1.2m additional Adult Social Care (ASC) grant from government. There is a separate Social Care Funding Paper to Cabinet alongside this report setting out specific resource allocation recommendations for this additional funding. It is proposed that the £2.8m is placed into a reserve and drawn down over a two year period to match actual spend. These recommendations will be reflected in future corporate monitoring reports. It should be noted that whilst the ASC grant must be spent fully on Adult Social Care, there are no additional specific reporting requirements in year.
- 1.16 There has been further additional in-year investment including £542k restorative practice in Children's Services offset by grant (plus a further £180k rolled forward from 2017-18), £200k investment in the SENACT team (Special Educational Needs Assessment and Commissioning Team) in-year from Special Educational Needs Reform grant, and £200k for the GDPR (General Data Protection Regulations) team to be met from transformation reserves in-year. The required base budget adjustments for this investment will be picked up as part of the re-fresh for the 2019-20 budget round.

### **General Fund Reserves**

- 1.17 General fund reserves and balances are forecast to reduce through 2018-19 by £2.6m, from £88.8m at the start of the year, to £86.2m as at 31 March 2019. The forecast reduction consists of the net £1.0m earmarked reserves drawdown referred to at paragraph 1.2 above and the forecast overspend in year of £4.4m, partly offset by the creation of a new £2.8m social care reserve. The expectation is that the social care reserve will be drawn down over the 2018-20 period as appropriate to meet the expenditure commitments set out in the accompanying Social Care Funding paper to this Cabinet (paragraph 1.15).
- 1.18 The forecast £86.2m general fund reserves and balances at year end includes £9.8m relating to statutory schools reserves (which cannot be re-directed for non-school uses), leaving £7.2m general balances and £69.2m usable reserves. The forecast usable reserves level at 31<sup>st</sup> March 2019 is equivalent to 23.8% of the current year £291.2m (net) controllable revenue budget. Within usable reserves, £32.3m relate to earmarked reserves commitments with £36.9m financial resilience reserves remaining to mitigate against future budget and other unfunded risks.
- 1.19 The forecast general balances of £7.2m at year end includes an assumed £5.0m minimum balances requirement. The revenue rollover approved at Council on 11<sup>th</sup> July is reflected in the transfer of £1.6m from general balances to the rollover reserve in-year. This will be subject to a future report to Cabinet in due course with specific proposals for its use on place based public realm activity.

## Collection Fund

- 1.20 The Collection Fund accounts separately for council tax and business rates income and payments. At Quarter 1, both elements of the collection fund are projecting an in-year performance in line with budget for 2018-19.
- 1.21 Taking into account the opening balance and repayments to the general fund in year, this results in a forecast deficit of £1.2m at 31<sup>st</sup> March 2019 for council tax; equivalent to 0.7% of Kirklees annual council tax requirement, and a nil balance on business rates. See also the collection fund summary at Table 2 below. Note that forecasts tend to be relatively prudent at this point in the financial year and it is therefore anticipated that the collection fund may be brought back in balance overall by year end.

**Table 2 – Collection Fund Summary**

	<b>Council Tax £'000</b>	<b>Business Rates £'000</b>
(Surplus)/Deficit as at 1st April 2018	(2,321)	(4)
Re-payments to/(from) General fund in 18-19	3,500	-
In Year financial performance	-	-
(Surplus)/Deficit at 31st March 2019	1,179	(4)

- 1.22 The £1.6m additional resource from the 100% business rates pilot described at paragraph 1.15 does not feature in the table above as it is not accounted for through the collection fund. The £1.6m relates to business rates grants due to the Council over and above the amount budgeted for and will be reported through central budgets as additional income, subsequently realigned to the new social care reserve.

## Housing Revenue Account

- 1.23 The Council's Housing Revenue Account (HRA) accounts for all Council housing related revenue expenditure and income in a separate statutory (ring-fenced) account. The forecast revenue outturn is a small deficit of £293k against an annual turnover of £91.2m in 2018-19; equivalent to just 0.3%. Estimated HRA reserves at 31 March 2018, net of set aside for business risks and a minimum working balance, is £47.8m.

## Capital

- 1.24 The Council's revised capital budget for 2018-19 is £123.9m. This includes the re-profiling of the existing plan over the 2018-23 period and the addition of 2017-18 rollover; both of which were approved through the 2017-18 Financial Outturn and Rollover report to Cabinet and Council in June and July respectively.
- 1.25 The forecast capital outturn at Quarter 1 is £105.3m. There is a projected underspend of £18.6m; equivalent to 15% of budget. This is summarised in Table 3 below and further details of the underspends shown in Appendix 6.

**Table 3 – Forecast Capital Outturn 2018-19 at Quarter 1**

<b>By Category</b>	<b>Revised Budget £000</b>	<b>Actuals to date £000</b>	<b>Annual forecast £000</b>	<b>Variance £000</b>
Strategic Priorities	31,202	2,453	22,867	(8,335)
Baseline	59,801	5,608	54,994	(4,807)
Risks & Pressures	1,000	0	0	(1,000)
<b>General Fund</b>	<b>92,003</b>	<b>8,061</b>	<b>77,861</b>	<b>(14,142)</b>
Strategic Priorities	13,459	53	9,208	(4,251)
Baseline	18,478	(131)	18,249	(229)
<b>Housing Revenue Account</b>	<b>31,937</b>	<b>(78)</b>	<b>27,457</b>	<b>(4,480)</b>
<b>Total</b>	<b>123,940</b>	<b>7,983</b>	<b>105,318</b>	<b>(18,622)</b>
Funding Slippage – Borrowing*	(14,822)	-	-	14,822
Funding Slippage – Grants*	(7,447)	-	-	7,447
<b>Overall Funding Requirement</b>	<b>101,671</b>	<b>7,983</b>	<b>105,318</b>	<b>3,647</b>

\* Relates to General Fund only

1.26 The 2018-19 budgeted funding requirement underpinning the Capital Plan includes a 'slippage' assumption of £22.2m (£7.4m Grants & £14.8m Corporate Borrowing), resulting in an assumed total funding requirement for the Capital Plan of £101.7m. Based on forecasted expenditure of £105.3m, this produces an adjusted variance at year end of +£3.6m against budgeted funding assumptions for the year as at Quarter 1.

1.27 Treasury management budgets are based on the overall budgeted funding requirement level of £101.6m and, as such, a pressure would be created on these budgets if the current forecast of £105.3m materialised at year end. It is anticipated that forecasts will adjust further in light of emerging intelligence during the year on the timing of external funding allocations being agreed and other possible slippage factors. The potential treasury management pressures would therefore be negated. Officers are continuing to work on reviewing the profiling and forecasts throughout the remainder of the year to produce a more realistic match and the outcome will be reflected in subsequent quarterly financial monitoring reports.

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

2.1 The Appendices accompanying this report provide a more detailed breakdown of the Quarter 1 financial monitoring position, as follows:

- i) Appendix 1 sets out by service area, the forecast general fund revenue outturn position in 2018-19;
- ii) Appendix 2 summarises the forecast general fund reserves and balances movements in-year,
- iii) Appendix 3 summarises the forecast HRA financial position including movements in HRA reserves in-year;
- iv) Appendix 4 highlights the more significant general fund and HRA forecast variances across service areas;

- v) Appendix 5 sets out in more detail the Quarter 1 capital monitoring forecast summary;
- vi) Appendix 6 sets out in more detail, reasons for the more significant forecast capital variances across strategic priority and baseline capital schemes.

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

- 3.1 The report provides summary information on current and forecast financial performance against annual Council revenue and capital budgets, as at Quarter 1, 2018-19. These budgets support the overall delivery of the following Council objectives and Priorities within available resources:
- i) Early Intervention and Prevention (EIP)
  - ii) Economic Resilience (ER)
  - iii) Improving Outcomes for Children
  - iv) Reducing demand of services

#### **Financial, Legal & Other Implications**

- 3.2 The Council continues to face significant financial challenges and must ensure it can achieve a sustainable balanced budget over the medium term and beyond.
- 3.3 Current approved budget plans include a planned (net) saving requirement of £16.4m in 2018-19. Quarter 1 monitoring forecasts indicate the delivery in year of £14.2m net savings compared to planned savings; equivalent to 86% against target savings. There are also additional net forecasted unplanned pressures of £2.2m elsewhere; resulting in a total £4.4m projected overspend.
- 3.4 As noted at paragraph 1.11, it is proposed that £5.0m of the MRP (Minimum Revenue Provision) revision will be used to part offset the forecast high needs pressure at Quarter 1. The service will consider any options for reducing costs through the remainder of the year and strategic review of high needs will be factored into the forthcoming budget strategy update report
- 3.5 The remaining £4.4m overspend at Quarter 1 largely reflects timing/non-deliverability issues in relation to a number of in-year and 2017-18 planned savings. It is expected that a review of current savings deliverability and alternative options will be incorporated into the forthcoming 2019-23 budget strategy update report.
- 3.6 Notwithstanding the above, it is expected 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.
- 3.7 The Council is continuing to work with its Transformation Business Partner to ensure robust financial governance, programme management, monitoring and review across a range of key activities. This includes deferred savings rolled forwards from 2017-18.
- 3.8 Overall, the general fund revenue Quarter 1 monitoring forecast suggests good progress is being made 'in-year' to manage spend within available budgets. However current budget plans include further target (net) savings proposals of £13m in 2019-20 which means that the Council needs to ensure that any underlying pressures potentially rolling forwards into 2019-20 will require corrective action in the current year, or early consideration of alternative proposals.

- 3.9 The financial resilience reserve forecast at £36.9m at year end, is directly impacted on by the Council's forecast position. The purpose of this reserve is in part to mitigate against budget and other unfunded risks included in the corporate risk register. Because it is "one-off" in nature, it is short-term funding only and it is not a sustainable resource available to offset ongoing budget pressures. The upcoming budget strategy update report will set out proposals within the Council's reserves strategy to build and maintain financial resilience reserve levels in view of the uncertainty surrounding the national funding landscape post 2019-20.
- 3.10 The overall neutral Collection Fund financial performance reflected at Quarter 1 suggests robust budgetary assumptions in the 2018-19 budget at this stage and this will be noted as part of the 2019-23 budget update. There does, however, remain some volatility in particular with regard to business rates appeals still outstanding.
- 3.11 The capital monitoring forecast includes timing issues in particular with regard to strategic priority capital schemes. Council treasury management financing cost requirements (new borrowing) already factor in assumed slippage in borrowing requirement of £14.8m in 2018-19 against the approved capital plan.
- 3.12 Given the anticipated adjustments to capital forecasts over the remainder of the financial year, it is expected that outturn borrowing commitments will be in line with treasury management budget forecasts for the year (paragraph 1.27). Similarly, it is predicted that the outturn affordability indicator will be in line with the budget forecast at 5%.

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

This report has been prepared by the Acting Service Director, Finance, IT and Transactional Services, in consultation with the Executive Team.

#### **5. Next Steps**

To present this report to Cabinet as part of the Quarterly financial monitoring reporting cycle.

#### **6. Cabinet portfolio holders recommendations**

The portfolio holders note the good progress being made in managing the in-year savings programme although recognising the continuing underlying financial challenges facing the Council.

#### **7. Officer recommendations and reasons**

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

- 7.1 approve the offset of the High Needs Pressure in-year with £5.0m MRP saving released back into the general fund;
- 7.2 note the Quarter 1 forecast £4.4m revenue monitoring overspend;
- 7.3 note 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.

- 7.4 approve 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;
- 7.5 note the forecast reduction in general fund reserves and balances in-year at £2.6m and year end position at £86.2m;
- 7.6 note the overall neutral in-year financial performance on the Collection Fund;
- 7.7 note the Quarter 1 forecast HRA deficit at £293k and forecast reserves position at year end at £47.8m;

**8. Contact Officer**

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

Annual budget report 2018-20  
Annual outturn and rollover report 2017-18

**10. Service Director responsible**

Eamonn Croston, Acting Service Director for Finance, IT and Transactional Services  
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Corporate Revenue Budget Monitoring 2018/19 – Month 3								
	Year To Date			Annual				
Strategic Director portfolio responsibilities	Controllable Budget (Net)	Actuals	Variance	Controllable Budget (Net)	Planned use of reserves	Revised Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Child Protection & Family Support	15,245	14,428	(817)	58,569	-	58,569	59,607	1,038
Learning , Early Support & Schools	7,872	10,274	2,402	17,656	-	17,656	24,121	6,465
<b>Sub Total (Children &amp; families)</b>	23,117	24,702	1,585	76,225	-	76,225	83,728	7,503
Adults Social Care Operations	11,241	14,253	3,012	41,282	-	41,282	41,251	(31)
Policy, Intelligence & Public Health	5,742	6,108	366	(2,591)	898	(1,693)	(1,695)	(2)
Commissioning, Quality & Performance	12,468	15,154	2,686	56,490		56,490	56,734	244
Integration, Access & Community Plus	1,702	2,013	311	8,515	235	8,750	8,535	(215)
<b>Sub Total (Adults &amp; health)</b>	31,153	37,528	6,375	103,696	1,133	104,829	104,825	(4)
Economy, Regeneration & Culture	1,554	1,483	(71)	9,118	1,354	10,472	10,401	(71)
Commercial, Regulatory & Operational Services	1,946	2,816	870	31,165	(37)	31,128	33,295	2,167
<b>Sub Total (Economy &amp; Infrastructure)</b>	3,500	4,299	799	40,283	1,317	41,600	43,696	2,096
Finance & Transactional Services	21,057	20,931	(126)	19,353		19,353	19,229	(124)
Governance & Commissioning	519	595	76	1,930		1,930	2,007	77
Corporate Services	818	1,519	701	7,494	2,664	10,158	9,979	(179)
<b>Sub-Total (Corporate Services)</b>	22,394	23,045	651	28,777	2,664	31,441	31,215	(226)
Central Budgets	7,217	7,174	(43)	42,246	(4,100)	38,146	33,146	(5,000)
<b>General Fund Total</b>	87,381	96,748	9,367	291,227	1,014	292,241	296,610	4,369



## Appendix 2

General Fund Earmarked Reserves							
	As at 1st April 2018	Reserves supporting 2018-19 MTFP	Planned drawdown in-year	Planned contribution in-year	Unplanned use of Reserves (forecast overspend)	Earmarked Reserves Review	Forecasted Reserves Position as at 31st March 2019
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Statutory (School Reserves)</b>	<b>(9,827)</b>	-	-	-	-	-	<b>(9,827)</b>
<b>Earmarked</b>							
Financial Resilience Reserves	<b>(37,146)</b>			<b>(4,100)</b>	<b>4,380</b>		<b>(36,866)</b>
<b>Earmarked (Other)</b>							
Workforce Restructure	(5,091)	-	-	-	-	-	(5,091)
Transformation	(4,944)	-	2,476	-	-	-	(2,468)
Rollover	(1,925)	-	1,088	-	-	(1,574)	(2,411)
Revenue Grants (various)	(10,615)	-	1,526	-	-	-	(9,089)
Trouble Families	(1,924)	-	-	-	-	-	(1,924)
Prepayment Reserve (PFI)	(3,055)	-	-	-	-	-	(3,055)
Insurance	(1,900)	-	-	-	-	-	(1,900)
Other	(2,905)	-	24	-	-	-	(2,881)
Ward Based Activity	(644)			-			(644)
Social Care Reserve	-					(2,800)	(2,800)
<b>Total - Other</b>	<b>(33,003)</b>	-	<b>5,114</b>	-	-	<b>(4,374)</b>	<b>(32,263)</b>
<b>Sub-total Earmarked/Usable Reserves</b>	<b>(70,149)</b>	-	<b>5,114</b>	<b>(4,100)</b>	<b>4,380</b>	<b>(4,374)</b>	<b>(69,129)</b>
<b>General Balances</b>	(8,807)					1,574	(7,233)
<b>Grand Total</b>	<b>(88,783)</b>	<b>0</b>	<b>5,114</b>	<b>(4,100)</b>	<b>4,380</b>	<b>(2,800)</b>	<b>(86,189)</b>

\*minimum balances requirement of £5m

## Housing Revenue Account 2018/19 – MONTH 3

	Year to Date			Annual		
	Controllable Budget (Net)	Actuals	Variance	Revised Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Repairs & Maintenance	7,601	6,516	(1,085)	22,800	22,806	6
Housing Management	11,107	11,192	85	34,344	33,942	(402)
Other Expenditure	466	591	125	28,289	28,384	95
<b>Total Expenditure</b>	<b>19,174</b>	<b>18,299</b>	<b>(875)</b>	<b>85,433</b>	<b>85,132</b>	<b>(301)</b>
<b>Rent &amp; Other Income</b>	<b>(22,937)</b>	<b>(20,943)</b>	<b>1,994</b>	<b>(91,747)</b>	<b>(91,153)</b>	<b>594</b>
Revenue Contribution to Capital Funding	0	0	0	6,314	6,314	0
Planned transfer to HRA Reserves	0	0	0	0	0	0
<b>Total</b>	<b>(3,763)</b>	<b>(2,644)</b>	<b>1,119</b>	<b>0</b>	<b>293</b>	<b>293</b>

## HRA RESERVES

	Balance as at 31 March 2018	Planned Transfers to Reserves	Other Approved Movements in Reserves	Balance at 31 March 2019
	£'000	£'000	£'000	£'000
Set aside for business risks	(4,000)	-	-	(4,000)
Forecast in Year Surplus/Deficit		-	293	293
Set aside to meet Investment needs (as per HRA Business Plan)	(54,858)	-	12,266	(42,592)
Workforce Restructure	-	-	-	-
Working balance	(1,500)	-	-	(1,500)
Planned transfer from HRA	-	-	-	-
<b>Total</b>	<b>(60,358)</b>	<b>0</b>	<b>12,559</b>	<b>(47,799)</b>

Activity Level	Progress Against Planned Savings	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
External Residential Placements	% of Children placed outside Kirklees	6,134	136	1,173	Pressure on volume led External placements.
Various	Accelerated Progression/Turnover Savings	18,669	(591)	(378)	Slippage savings to date on substantive vacant posts /Turnover.
Various	Net volume placement savings/pressures linked to Outturn 17/18	18,828	(468)	196	Pressure on volume led placements including External / Internal Fostering, Leaving Care Supported Accommodation, Supported Lodgings, Special Guardianship, Child Arrangement, Adoption Orders. Pressure on volume led Internal Fostering placements.

Activity Level	Progress Against Planned Savings	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
High Needs	Independent Schools Fees	2,513	1,356	3,700	Service pressure on placement costs
High Needs	FE High Needs	800	659	1,600	Payments to Kirklees College
High Needs	Schools High Needs Top-Up funding	20,600	350	1,400	Top up funding to Schools
High Needs	<u>Less anticipated increase to High Needs DSG Funding</u>			(300)	

Activity Level	Progress Against Planned Savings	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Self-Directed Support - OP	Reduced spend on independent sector home care & Apply proportional spend on direct payments & Review taskforce.	3,028	432	(1,266)	Lack of capacity in the independent Sector Home Care market is resulting in lower spend, and is anticipated to result in alternate spend on placements/short term packages and direct payments.
Self-Directed Support - PD	Reduced spend on independent sector home care & Apply proportional spend on direct payments	7,555	1,481	(672)	Lack of capacity in the Independent Sector Home Care market is resulting in lower spend, and is anticipated to result in alternate spend on placements/short-term packages, and direct payments. Spend on Physical Disabilities direct payments below budgeted level.
Independent Sector – OP	Reduction of OP Placements	17,392	784	2,082	Lack of capacity in the Independent Sector Home Care market is resulting in alternate spend on placements/short-term packages. Nursing costs are higher than anticipated.

## Key Highlights – Commissioning, Quality &amp; Performance

Activity Level	Progress Against Planned Savings	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Supporting People		4,130	4,011	545	Workstream in progress – overspend due to timing delay/slippage. Expected to reach required level for the following year.
Self-Directed Support - LD	Apply proportional spend on direct payments	14,277	2,162	(1,399)	Lower activity and costs than anticipated. Higher contribution levels than anticipated.
Self-Directed Support – MH	Apply proportional spend on direct payments	1,137	11	(327)	Lower activity and costs than anticipated.
Independent Sector Residential & Nursing- LD	Reduction of LD Placements	18,641	(747)	774	Higher residential activity and higher nursing costs than anticipated.
Independent Sector Residential & Nursing- MH	Reduction of MH Placements	4,054	390	697	Higher residential costs than anticipated.

## Key Highlights – Commercial, Regulatory &amp; Operational Services

Activity Level	Progress Against Planned Savings	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Schools Transport	Combined Authority working	2,528	279	1,582	Slippage in planned saving and higher than budgeted volumes
Driver Training		(583)	400	400	Kirklees no longer have the contract to deliver the driver training courses on behalf of West Yorkshire Police.

	Revised Budget	Forecast	Variance	Variance
	£'000	£'000	£'000	%
<b>General Fund</b>				
Strategic Priorities				
Learning & Early Support	11,126	10,141	(985)	(9)
Economy Regeneration & Culture	19,076	11,726	(7,350)	(39)
Adults	1,000	1,000	0	0
<b>Strategic Priorities Total</b>	<b>31,202</b>	<b>22,867</b>	<b>(8,335)</b>	<b>(27)</b>
Baseline				
Learning & Early Support	10,343	8,086	(2,257)	(22)
Adults Social Care Operation	300	300	(0)	(0)
Economy Regeneration & Culture	17,961	15,659	(2,302)	(13)
Commercial Regulatory & Operational	28,123	27,918	(205)	(0)
Office of the Chief Executive	282	239	(43)	(15)
Finance & Transactional Service	2,792	2,792	(0)	(0)
<b>Baseline Total</b>	<b>59,801</b>	<b>54,995</b>	<b>(4,807)</b>	<b>(8)</b>
<b>Risks &amp; Pressures</b>	<b>1,000</b>	<b>0</b>	<b>(1,000)</b>	<b>(100)</b>
<b>GENERAL FUND TOTAL</b>	<b>92,003</b>	<b>77,861</b>	<b>(14,142)</b>	<b>(15)</b>
<b>Housing Revenue Account</b>				
Strategic Priorities	13,459	9,208	(4,251)	(32)
Baseline	18,478	18,249	(229)	(1)
<b>HOUSING REVENUE ACCOUNT TOTAL</b>	<b>31,937</b>	<b>27,457</b>	<b>(4,480)</b>	<b>(14)</b>
<b>OVERALL COUNCIL TOTAL</b>	<b>123,940</b>	<b>105,318</b>	<b>(18,622)</b>	<b>(15)</b>
Financing Slippage – Borrowing*	(14,822)	-	14,822	
Financing Slippage – Grants*	(7,447)	-	7,447	
<b>TOTAL FUNDING REQUIREMENT</b>	<b>101,671</b>	<b>105,318</b>	<b>3,647</b>	<b>4</b>

\*relates to General Fund only

## Capital Monitoring Key Highlights – Strategic Priorities

## Appendix 6

Activity Level	Annual Budget £'000	Variance for the year £'000	Comments
Kirklees College Loan	6,000	(6,000)	No further utilisation of the revolving credit facility anticipated.
<b>Learning &amp; Support (New Pupil Places)</b>	11,125	(984)	The build for Brambles Primary Academy (the New North primary school) will not start until late 2018/19 due to complex site issues.
<b>HD One</b>	1,000	(750)	The HD One Development start date for the John Smith's Stadium site, has been put back and is now not due on site until May 2019. The Council is providing a secured loan facility to Kirklees Stadium Development Ltd (KSDL) which would allow KSDL to take a majority equity stake in the complex.
<b>Local Growth Fund</b>	550	(450)	Monies provided by West Yorkshire Combined Authority (WYCA) to cover works at three agreed sites. Anticipated to spend only £100k this year on existing agreed sites.
<b>Strategic Priorities Total</b>	<b>18,675</b>	<b>(8,184)</b>	



## Capital Monitoring Key Highlights – Baseline

## Appendix 6 (continued)

Activity Level	Annual Budget £'000	Variance for the year £'000	Comments
<b>Learning &amp; Early Support</b>			
Basic Need	835	(504)	The projected underspend in the Basic Need 18/19 programme will be required to fund the rolling programme of Basic Need future pressures including secondary places for the Year 7 peak in 2019/20.
One-Off Initiatives	3,769	(1,159)	Mainly due to underspend on Section 106 contributions at-£595k. Also, underspend of -£302k for Special Educational Needs (SEN). This funding is the first year of a three year grant, construction works will not start until 2019/20, only professional fees will be incurred this financial year
<b>Learning &amp; Early Support Total</b>	<b>4,604</b>	<b>(1,663)</b>	

Activity Level	Annual Budget £'000	Variance for the year £'000	Comments
<b>Economy &amp; Regeneration</b>			
Housing Private Sector	6,082	(1,960)	Due to underspend on Section 106 contributions of £969k and slippage on capital allowances budget for Large Housing Sites Scheme £991k.
KAL Self-financed	3,456	(342)	Minor slippage due to timing of refurbishment of changing facilities at Dewsbury sports centre.
<b>Economy &amp; Regeneration Total</b>	<b>9,538</b>	<b>(2,302)</b>	

## Capital Monitoring Key Highlights – Baseline

## Appendix 6 (continued)

Activity Level	Annual Budget £'000	Variance for the year £'000	Comments
<b>Commercial Regulatory &amp; Operational</b>			
Corporate Landlord	5,665	(205)	Minor variations across Corporate Landlord capital activity.
<b>Commercial Regulatory &amp; Op Total</b>	<b>5,665</b>	<b>(205)</b>	

## Capital Monitoring Key Highlights – Risks & Pressures

Activity Level	Annual Budget £'000	Variance for the year £'000	Comments
<b>Risks &amp; Pressures</b>	1,000	(1,000)	No anticipated commitment at this stage against these resources.

## Capital Monitoring Key Highlights – Housing Revenue Account

Appendix 6 (continued)

Activity Level	Annual Budget £'000	Variance for the year £'000	Comments
<b>HRA Strategic Priorities</b>			
New Build – Phase 4	4,111	(4,111)	Underspend reflects re-phase of anticipated timing of delivery of scheme.
Remodelling / High Rise	2,000	(140)	Reflects anticipated spend profile
<b>HRA Strategic Priorities Total</b>	<b>6,111</b>	<b>(4,251)</b>	
<b>HRA Baseline</b>			
Adaptations	2,739	(229)	This is a demand driven budget and variance reflects anticipated expenditure for 18/19
<b>HRA Baseline Total</b>	<b>2,739</b>	<b>(229)</b>	

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**Name of meeting:** Cabinet  
**Date:** 21<sup>st</sup> August 2018  
**Title of report:** Request for funding from the Property Investment Fund in respect of 103 New Street Huddersfield

**Purpose of report** To consider a request for loan support from the Property Investment Fund towards the refurbishment of 103 New Street Huddersfield

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Expenditure in excess of £250k
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director and name	Karl Battersby - 13.08.2018
Is it also signed off by the Acting Service Director - Finance, IT and Transactional Services?	Eamonn Croston - 10.08.2018
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft - 10.08.2018
Cabinet member <a href="#">portfolio</a>	Cllr Graham Turner Corporate Cllr Peter McBride Economy

**Electoral wards affected:** Newsome

**Ward councillors consulted:** Cllr Karen Allison, Cllr Andrew Cooper, Cllr Julie Stewart-Turner

**Public or private:** Public Report with Private Appendix

## 1. Summary

Cabinet are asked to consider a request for support, via a loan from the Property Investment Fund towards a scheme to bring 103 New Street Huddersfield, the 1930's annexe to the former Co-op building, back into use as residential accommodation.

## 2. Information required to take a decision

103 New Street is the 1930's extension to the former Co-op building which occupies a very prominent position at the south end of New St adjacent to the Ring Road. The property was acquired by the Council in December 2007, as part of a programme of assembling a strategic development site, to facilitate a potential retail based scheme at the southern end of the town centre. The capital costs of the acquisition were funded by Yorkshire Forward, the former Regional Development Agency.

- 2.1 Due to the economic recession of 2007 and the subsequent huge changes to the town centre retail environment, the retail scheme has never progressed and in current market conditions, there is no realistic prospect of it doing so. No requirement for ongoing Council use has been identified for the building.
- 2.2 In late 2015 the building was offered to the market as an opportunity for comprehensive redevelopment. Some interest was received and one in particular was the subject of a level of negotiation with a potential developer for a mixed use scheme. The developer identified a need for a very substantial level of public sector grant funding to create a commercially viable scheme. After analysis of the offer, officers were unable to recommend this as representing value for money for the Council.
- 2.3 In 2016 the Council was approached by SKA Property a Huddersfield based developer which has specialised in bringing challenging redundant commercial and retail property within the town centre, back into use as residential accommodation. This has been successfully achieved at Standard House and the former Thatchers Buildings close to the Bus Station and they are currently developing a site on Dundas St adjacent to the Bus Station which will be occupied from September 2018.
- 2.4 SKA expressed an interest in looking at a redevelopment of 103 New Street on a similar basis and were granted a period of Exclusivity by the Council to investigate the possibilities. This culminated in SKA receiving, Planning Permission for a scheme to provide 75 units of accommodation at the property at Strategic Planning Committee on April 5<sup>th</sup> 2018. The development will initially be aimed at the student market but the works will create flexible floorplans which are capable of amalgamation at a future date, into larger units if market conditions encourage this.
- 2.5 Full Council at its meeting held on 15 November 2017, agreed to support the creation of a Property Investment Fund (PIF) of £25m, the intention of which, was to allow the Council to support redevelopment schemes with loan funding. The scheme would be focussed on supporting proposals which provided wider benefits to support the Council's wider regeneration objectives. Whilst the loan funding would be provided on, as close to commercial terms as possible and at an interest rate which allowed the Council to cover its own cost of borrowing and generate a surplus as a risk contingency, the Council could also take a view on the wider benefits of any proposals in a way which a purely commercial lender would not be prepared to do as part of their risk assessment of proposals.
- 2.6 Officers have been in discussions with SKA about the potential use of the PIF to facilitate their planned redevelopment of 103 New Street, given the positive impact that the proposed development would bring to a key prominent building located on an important gateway into the town centre. The details of the requested funding are set out in the Private Appendix to this report.
- 2.7 Given the negative impact that the current condition of the property has on the town centre. The fact that no suitable alternative use has been identified for the building over the last decade, without the need for very significant public sector gap funding and the positive impact the completed scheme would bring in terms of contributing to the policy of encouraging more residential property in the town centre, particularly where this brings back into use redundant former commercial and retail property, officers would recommend that Cabinet support the scheme.

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

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

No direct impact.

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

Finding a new purpose for former commercial and retail property is a key strand of the Council's approach to supporting our town centres. In this case the prominent position of the building and the negative impact that its current conditions have on its surroundings give this proposal additional significance.

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

N/A

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

Disposing of 103 New Street will remove any future maintenance liabilities for the Council.

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

Appropriate legal and finance resources will be required to carry out detailed due diligence and enter into the necessary legal documentation for the loan.

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

#### **Ward members**

Ward members have received the report and no comments were received.

#### **Cabinet members**

Councillor Turner was briefed on 30 July 2018 and was supportive of the proposal.

### **5 Next steps**

If Cabinet is minded to support the proposal, officers will then carry out appropriate due diligence and prepare the necessary legal documentation to facilitate the loan.

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

6.1 That Cabinet agrees to the disposal of 103 New Street on the terms set out in the Private Appendix to this report to SKA Properties, or a Special Purpose Vehicle created by SKA Properties, to facilitate the redevelopment of the property. Further, that Cabinet agrees to offer a loan from the Property Investment Fund up to the amount set out in the Private Appendix to this report, to support the redevelopment of 103 New Street, subject to due diligence being carried out.

6.2 That the Strategic Director, Economy and Infrastructure in consultation with the Portfolio Holder for Corporate, 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 PIF.

6.3 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.

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

Councillor Graham Turner said "I fully support the officer recommendations. This has been a difficult site for a number of years and we welcome a local company developing it. The redevelopment will have a positive impact on this area of Huddersfield Town Centre".

### **The Cabinet portfolio holder recommends:**

7.1 That Cabinet agrees to the disposal of 103 New Street on the terms set out in the Private Appendix to this report to SKA Properties, or a Special Purpose Vehicle created by SKA Properties, to facilitate the redevelopment of the property. Further, that Cabinet agrees to offer a loan from the Property Investment Fund up to the amount set out in the Private Appendix to this report, to support the redevelopment of 103 New Street, subject to due diligence being carried out.

7.2 That Cabinet agrees to offer a loan from the Property Investment Fund up to the amount set out in the Private Appendix to this report, to support the redevelopment of 103 New Street, subject to due diligence being carried out.

7.3 That the Strategic Director, Economy and Infrastructure in consultation with the Portfolio Holder for Corporate, 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 PIF.

7.4 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.

## **8 Contact officer**

Adele Buckley - Head of Regeneration and Strategic Assets  
[adele.buckley@kirklees.gov.uk](mailto:adele.buckley@kirklees.gov.uk)  
(01484) 221000

Liz Jefferson - Strategic Partnership Lead - Regeneration Delivery  
[liz.jefferson@kirklees.gov.uk](mailto:liz.jefferson@kirklees.gov.uk)  
(01484) 221000

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

Cabinet Report - Property Investment Fund - 31 July 2017  
(<https://tinyurl.com/ychy56qg>)

Council Report - 15 November 2017  
<https://tinyurl.com/yd4q384h>



**10. Strategic Director responsible**

Karl Battersby  
Strategic Director - Economy and Infrastructure  
[karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)  
(01484) 221000

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**Name of meeting:** Cabinet  
**Date:** 21<sup>st</sup> August 2018  
**Title of report:** Dewsbury Townscape Heritage Initiative Grant Application DTHI-012 The Black Bull

**Purpose of report**

To seek approval for a Dewsbury Townscape Heritage Initiative (THI) grant towards improving The Black Bull, Dewsbury.

To seek delegated authority for the Strategic Director, Economy and Infrastructure to authorise payment of the grant upon receipt of a completed application and all necessary supporting information from the applicant.

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 <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Yes (Private Appendix 2)
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name  Is it also signed off by the Acting Service Director for Finance IT and Transactional Services?  Is it also signed off by the Service Director for Legal Governance & Commissioning?	Karl Battersby - 8.08.2018  Eamonn Croston - 8.08.2018  Julie Muscroft - 8.08.2018
Cabinet member <a href="#">portfolio</a>	Cllr Peter McBride - Economy

**Electoral wards affected:** Dewsbury East

**Ward councillors consulted:** Cllrs E. Firth, P. Kane and C. Scott

**Public or private:** Public (Appendix 2 in private)

Appendix 2 of this report is in Private, as the information it contains, relates to the financial or business affairs of persons (or the Authority holding that information); and specifically, information relating to the applicant's financial status and contractors' tender prices. It is considered that disclosure of the information would

adversely affect the companies concerned. The public interest in maintaining the exemption, which would protect the interests of the Council and the company, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

## **1. Summary**

Dewsbury Townscape Heritage Initiative (THI) is a five year, Heritage Lottery Fund (HLF) regeneration programme in partnership with Kirklees Council which aims to:

- preserve and enhance certain key buildings located within the Conservation Area, through grant assistance;
- stimulate economic activity through creating a quality environment;
- raise awareness of Dewsbury's heritage through training and education.

Kirklees Council was awarded £2m by the HLF, matched by a further £1.7m from Kirklees Council to make a total fund of £3.7m initially over five years. The match funding element is already factored in to the Council's capital plan. The Dewsbury THI was formally launched in June 2014 and was extended to run until end of December 2019.

During the course of the THI programme, The Black Bull public house prominently located in Dewsbury town centre became vacant, becoming increasingly dilapidated and was put on the market for sale. It was highlighted as a property that could benefit from THI funding and brought in to the programme in year 5.

The new owners of The Black Bull, Mood Developments who specialise in the restoration of Heritage Pubs, purchased the property in September 2017 and have submitted a grant application for the restoration and rehabilitation of the property. It is eligible for grant funding and if approved will operate as a public house and restaurant. This grant is subject to Cabinet and HLF approval.

The proposed scheme is consistent with work undertaken to other properties throughout the THI scheme, delivering a uniformity of high quality traditional frontages, which considerably enhances the streetscape, improves perceptions therefore adding to the economic confidence in the town.

Appendix 2 which is to be considered in private, contains details of the tenderer selected to carry out the proposed works.

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

Property owners and tenants (with a minimum of a 10 year lease) can apply for grant aid funding for works on their properties which can include:

- i. Exterior repairs to properties, including structural works;
- ii. The restoration and reinstatement of architectural features, such as traditional shop fronts;
- iii. Bringing empty space within buildings back into use, such as unused space above shops or derelict parts of buildings.

THI grant rates are as follows:

- where a property is in use, the grant may cover up to 75% of the cost of eligible repair and structural works, and 90% for reinstatement of architectural features
- for vacant properties and floor space, the grant is calculated using a 'Conservation Deficit Formula', based on current value, end value and cost of eligible works.

The project at The Black Bull is based on a 'bringing vacant floor space back into use Grant' for the restoration and rehabilitation of the whole of the property, with works to include:

internal reconfiguration, new internal stairs, toilets, kitchen, managers flat, basic provision of heating, lighting, fixtures and fittings throughout, fire escape, roof, windows & doors, stonework & rain water goods, pigeon deterrents, decoration, utilities and drainage.

The scheme received full planning permission and listed building consent on the 29<sup>th</sup> March 2018 (2018/62/90378/E).

This will be the 8<sup>th</sup> grant awarded under the THI Scheme, 4 have successfully been completed to date, with 3 currently on site.

An outline of the grant application can be found in Appendix 1 of this report. Appendix 2 (in private) outlines the financial aspects of the grant application that is due to be submitted.

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

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

No implications

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

The THI project contributes to two of the three key themes of Economic Resilience:

- Economic Competitiveness and profitable business
- High quality places, environment and infrastructure.

The refurbishment of The Black Bull will contribute to the attractiveness and competitiveness of the business by improving the appearance of the premises, thus being more welcoming to customers and improving the perception of the area. There is also a wider benefit to this work in terms of it being consistent with other grant aided improvements that have been undertaken throughout the THI area. The scheme will enhance the streetscape and raise the quality of the town centre environment, particularly in this key central location of the town centre, which has been problematic.

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

No implications

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

No implications

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

### **Financial**

The THI was initially a five year programme, extended until end of December 2019. The Council is committed to providing £1.7m match funding to the project. This match funding is already factored in to the Council's capital plan.

The Council is committed to paying the grant to the applicant in full, which the Council will then claim 54% back from the HLF. Claims are made to the HLF each quarter, at the end of the quarter.

The THI programme was given approval to commence third party grant payments, as approved by Cabinet on 23rd September 2014. Under that decision, grants in excess of £50,000 must be individually approved by Cabinet - hence this report. This is the first empty property grant in the programme and specific due diligence information is required. This work is ongoing and the grant will be offered subject to confirmation that there are no issues following due diligence.

The application process has received approval from the Council's Audit, Procurement and Legal teams, as well as from the HLF.

### **Legal**

Legal implications relate to the Council agreeing to the conditions applied by the HLF for release of grant funding. A grant agreement shall be drawn up by the Council's legal team, which incorporates both the conditions of the Council and the HLF. The conditions are consistent with similar previous schemes and focus on the eligibility, 'clawback' situations, and keeping the property in good repair.

'Clawback' is applied to ensure that no profit is made as a result of the grant, should the property be sold. Applicants are made aware of the risk of clawback which is a part of the grant agreement, and the Council subsequently takes a legal charge on the property.

Legal have confirmed that the application can be submitted as it is in compliance with the European Union 'State Aid' General Block Exemption Rule (GBER), of Article 53.

The applicant will enter into an agreement with the Council for the grant; the agreement for the works is between the applicant and contractor. The applicant is then responsible for paying the contractor and a 10% retention is also held until final completion of the project.

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

Local ward cllrs are very supportive of the application: "We are delighted to welcome Mood Developments to the town, and look forward to seeing the development of what has always been an iconic building. Leeds based Mood Developments have recognised the potential the town has to offer, particularly given the short travel time to Leeds and we are delighted with the confidence and investment they are bringing".

Cllr Cathy Scott also added: "I am happy to support this application and the investment. This is another opportunity for an empty building to be brought back into use, it also reaffirms Kirklees council's commitment to Dewsbury whilst also attracting outside investment too".

## **5. Next steps**

The report will be presented to Cabinet. Subject to Cabinet approval a grant offer will then be made to the applicant and a grant agreement will be drawn up by the Council's Legal Services.

The Applicant must then appoint their contractor for a start on site within three months of acceptance of the grant offer. It is anticipated that works will start in September for completion in January of 2018.

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

It is recommended that Cabinet approve the award of a THI grant in accordance with the amounts specified in Appendix 2; and that delegated authority is given 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 and in accordance with the terms of the grant agreement.

Subject to Cabinet approval it is recommended that delegated authority is given to the Service Director - Legal Governance & Commissioning, to enter into and seal all grant agreements legal charges and ancillary documents relating to the grant.

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

Councillor Peter McBride supports the proposal as an integral part of Dewsbury town centre regeneration and hopes this grant will encourage further investment from new businesses.

Cllr McBride recommends Cabinet approve the award of a THI grant in accordance with the amounts specified in Appendix 2; and that delegated authority be given to the Strategic Director - Economy and Infrastructure to authorise actual payment of the grant, upon receipt of a completed application form and all necessary supporting information.

## **8. Contact officer**

John Lambe - Dewsbury THI Officer  
[john.lambe@kirklees.gov.uk](mailto:john.lambe@kirklees.gov.uk)  
Tel: (01484) 221000

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

Appendix 1 (public): The Black Bull Grant Overview Form  
Appendix 2 (private): The Black Bull Grant Overview Form - Financial Summary

Cabinet Decision 23rd September 2014 - Dewsbury Townscape Heritage Initiative:  
Council permission to offer third party grants:

<https://democracy.kirklees.gov.uk/Data/Cabinet/201409231600/Agenda/Cabinet20140923DecisionSummary.pdf>

**10. Service Director responsible**

Karl Battersby  
Strategic Director - Economy and Infrastructure  
karl.battersby@kirklees.gov.uk  
Tel: (01484) 221000



**Dewsbury Townscape Heritage Initiative  
Grant Application The Black Bull**

**Grant Overview Form**

**Property - Grant Ref: DTHI-012**

The Black Bull, 11 Market Place, Dewsbury, WF13 1AE

**Applicant (s):** Mood Developments Ltd.

**Contact:** Mr Peter Mason

**Architect**

Russell Trudgen – Architectural Director

Arctic Associates Ltd, 33 Queen Street, Morley, Leeds, LS27 8EE

**Works**

The project is based on a 'Vacant Floorspace Grant' for the restoration and rehabilitation of the whole of the property, to include:

- Internal reconfiguration,
- new internal stairs,
- toilets,
- kitchen,
- managers flat,
- basic provision of heating, lighting, fixtures and fittings throughout,
- fire escape,
- roof, windows & doors,
- Stonework & Rain Water Goods
- pigeon deterrents,
- decoration,
- utilities and drainage.

**Planning Approval**

Planning permission and Listed Building consent Approved 29<sup>th</sup> March 2018 –

App. No: 2018/62/90378/E –

<https://goo.gl/p3GYJX>

Building Regs - : Ref: 2018/EFP/00542/EL (submitted 29.3.18)

**Contractors invited to tender**

Roebuck and Holmes

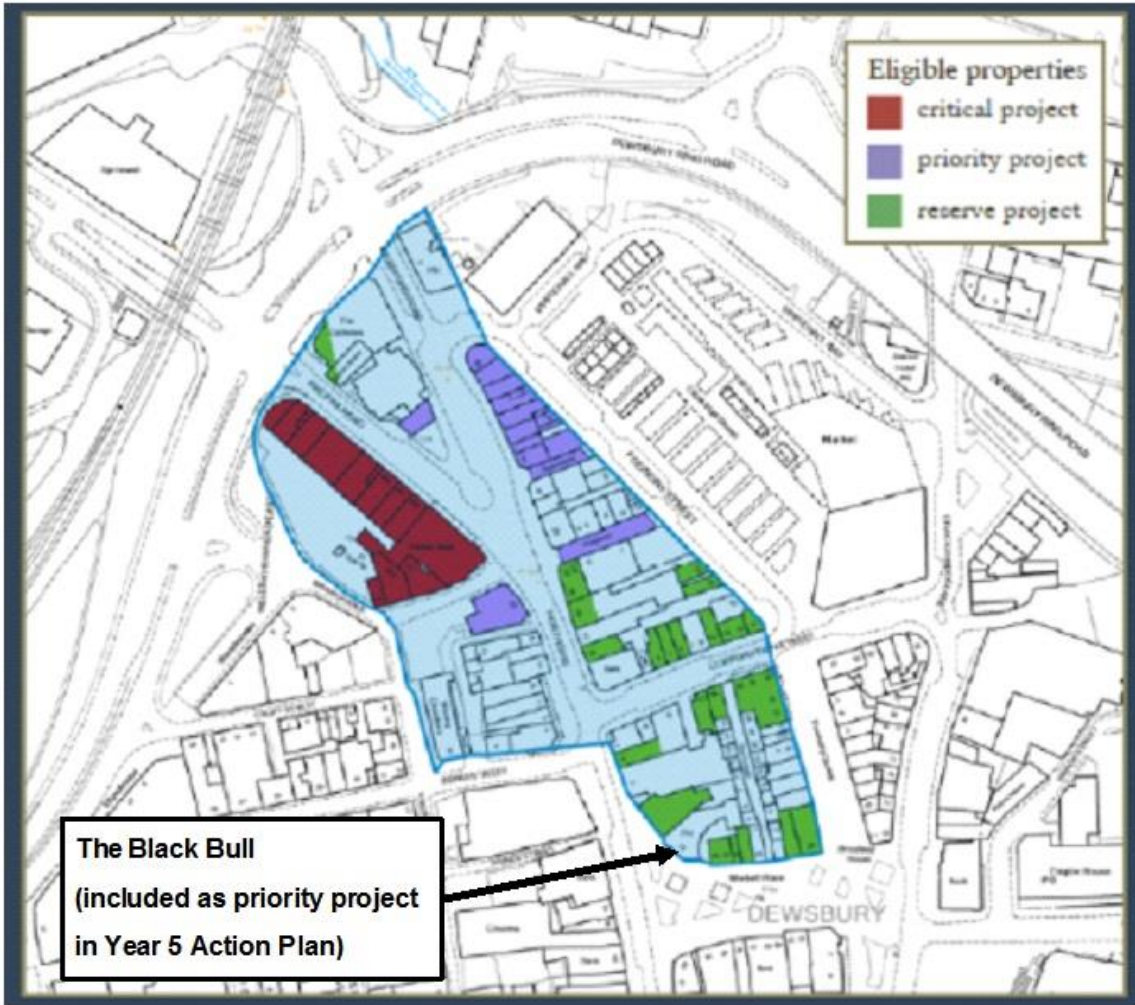
Kerr Interiors

Illingworth & Gregory

**Officer Recommendation**

Subject to a full tender review to proceed with appointment of contractor Roebuck & Holmes, based on being lowest price and ability to undertake the works, with an award of a THI Grant to the applicant (subject to full grant application and HLF approval) towards total gross project costs.

## Property Location



## Property:





**Name of meeting - Cabinet**  
**Date - 21 August 2018**  
**Title of report - Disposal of Surplus Land and Property Assets**

**Purpose of report**

The purpose of this report is to seek Cabinet approval for the disposal of a number of surplus land and property assets, on terms to be agreed by the Strategic Director - Economy and Infrastructure and Service Director - Legal, Governance and Commissioning and in accordance with the current delegation scheme.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Yes</b>  <b>If yes give the reason why</b> If the report is approved the decision will affect 17 electoral wards in Kirklees.
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Yes</b>  <b>16 July 2018</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by Strategic Director and name</b>	<b>Karl Battersby - 03.08.2018</b>
<b>Is it also signed off by the Acting Service Director - Finance, IT and Transactional Services</b>	<b>Eamonn Croston - 03.08.2018</b>
<b>Is it also signed off by the Service Director - Legal Governance and Commissioning</b>	<b>Julie Muscroft - 10.08.2018</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Councillor Graham Turner (Corporate)</b>

**Electoral wards affected:** Almondbury, Ashbrow, Batley East, Birstall & Birkenshaw, Cleckheaton, Colne Valley, Crosland Moor & Netherton, Dalton, Dewsbury East, Dewsbury West, Golcar, Greenhead, Holme Valley North, Holme Valley South, Liversedge & Gomersal, Mirfield, Newsome

**Ward Councillors consulted:**

**Public or private:** Public report with private appendices (B and D)

It is recommended that Appendices B and D of this report be taken in Private because the information it contains 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.

## 1. Summary

The purpose of this report is to seek Cabinet approval for the disposal of a number of land and property assets, on terms to be agreed by the Strategic Director - Economy and Infrastructure and Service Director - Legal, Governance and Commissioning and in accordance with the current delegation scheme.

- 1.1 The Council disposal programme in 2017/18 generated capital receipts totalling £7.1m. Revenue savings in excess of £250k have also been achieved through the disposal of surplus land and property assets.
- 1.2 The Council continues to review its land and property assets in order to identify assets that will support:
  - The delivery of New Council.
  - The Local Plan.
  - Economic Resilience and Early Intervention and Prevention.
  - Community asset transfer.

## 2. Information required to take a decision

- 2.1 The Council's medium term financial plan has a requirement for the generation of **£38m** in capital receipts, **including £6m in 2018/19**. Capital receipts reduce the requirement for new borrowing, reduce financing costs and support the Five Year Strategic Investment Plan.
- 2.2 Cabinet is requested to consider approval of identified surplus assets in order to progress further disposals.
- 2.3 Assets listed in appendix A and B include:
  - Buildings that are vacant or do not support New Council.
  - Surplus commercial properties (subject to leases and protection under the Landlord and Tenant Act 1985).
  - Small sites with potential for development.
  - Grazing land with no potential for development or alternative use.
  - Agricultural holdings (subject to Agricultural Holdings Act 1986 or Agricultural Tenancies Act 1995 agreements)
  - Long leasehold interests.

Disposal of land and property can be undertaken in a number of ways and it is for the Council to determine the most appropriate disposal mechanism for assets, but potential approaches include:

- **Formal Tender** – where the sale is publicly advertised and tenders submitted by a given date.
- **Informal or Negotiated Tender** – where informal tenders are invited by a given date subject to contract. Negotiations may continue after tenders are received, with the

possibility that different bidders may compete to offer the most advantageous terms. This approach enables the seller to continue to negotiate after the closing date for tenders to ensure the best possible terms and outcomes.

- **Public Auction** – where land is sold through an open auction. Auction sales are advertised, with the benefit of being open, competitive and allow for transactions to be completed quickly.
- **Private sale** – where the sale of land is negotiated with an individual or small number of potential buyers at a price agreed between the parties. Private sales may be appropriate in certain circumstances where the buyer has an interest in the property (for example where sitting tenants have security of tenure).

With strategic town centre assets, the Council will look to provide a development brief and criteria to secure a suitable end use within the context of the town centre. Disposal is likely to be by informal or negotiated tender and provides the Council an opportunity to ensure an appropriate end use.

- 2.4 The vacant land sites in Appendix A include sites that have been assessed by officers as being potentially capable of supporting housing delivery.
- 2.5 Within Appendix B there are six agricultural holdings and land lettings that have been identified for disposal. These are subject to Agricultural Holdings Act 1986 or Agricultural Tenancies Act 1995 agreements. As with previous disposals the Council will look to negotiate the disposal of holdings.

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

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

The income from capital receipts plays an important role in supporting the Five Year Strategic Investment Plan reducing borrowing, investing in projects and supporting the council financial reserves.

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

The supply of small sites, surplus buildings and leasehold interests provides an opportunity for developers to invest, create jobs and business growth for the Kirklees Economy.

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

The income from capital receipts plays an important role in supporting the Five Year Strategic Investment Plan reducing borrowing, investing in projects and supporting the council financial reserves.

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

As in previous years reducing the amount of surplus assets reduces the Councils maintenance liabilities and financial cost pressures.

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

##### **Best Consideration**

Section 123 Local Government Act 1972 provides that land and assets cannot be sold for less than best consideration without the consent of Secretary of State. The concept of best consideration in essence means that land and assets must be sold for the highest price, however under The Local Government Act 1972: General Disposal Consent 2003,

the Council can sell land and assets for a undervalue of up to £2m, if doing so would be likely to contribute to an economic, social or environmental objective.

### **EU State Aid – provision of financial assistance**

To ensure compliance with EU State Aid individual cabinet reports will quantify the level of undervalue of any proposed disposal against the market value, to ensure compliance with State Aid thresholds, where required.

### **Capital**

The capital receipts will support the Five Year Strategic Investment Plan and reduce the costs of new borrowing. If approved, the assets listed in appendices A and B will provide supply for disposals over the next twelve to eighteen months.

### **Revenue**

The revenue costs associated with asset disposals include holding costs, professional fees, security, planning development, surveys and marketing. As previously approved by cabinet on 16 December 2014, up to 4% of capital receipts can be used to offset the Council's revenue costs associated with the preparation of assets for disposal.

The estimated revenue savings from assets listed in appendices A and B is in the region of £150k.

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

Simon Taylor	Head of Strategic Investment
Julie Muscroft	Service Director - Legal, Governance and Commissioning

Legal Officers were consulted in putting the report together and their comments have been included in the report.

### **Ward Member consultation**

As part of the process for all asset disposals all Ward Members affected by proposed disposals were consulted in writing over a two week period. Copies of specific sites within each Ward were sent to the Ward Members.

Some Ward Member responses are set out in Appendix C.

Some Ward Member responses are set out in Appendix D (Private).

The Council has received a petition with 108 signatories in respect of an asset listed in Appendix A. Details of the petition and statements made are contained in Appendix C.

## **5. Next steps**

- 5.1 If approved officers will prepare a programme of disposals and commence marketing of the assets listed in appendices A and B.

## 6. Officer recommendations and reasons

It is recommended that Cabinet:

- 6.1 Approve the disposal of the assets listed in appendices A and B.
- 6.2 Delegate authority to Strategic Director - Economy and Infrastructure and Service Director - Legal, Governance and Commissioning to negotiate and agree the terms and the most appropriate manner in which to proceed with the disposal of each asset listed in appendices A and B, including sale price (except when an auction is the preferred route when officers will comply with the Contract Procedure Rules).
- 6.3 Delegate authority to the Service Director of Legal, Governance and Commissioning to enter into and execute any agreements or instruments relating to the disposal of any assets listed in appendix A and B.
- 6.4 The reasons for these recommendations are that:-
  - 6.4.1 the income from capital receipts plays an important role in supporting the Five Year Strategic Investment Plan reducing borrowing, investing in projects and supporting the council financial reserves;
  - 6.4.2 the supply of small sites, surplus buildings and leasehold interests provides an opportunity for developers to invest, create jobs and business growth for the Kirklees Economy; and
  - 6.4.3 reducing the amount of surplus assets reduces the Councils maintenance liabilities and financial cost pressures.

## 7. Cabinet portfolio holder's recommendations

Councillor Graham Turner (Corporate) endorses the officer recommendations within the report and supports the disposal of the assets identified to support the Medium Term Financial Plan.

## 8. Contact officer

Adele Buckley  
Head of Regeneration and Strategic Assets  
[adele.buckley@kirklees.gov.uk](mailto:adele.buckley@kirklees.gov.uk)  
(01484) 221000

## 9. Background Papers and History of Decisions

Appendix A- Asset list  
Appendix B- Asset list (Private)  
Appendix C- Ward Member consultation comments and details of the petition  
Appendix D- Ward Member consultation comments (Private)

## 10. Service Director responsible

Karl Battersby  
Strategic Director, Economy and Infrastructure  
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(01484) 221000

## Appendix A

Ward	Property Name/Address	Brief Description
Almondbury	76-80 Northgate, Almondbury	Vacant commercial property
Almondbury	Benomley Crescent, Almondbury	Former grazing
Almondbury	Clough Hall Lane, Almondbury	Surplus land
Almondbury	Rowley Hill, Fenay Bridge	Former grazing
Almondbury	Stocks Walk Garage Site, Almondbury	Surplus garage site
Almondbury	School Street, Moldgreen	Surplus land
Ashbrow	Fell Greave Road, Bradley	Surplus land. Former grazing
Ashbrow	Station Road/Leeds Road, Huddersfield	Surplus land (former Bradley Nurseries)
Birstall and Birkenshaw	Raikes Lane/The Mount, Birstall	Surplus land
Birstall and Birkenshaw	Smithies Moor Lane, Birstall	Vacant garage site
Colne Valley	Ramsden Mill, Golcar	Vacant grazing
Crosland Moor and Netherton	Netherton Village Hall, Netherton	Surplus property
Dalton	Leeds Road, Huddersfield	Surplus land adjacent to 247
Dewsbury East	770, Leeds Road, Shaw Cross	Former KNH managed property
Dewsbury West	William Street, Ravensthorpe	Surplus land. Former garage site.
Holme Valley South	Former Holmfirth Council Offices, Holmfirth	Surplus building
Liversedge and Gomersal	Pollard Avenue, Gomersal	Surplus land/access. Adjoins former Red House Museum.
Mirfield	Nab Lane/Bank Street, Mirfield	Surplus land
Newsome	Park Lane, Berry Brow	Surplus grazing land
Newsome	Somerset Road, Almondbury	Surplus land adjacent to 148



## Appendix C

### Ward Councillor comments on the Disposal of Surplus Land and Property Assets Cabinet Report – Consultation open until 27 July 2018

#### **Almondbury**

Cllr Alison Munro

Requested a more detailed map for each site.

76-80 Northgate

Presumed this is the post office premises and requested more information. Is opposed to potentially losing the post office in Almondbury which provides an invaluable service for local people.

Clough Hall Lane

Commented that this is a large area of land, presumably in the greenbelt. Asked for more details on how this will be offered for sale. Advised that she will be objecting if the land is being sold for development as prime building land.

Benomley Crescent: former grazing land,

Asked if this land is being sold for development - if so she would like to object.

Rowley Hill, Fenay Bridge: former grazing land:

Requested more information on this site. Presumes it wasn't included in the Local Plan so is in addition to the 850 or so houses proposed to be built in Lepton. Wishes to object and feels that even though development of the site will be low density, the number of houses already earmarked for development in the Local Plan for Lepton and Fenay Bridge is unsustainable in terms of the infrastructure, impact on the environment, impact on air quality from pollution from traffic, impact on the well-being of local residents and impact on the local wildlife network. Advised that a new wall has been built on the bend of Rowley Hill and wondered where access to the site will be gained. Also, at the top of the site a narrow strip of land has been fenced off - will the narrow strip form part of the site? If not potentially third party access will be required to cross that land to gain entry to the site

#### **Ashbrow**

Comments in the private appendix

**Batley East** – no comments received

**Birstall and Birkenshaw** – no comments received

#### **Cleckheaton**

Comments in the private appendix

**Colne Valley** – no comments received

**Crosland Moor and Nethererton** – no comments received

**Dalton** – no comments received

## **Dewsbury East**

Cllr Eric Firth

Asked if this property was used to house the homeless as a temporary measure - is there now no demand?

## **Dewsbury West**

Cllr Darren O'Donovan

Has no issue with taking William Street to Cabinet with a recommendation to sell. Advised that the Shaw Cross site is in Dewsbury East

Cllr Mumtaz Hussain

Has no problem with William Street

**Golcar** - no comments received

## **Greenhead**

Comments in the private appendix

## **Holme Valley South**

Comments in the private appendix

## **Liversedge and Gomersal**

Cllr Lisa Holmes

Asked what the intention is for the land between the Pollards and Red House and why the proposed disposal of the Halifax Road land is a private appendix? Advised that she is already consulting with residents on Pollards and wishes to do the same regarding a site in the private appendix.

Pollard Avenue

Looks to Cllr Holmes and residents that this land could be used for development at some point - it is a big piece of land to just provide an access point on. If it is developed would residents have pedestrian access through to the field between Red House & Gomersal Public Hall?

Is against the disposal as it stands, however, if it were to be approved but written into the Cabinet Report & legal papers that the disposal is only for access and that the land cannot ever be developed then might have less of an objection. Is primarily concerned for residents at Pollard Avenue and for the loss of even more green space in Gomersal. Feels this area of Gomersal will be unreasonably affected should other proposed developments go ahead. Suggested maybe a restrictive covenant on the Land Registry title stating that the land cannot be sold on at a later date separate to the dwelling to which it provides access, and which also states that it can never be built on beyond an access road to the Red House site.

Feels that anyone buying a listed building for a costly conversion into a home wouldn't want entrance to be drive through a housing development. Much prefers the original Oxford Road entrance and would like to know why the Oxford Road entrance can't be 'made fit'.

Asked if the Council is looking to split the Red House Site for sale? (1 - main house & 2 - barn & cart shed)? If so would this just be the access for the barn & cart shed? Couldn't see it providing access to the main house as it's too far away. Asked if the boundary walls of Red House are listed?

Cllr Michelle Grainger-Mead

Was under the impression that Red House site was up for auction in August and asked if this is not the case anymore? If it is, requested more information on date and location and if it will be as one site or two sites. Asked if the Council are you holding off now to try and gain access via Pollard Way to split the site into 2? Alternatively will it be sold on the open market?

**Mirfield**

Cllr Martyn Bolt

Asked if the Town Council can be consulted so that those elected members can also provide comments.

Feels that as the Nab Lane site is subject to ongoing issues with subsidence and any sale should include a condition that this is rectified - which may affect the sale.

This land is subject to an ongoing structural issue with regards to the retaining wall for the land and the impact and effect on the neighbours. Prior to sale or covenanted into the sale should be a requirement to repair the defect. Feels it cannot be passed to a buyer and the existing residents left in limbo

**Newsome** – no comments received

.....

**PETITION**

**Pollard Avenue, Gomersal**

The Council has received a petition with 108 signatories in respect of the land at Pollard Avenue, Gomersal (Appendix A). The petition states:

- *'I/We the undersigned, petition Kirklees Council Cabinet Members against the land at Pollard Avenue, Gomersal, being considered for disposal prior to Kirklees Council Highways Officers preparing and publishing a report which shows beyond doubt, that the Oxford Road entrance cannot be used to access the Red House site.'*
- *'I/We, further petition Kirklees Council Cabinet Members that if the land is to be disposed and sold on that:-*
  - i. the Red House site should only be sold for residential use*
  - ii. the land at Pollard Avenue must be linked to the Red House site(s) on the Land Registry*
  - iii. a restrictive covenant must be put in place which prevents the land at Pollard Avenue from ever being sold separately to the Red House site(s)*
  - iv. a restrictive covenant should clearly state that the land can only ever be used as a single access to the Red House.'*

In addition to signing the petition three residents made the following specific comments regarding the petition and proposed disposal:

- *'You state that the Red House should only be sold for residential purposes. We would be very concerned if this meant additional buildings within the Red House Grade II\* Listed curtilage.'*
- *'If the Red House is sold for residential purposes why is access from Oxford Road so difficult? Access from Oxford Road is already available to Pollard Hall (six apartments) and was recently agreed for Sainsburys.'*
- *'There is a prospect of alternative access via land between Oxford Road and Pollard Way albeit this would require separate negotiation with the landowners. The land in question has twice been refused planning permission for a dwelling and is not extremely overgrown.'*
- *'Disagree that the Oxford Road entrance does not have sufficient visibility. All types of vehicles used it without issue when the museum was open and the access to Pollard Hall is similar if not worse.'*
- *'What about the bats that live at Red House'.*



Name of meeting: Cabinet  
 Date: 21<sup>st</sup> August 2018

Title of report: Bradley Business Park Huddersfield - Phase 3

Purpose of report: 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.

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes The sale of the land should generate a receipt in excess of £250k
Is it in the <a href="#">Council's Forward Plan</a> ?	Yes
Is it eligible for call in by <a href="#">Scrutiny</a> ?	Yes
Date signed off by Strategic Director & name	Karl Battersby - 7.08.2018
Is it signed off by the Acting Service Director for Finance IT and Transactional Services?	Eamonn Croston - 9.08.2018
Is it signed off by the Service Director for Legal, Governance & Commissioning?	Julie Muscroft - 3.08.2018
Cabinet member <a href="#">portfolio</a>	Cllr Graham Turner - Corporate

Electoral [wards](#) affected: Ashbrow

Ward councillors consulted:

Public or private: Public (with Private Appendices)

## 1.0 Summary

1.1 This report will advise members of the offer submitted by Aflex Hose Ltd to purchase the council owned land at Phase 3 Bradley Business Park.

## 2.0 Information required to take a decision

2.1 Cabinet on 28th July 2015 approved the marketing and disposal of Bradley Business Park Phase 3 (shown edged on the attached site plan) for B1 (b) and (c) purposes only in accordance with the allocation in the adopted Unitary Development Plan. An extensive marketing campaign followed which produced no interest in the site for the specified uses. The site allocation in the emerging Local Plan extends this to “Employment” uses, which the Local Planning Authority defines as all the B class uses.

2.2 In June 2017, officers reported to Economy Senior Leadership Team (SLT) the interest of Aflex Hose Ltd. in the whole site for consolidation and re-location of their operations from the Calderdale area. SLT endorsed the grant of an exclusivity agreement to enable the company to “carry out an evaluation as to whether it could viably redevelop the site into a mixed scheme with Use Classes B1 and B2”. This agreement will expire on 30th September 2018.

Aflex Hose Ltd are a world leading hose engineering company in pharmaceuticals with 70% of jobs highly skilled work force with plans to grow over time. Investment in the new facility will be a multimillion pound development to be operational by 2020.

2.3 The company’s agents, GVA, submitted a formal offer on behalf of Aflex Hose Ltd. for the site in February 2018. The offer submitted included a (draft) heads of terms document and a formal cost plan for the proposed development.

2.4 On 30th April, the purchaser submitted a detailed planning application for the construction of a 188,000ft<sup>2</sup> production unit with ancillary office building of 18,000ft<sup>2</sup> and 343 car parking spaces with access and landscaping under reference 2018/91432. The application is currently under consideration by the Local Planning Authority (LPA). A planning statement was submitted to the council’s strategic planning committee on 5th July 2018.

2.5 The offer has been appraised by officers in conjunction with the council’s external valuer and the advice is contained within the private appendix to this report. The proposed heads of terms for the disposal have also been the subject of ongoing discussions between officers and the purchaser and has culminated in a draft heads of terms document which is also included in the private appendix.

2.6 A disposal of the land will be subject to the purchaser obtaining a satisfactory planning permission for their proposed development. The council will be under no obligation to complete the disposal in the event of a planning refusal by the LPA or an appeal against a planning decision of the LPA. Equally, the purchaser will be under no obligation to complete the purchase under the same circumstances. The disposal will contain a restriction on the future use of the land and buildings to B1, B2 and B8 purposes only.

- 2.7 The disposal will also be subject to completion of a deed of option for the council to repurchase the land at the purchase price in the event that no contracts have been put in place for the construction of the proposed development within 6 months of completion.

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

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

None.

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

The presence of a world leading company in Kirklees, will provide the opportunity for significant inward investment and jobs.

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

None.

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

None.

### **4. Financial, Legal & Other Implications**

- 4.1 The sale of the land will generate a capital receipt for the council. There are no revenue savings associated with the disposal.
- 4.2 The council is under a statutory duty to obtain the best consideration that can be reasonably be obtained when disposing of land and property. Best consideration is generally the unrestricted Market Value and is the best price reasonably obtainable for the disposal where the principal aim was to maximise the value of the receipt. The unrestricted value should take account of whatever uses might be permitted by the local planning authority.

#### **5.0 Consultees and their opinions**

Cllr Graham Turner - Portfolio Holder Corporate.

#### **6.0. Next Steps**

The application is currently undergoing public consultation and the earliest strategic Planning Committee date is therefore 30<sup>th</sup> August 2018.

## **7.0 Officer recommendations and reasons**

Officers recommend that:

- 7.1 Cabinet approves the disposal by the Council of Bradley Business Park Phase III to Aflex Hose Ltd for the purchase price set out in the Heads of Terms attached at appendix 3 such disposal to 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 Phase III in the event that no contracts have been put in place for the construction of the proposed development within 6 months of completion.
- 7.2 Cabinet delegates to the Strategic Director Economy & Infrastructure the authority 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;
- 7.3 Cabinet delegates to the Service Director – Legal Governance & Commissioning the authority for the Council 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;
- 7.4 Officers make these recommendations because the disposal of Bradley Business Park for best consideration will secure both a capital receipt and valuable inward investment.

## **8.0 Cabinet portfolio holder's recommendations**

Councillor Graham Turner recommends the reports be approved by Cabinet and recognises the significant inward investment by a world leading company.

## **9.0 Contact officer**

Adele Buckley  
Head of Regeneration and Strategic Assets  
[adele.buckley@kirklees.gov.uk](mailto:adele.buckley@kirklees.gov.uk)  
(01484) 221000

## **10.0 Background Papers and History of Decisions**

Report to Cabinet 28<sup>th</sup> July 2015

## **11.0 Service Director responsible**

Karl Battersby  
Strategic Director Economy and Infrastructure  
[karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)  
(01484) 221000



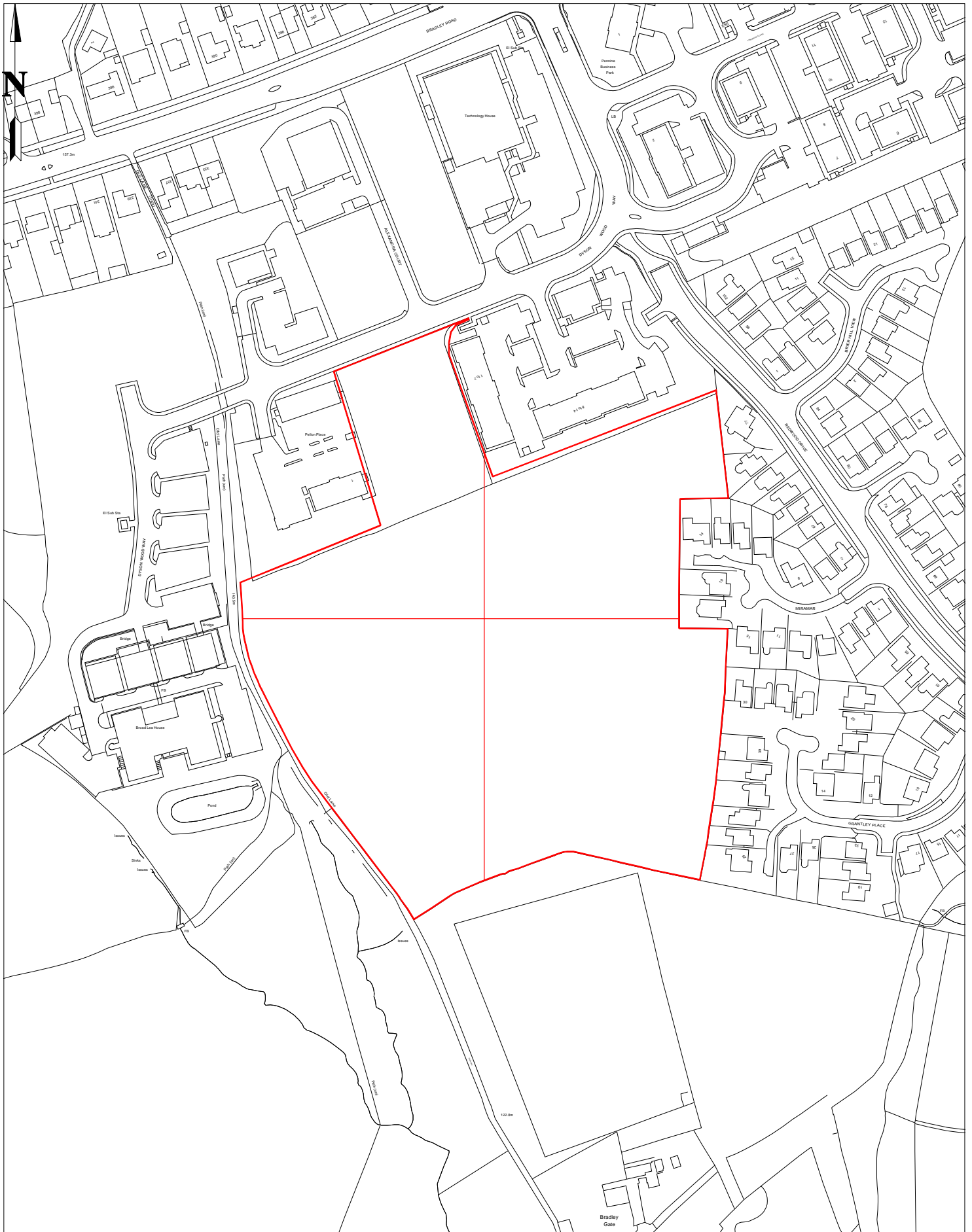
## **12.0 Appendices**

Appendix 1 - Site Plan

Appendix 2 - External valuation report (Private)

Appendix 3 - Heads of terms (Private)

Cabinet Report (Private)



**PHYSICAL RESOURCES  
& PROCUREMENT**

Plan No: 17-0330

Scale: 2500

Required by:

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**Name of meeting:** Cabinet  
**Date:** 21 August 2018  
**Title of report:** Proposals to allocate funding for replacement cremators and ancillary equipment at both Dewsbury and Huddersfield Crematoria, update on recent procurement process for replacement cremators and maintenance contract.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Yes</b>  <b>If yes give the reason why</b> Investment of new cremation equipment will result in an investment exceeding £250k and approval to enter into a maintenance contract of up to 15 years.
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Yes</b>  <b>If yes also give the date it was registered:</b> 11/05/18
<b>The Decision - Is it eligible for "call in" by <a href="#">Scrutiny?</a></b>	<b>Yes</b>
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	<b>Karl Battersby - 10.08.2018</b>
<b>Is it also signed off by the Acting Service Director for Finance, IT and Transactional Services?</b>	<b>Eamonn Croston - 8.08.2018</b>
<b>Is it also signed off by the Service Director for Legal, Governance and Commissioning?</b>	<b>Julie Muscroft - 13.08.2018</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Corporate - Cllr Graham Turner Communities &amp; Environment - Cllr Naheed Mather</b>

**Electoral [wards](#) affected:** All  
**Ward councillors consulted:** N/A

**Public or private:** Public with Private Appendix

## 1. Summary

- 1.1 Bereavement Services operates 2 crematoria at Fixby Road in Huddersfield and Dewsbury Moor in Dewsbury.
- 1.2 The existing cremators at both sites are in excess of 23 years old and are experiencing increasing mechanical and operational failure and

requiring significant manual intervention, needless to say they are rapidly reaching the end of their useful life.

- 1.3 It should be noted that the decision was made in 2012 to retrofit mercury abatement plant onto the existing cremators in order to meet the anticipated legislative requirement to provide 100% abatement of cremations at both crematoria sites. The addition of mercury abatement plant allows an income stream from CAMEO on trading abated cremations.
- 1.4 This report seeks Cabinet's approvals to authorise funding from the Corporate Landlord Asset Investment budget for the delivery & installation of new cremator systems at Dewsbury Moor and Huddersfield Crematoria, to replace ageing and increasingly unreliable systems, which will provide continuity of service delivery once installed.
- 1.5 The successful tenderer will also be expected to provide maintenance for the new installations at both Dewsbury and Huddersfield locations which will require the Council to enter into a maintenance contract of up to 15 years.
- 1.6 In addition front of house improvements are planned for both crematoriums which will include improvements/upgrades to cold storage facilities, windows, some structural/building changes to the configuration of Dewsbury crematoriums all aimed at modernising an ageing asset, bring it up to present day standards.

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

- 2.1 The current cremator equipment is inefficient to operate with replacement parts becoming more difficult to source, safety features at times becoming compromised leading to ever increasing manual intervention to ensure completion of effective cremations.
- 2.2 The Council has been planning for the replacement of the cremators over the past 12 months with a small project team undertaking research and investigations into the most cost effective solutions and routes of procurement.
- 2.3 The scope of works includes the following aspects:
  - 3 new cremators at the Huddersfield site (c.1800 cremations annually)
  - 2 new cremators at the Dewsbury site (c.1200 cremations annually).
  - On completion of works and defects liability period, that the maintenance contract becomes active
  - Modernisation and Condition Improvements to front of house and ancillary equipment to ensure the efficient operation of the cremation service.

*Note - it is proposed to 'future proof' Dewsbury Crematorium by installing infrastructure to enable a 3rd cremator to be installed at a point in the future should this be required and can be funded, pending future increases in cremation numbers.*

- 2.4 The overwhelming advice from suppliers in the market is that a complete replacement programme of both cremators and abatement plant would be the most cost effective solution to follow given the age of the current equipment. To try and retrofit to existing would provide a sub-standard mechanical solution which would be difficult to guarantee in terms of reliability, quality and legal compliance and could potentially cost more in the longer term.
- 2.5 The provision and installation of cremation equipment is a specialist and niche market, with only a small number of organisations operating within the industry.
- 2.6 Utilising the Yorkshire Purchasing Organisation Crematoria Solutions 2 (654) Framework was identified as the most cost effective and compliant route to seek expressions of interest and offers a number of benefits including:
- Fit of purpose – offers installation and a long term maintenance agreement
  - Allowance for terms to be tailored to the Council requirements
  - Four of the major market leaders included on the framework
  - Provides pre-vetting of suppliers.
- 2.7 Procurement commenced on 5<sup>th</sup> March 2018 with closing date for tender returns being 23<sup>rd</sup> April 2018.
- 2.8 On 5 March 2018 4no. suppliers on the Framework were invited and tenders were received from 3no. suppliers on 23 April 2018.
- 2.9 Evaluation criteria in the invitation to tender were on a most economically advantageous tender basis with 40% for price and 60% for quality.
- 2.10 A three week evaluation period took place, followed by an additional due diligence evaluation process which confirmed the successful supplier.
- 2.11 Standstill letters were issued to the successful and unsuccessful bidders week commencing 16<sup>th</sup> July 2018, with their appointment subject to Cabinet Approval.
- 2.12 The Standstill period was from Thursday 19<sup>th</sup> July 2018 until midnight on Monday 30<sup>th</sup> July 2018 during which time no challenge was received from any of the tenderers.
- 2.13 The contract has not yet been awarded as it is subject to the approvals contained within this Cabinet report

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

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

3.1.1 Bereavement Services are there for families who are going through the loss of a loved one, it is therefore essential that the Council is there to give the right support at the crucial and difficult time for families who will expect nothing other than a stress free and respectful cremation service.

3.1.2 Working closely with funeral directors and families ensures that families are able to grieve without any worries about the process which is part of a cremation service.

3.1.3 This project to replace dated cremation equipment will give confidence in service delivery for some years to come.

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

3.2.1 Investing in replacement cremators at Huddersfield and Dewsbury crematoriums will enable the bereavement Service to continue to provide the residents of Kirklees an efficient and effective cremation service.

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

Not applicable.

### **3.4 Reducing Demand of Services**

3.4.1 There will always be a demand on Bereavement Services for cremations across its two crematoria's at Dewsbury and Huddersfield.

### **3.5 Other - Legal Implications**

3.5.1 Although cremation is not a statutory service, the Council is bound by a number of statutory requirements if it provides this operation, including the need to abate the crematorium emissions. In addition, cremation equipment must comply with the Environmental Protection Act 1990 and permits issued under this.

3.5.2 The procurement of new crematorium equipment and maintenance contract must comply with all relevant European and UK public procurement legislation, as well as the Council's own contract standing orders.

3.5.3 The council used the YPO Crematoria Solutions II (654) Framework agreement [valid 13<sup>th</sup> June 2016 to 13<sup>th</sup> June 2018 with the option to extend for an additional 12 months] which is an EU compliant agreement enabling the council to call off via a mini competition a contract with the successful bidder.

### **3.6 Financial Implications - Capital Investment**

3.6.1. The purchase of replacement cremators, ancillary equipment and modernisation works at Dewsbury and Huddersfield Crematoriums is estimated to be in the region of £3.3m and will be funded from Corporate Landlord Asset Investment budget.

### 3.6.2 Funding Profile - Budget available for the project.

	2017-18	2018-19	2019-20	Total
Original allocation of £1.5m in CL budget	£0	£800,000	£700,000	£1,500,000
New allocation from Appendix E iii	£0	£300,000	£1,050,000	£1,350,000
Service Revenue Contribution to Capital (RCCO's)	£215,137	£234,863	£0	£450,000
	<u>£215,137</u>	<u>£1,334,863</u>	<u>£1,750,000</u>	<u>£3,300,000</u>

*Note: Any underspend from 2017/18 to be rolled forward into 2018/19*

3.6.3 This project is funded from Council borrowing, the revenue impact of funding £3.3m equates to £207,900 per annum revenue finance charges at 6.3% for a period of 20 years.

### 3.7 Risks

- 3.7.1 Without this modernisation, replacement and investment programme, the current equipment will further deteriorate with replacement parts becoming harder to source.
- 3.7.2 Apart from the resultant financial impact on the service, the reputational impact on the Council from many communities who rely on the cremation service at some point would be potentially significant.
- 3.7.3 Any subsequent delays in replacement of cremation units could also exacerbate the volume of breakdowns and increase service costs generating negative customer satisfaction and distress due to cancelled cremations.
- 3.7.4 Whilst the replacement programme is underway, there will be a limited service which will allow for cremations to continue albeit at a reduced number.
- 3.7.5 A communications strategy will be implemented to ensure funeral directors and families will be engaged prior, during and on completion of works.
- 3.7.6 There is the risk of procurement challenge however this has been mitigated by using an EU compliant tender process and following a robust tender evaluation process.
- 3.7.7 There is a risk of the contractor not meeting delivery timescales however this will be mitigated by proactive contract management through the JCT works contract.

### 3.8 Human Resources Implications

- 3.8.1 There are no staffing implications in relation to this investment.

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

- 4.1. Cllr Mather and Cllr Turner were consulted on Monday 23<sup>rd</sup> July 2018. Their comments are provided under Section 7.

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

- 5.1. Subject to Cabinet approval of the recommendations below, the next steps would be:

- Award of contract and contractor appointment - August 2018;
- Pre contract commencement processes/procedures/compliance and contract mobilisation - September to November 2018;
- On site Installation - Dewsbury Crematorium - December 2018 for 20 weeks (until April 2019) with management of contract by teams within Physical Resources & Procurement (PRP);
- On site Installation - Huddersfield Crematorium - May 2019 for 20 weeks (until September **2019**) with management of contract by teams within Physical Resources & Procurement (PRP).

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

- 6.1 That Cabinet note the information in relation to the tender process as set out in the private appendix, timing for the works and the intention to appoint the successful bidder after the standstill period which concluded on 30 July 2018, to ensure compliance with the Council's Duty of Best Value and Contract and Financial Procedure Rules. To note the supply and install of 2no. new cremators and ancillary equipment at Dewsbury Moor initially followed by installation of 3no. new cremators and ancillary equipment at Huddersfield crematoria site in order to comply with emission controls; and enter into a 15 year Maintenance contract with the successful bidder [refer to Private Appendix for information on successful bidder] in order to ensure adequate ongoing maintenance of new cremators for a 15 years and to achieve continuity of service.
- 6.2 The report seeks authorisation of the allocation of £3.3m from Corporate Landlord Asset Investment budget to fund the investment in replacement of the existing cremators together with condition and modernisation works and the associated internal and external fees in relation to these works. With considerable demand on the cremation service with around 3000 cremations undertaken each year it is important that both the equipment and buildings are of a standard that will provide many years of continued service and that the buildings provide and promote a modern and functional facility for all.
- 6.3 That Cabinet delegate authority to the Service Director – Legal, Governance & Commissioning in consultation with the Service Director – Commercial, Regulatory & Operational services, to finalise and enter



into all appropriate contracts and documents in relation to the outcome of the tender process reported in the private appendix.

- 6.4 Approval to undertake front of house works via Kirklees Neighbourhood Housing Limited Property Services Teams.
- 6.5 That Cabinet note and approve the recommendations provided within the Private Appendix report under Section 6.

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

- 7.1 Portfolio Holders are in support of the replacement programme for cremators and ancillary equipment and are also in support of the investment into the public areas at both Crematoria, both matters are considered to be long overdue investment. In terms of the investment in public areas, Portfolio holders would like to see investment in the dated public areas and signage amongst other areas in order to improve the visual impact of the Crematoria.
- 7.2 Portfolio Holders are supportive of the use of the existing YPO Framework as a procurement route and were reassured by the benchmarking information that was provided (see Private Appendix for further information).
- 7.3 Portfolio Holders are keen to be part of the communications strategy and to be informed regarding key installation dates which may impact upon the service for the public.

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

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(01484) 221000

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

Please refer to the Private Appendix to this report which provides further background information on the project.

## **10. Service Director responsible**

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

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