

Public Document Pack

Kirklees Council



Council Chamber - Town Hall, Huddersfield

Tuesday 2 October 2018

Dear Member

The Council will meet on Wednesday 10 October 2018 at 5.30 pm at Council Chamber - Town Hall, Huddersfield.

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

The following matters will be debated:

Pages

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

3: Minutes of Previous Meeting

To agree and authorise the Mayor to sign the Minutes of Council held on 12 September 2018.

1 - 4

4: Declaration of Interests

5 - 6

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

5: Petitions (From Members of the Council)

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

6: Deputations & Petitions (From Members of the Public)

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

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

7: Public Question Time

The Committee will hear any questions from the general public.

8: Council Budget Strategy Update 2019-2022 (Reference from Cabinet)

7 - 58

To consider the report.

Contact: Eamonn Croston – Service Director (Finance)

9: Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons 59 - 62

To receive written questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons in accordance with Council Procedure Rule 12/12(1).

The schedule of written questions will be tabled at the meeting.

10: Minutes of Cabinet 63 - 78

To receive for information; the minutes of Cabinet held on 21 and 29 August 2018.

11: Holding the Executive to Account

(a) To receive a Portfolio Update from the Portfolio Holders for Economy (Councillor McBride) and Health and Social Care (Councillor Khan)

(b) Oral Questions/Comments to Cabinet Members on their Portfolios and relevant Cabinet Minutes;

- (i) Economy Portfolio (Councillor McBride)
 - (ii) Health and Social Care Portfolio (Councillor Khan)
 - (iii) The Deputy Leader of the Council (Councillor Sheard)
 - (iv) Communities and Environment Portfolio (Councillor Mather)
 - (v) Corporate Portfolio (Councillor Turner)
 - (vi) Learning and Aspiration Portfolio (Councillor Ahmed)
 - (vii) Housing and Democracy Portfolio (Councillor Scott)
 - (viii) The Leader of the Council (Councillor Pandor)
 - (ix) Children's Portfolio (Councillor Kendrick)
-

12: Minutes of Other Committees 79 - 112

To receive for information the minutes of the following Committees;

- (i) Appeals Panel
 - (ii) Corporate Parenting Board
 - (iii) Overview and Scrutiny Management Committee
 - (iv) Personnel Committee
 - (v) Strategic Planning Committee
-

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

- (a) Appeals Panel (Councillor Dad)
 - (b) Corporate Governance and Audit Committee (Councillor Richards)
 - (c) Corporate Parenting Board (Councillor Kendrick)
 - (d) Employee Relations Sub Committee (Councillor Pandor)
 - (e) Health and Wellbeing Board (Councillor Pandor)
 - (f) Licensing and Safety Committee – including Licensing Panel and Regulatory Panel (Councillor Pattison)
 - (g) Overview and Scrutiny Management Committee (Councillor Stewart-Turner)
 - (h) Personnel Committee (Councillor Pandor)
 - (i) Planning Sub Committee - Heavy Woollen Area (Councillor Kane)
 - (j) Planning Sub Committee – Huddersfield Area (Councillor Lyons)
 - (k) Standards Committee (Councillor E Firth)
 - (l) Strategic Planning Committee (Councillor S Hall)
 - (m) Kirklees Neighbourhood Housing (Councillor Smaje)
 - (n) Kirklees Active Leisure (Councillor Sokhal)
 - (o) West Yorkshire Combined Authority (Councillor Pandor)
 - (p) West Yorkshire Combined Authority Transport Committee (Councillor Kaushik)
 - (q) West Yorkshire Fire and Rescue Authority (Councillor O'Donovan)
 - (r) West Yorkshire Joint Services Committee (to be confirmed)
 - (s) West Yorkshire Police and Crime Panel (Councillor Hussain)
-

14: Motion submitted in accordance with Council Procedure Rule 14 as to Flockton Traffic Issues

To consider the following Motion in the names of Councillors Smith, J Taylor and D Hall.

“This Council notes that work is now underway to produce an Option Assessment Report in relation to the North Kirklees Orbital Route which will help to determine if this is a viable scheme to develop.

Additionally the £77 million Cooper Bridge by pass, linking the [A644 near junction 25](#) M62 and the A62 near Bradley Bar is currently in the Design phase.

The Council recognises that both these schemes have the potential to significantly affect the volume and flow of traffic in and around the village of Flockton and on the B6118.

Given the existing severe traffic problems affecting the village of Flockton and the undoubted increase in the future with

developments already in construction and the potential from the Local Plan , the Council recognises that even if it were to overlook the 2 major road schemes already mentioned, without intervention, this situation will only continue to deteriorate.

Therefore the council calls on the Cabinet to undertake an assessment of any impact upon the village of Flockton & B6118 from the NKOR and A62 scheme and to ensure that due consideration is given to the issues in Flockton prior to any work starting on either of these road schemes.”

15: Motion submitted in accordance with Council Procedure Rule 14 as to Universal Credit

To consider the following Motion in the names of Councillors Uppal, A U Pinnock, Homewood, Ullah, Murgatroyd, Griffiths, Kaushik, Richards, Walker, Loonat, Hill, McBride, Mather, Khan and Pandor.

“This Council notes the Universal Credit (UC) policy and its roll out is flawed, causing unnecessary hardship to local families and people across the country whilst failing to meet its original aims.

This Council further notes, that in Kirklees, following the roll out of UC Full Service in November 2017, over 12,730 people are now in receipt of UC support, which has led to problems with rent arrears, and general indebtedness particularly from the 5 week minimum wait for an initial payment; as a result, there has been an increased use of local welfare service provision and foodbanks. From 1/11/17 to 31/3/18 there was 2,177 referrals from the local welfare provision team to four Kirklees foodbanks, up 27% from the same period in the previous year. Recent figures from The Welcome Centre Foodbank in Huddersfield show that between May to July 2018 referrals due to Universal Credit stood at 611; in the first four months of 2018 the centre received 469 referrals.

Official figures show hundreds of thousands of UC payments made nationally are being subject to deductions used to pay back arrears in rent, council tax and utility bills, pushing families into a downward spiral of debt and poverty. Similarly, the local welfare provision team in Kirklees are taking more calls from residents who have not been able to make their UC payment last due to budgeting issues or deductions taken from their payments due to advances, arrears payments or tax credit overpayments. Between 1 April to 24 August 2018, 64% of referrals from the local welfare provision team to local foodbanks and/or fuel vouchers were due to UC claimants struggling with budgeting or low income. This compares to 33% for the period 1/11/17 to 31/3/18.

In addition, for people on UC who are in work, but are paid weekly or fortnightly, the monthly UC payment is causing additional budgeting problems; self-employed workers on UC are significantly worse off than under legacy benefits and compared with employees; and disabled people are being pushed into poverty with the abolition of disability premiums when transitioning on to UC. Furthermore UC payments currently go to one named member of a household. With the present policy there is a real danger that if the whole payment goes to one named individual there is no guarantee that the money will be distributed fairly within the household.

This Council therefore resolves to write to the Secretary of State for Work and Pensions, making these points, demanding that the Government addresses these issues, and stops the roll out and transition of people on to Universal Credit.”

16: Motion submitted in accordance with Council Procedure Rule 14 as to Giving People a say on the Final Brexit Deal

To consider the following Motion in the names of Councillors Lawson, A Pinnock, K Pinnock, Iredale, Burke, Eastwood, Wilson, Munro, Cooper, Stewart-Turner and Allison.

“This Council notes:

- The growing concern at the prospect of the UK leaving the European Union (EU) with either a bad deal or no deal at all.
- The growing support for people to have a say on the final Brexit deal, including support from organisations such as the British Medical Association, the Royal College of Nursing, GMB, Prospect, TSSA, business leaders and student unions representing over 980,000 students at 60 universities and colleges.

This Council believes that:

- By voting to leave the EU in June 2016, the UK voted for departure but not the destination. There has never been a consensus about how to leave and about our future relationship with the EU post-Brexit, but the years since the referendum on the UK’s membership of the EU has shown the complexity of the task and how challenging Brexit is to deliver.
- Since the referendum, there has been meaningful debate about our EU membership; there is now greater public awareness about the nature and impact of Brexit on the UK and there is ongoing movement in public opinion.
- The future direction of the country post-Brexit should not be decided by a small number of parliamentarians in Westminster. This is too big an issue and will affect all of us for generations to come; sovereignty rests with the people.

- The decision to leave the EU and subsequent negotiations has created political, social and economic uncertainty in the UK. Brexit is likely to have a major impact on local authorities, including Kirklees Council, potentially reducing funding for local and regional investment and development projects, affecting governance and legal frameworks and impacting on the progress of devolution deals.
- There are implications for Kirklees as a result of Brexit and there is consternation from some of our residents, including non-UK EU nationals, about what Brexit may mean for them. For instance, leaving may have an impact on our local health services, with recent NHS data revealing that 31 nurses and health visitors from EU member states left Calderdale and Huddersfield NHS Foundation Trust between March 2017 and March 2018. Brexit is already having an impact on our local manufacturing industry, while some businesses in our region are reconsidering investment plans in new production and new jobs while they await the Brexit deal. Furthermore, Brexit may limit the educational opportunities for our young people. It may cause damage to our local economy and public services and result in a squeeze in living standards.
- As a country, we are not close to resolving the big issues about which people care about; parliament is deadlocked and the impasse will cause insurmountable damage to the UK. A public vote is the only way to move forward.
- The British people deserve the right to have a final say on what direction the country should take on Brexit and must have a vote on the UK's final deal with the European Union.

This Council, therefore, resolves to:

- Request that Cabinet updates and maintains the Council's Risk Register, ensuring that the Register includes an up-to-date and robust account of the risks associated with Brexit;
 - Be proactive in planning, outlining the issues and risks associated with different Brexit scenarios, assessing the possible impact on the Council and local area and implementing recommend measures as soon as possible;
 - Support people to have a say on any final Brexit deal through a vote;
Ask the Leader of the Council to write to the Prime Minister expressing the Council's support for people to have a final say on the Brexit deal."
-

17: Motion submitted in accordance with Council Procedure Rule 14 as to Modern Slavery

To consider the following Motion in the names of Councillors Hughes, Pandor, Sheard, Ahmed, Kendrick, Khan, Mather, McBride, Scott, Turner, Walker, A U Pinnock and Lowe.

“This Council notes;

Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.

There were 5145 potential victims were submitted to the National Referral Mechanism in 2017; a 35% increase on 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office.

Modern Slavery is happening nationwide, including the Kirklees district. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

This Council believes:

- That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK, including Kirklees.
- That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.
- That Councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.

This Council resolves:

To adopt a policy against Modern Slavery to ensure our procurement practices don't support slavery; and ask Cabinet to ensure that:

- its corporate procurement team is trained to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply;
- its Contractors are required to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance;

- any abnormally low-cost tenders are challenged to ensure they do not rely upon the potential contractor practising modern slavery;
- it highlights to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one;
- it publicises its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery;
- its tendered contractors are encouraged to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery;
- it reviews its contractual spending regularly to identify any potential issues with modern slavery;
- it highlights for its suppliers any risks identified concerning modern slavery and refers them to the relevant agencies to be addressed;
- it refers for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery; and
- it reports publicly on the implementation of this policy annually."

By Order of the Council



Chief Executive

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Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Council Chamber - Town Hall, Huddersfield on Wednesday 12 September 2018**

PRESENT

The Mayor (Councillor Gwen Lowe) in the Chair

COUNCILLORS

Councillor Masood Ahmed	Councillor Mahmood Akhtar
Councillor Karen Allison	Councillor Bill Armer
Councillor Donna Bellamy	Councillor Martyn Bolt
Councillor Cahal Burke	Councillor Andrew Cooper
Councillor Nosheen Dad	Councillor Richard Eastwood
Councillor Eric Firth	Councillor Donald Firth
Councillor Michelle Grainger-Mead	Councillor Charles Greaves
Councillor David Hall	Councillor Steve Hall
Councillor Lisa Holmes	Councillor Edgar Holroyd-Doveton
Councillor James Homewood	Councillor Judith Hughes
Councillor Mumtaz Hussain	Councillor Paul Kane
Councillor Manisha Roma Kaushik	Councillor Viv Kendrick
Councillor Musarrat Khan	Councillor John Lawson
Councillor Vivien Lees-Hamilton	Councillor Robert Light
Councillor Fazila Loonat	Councillor Terry Lyons
Councillor Naheed Mather	Councillor Peter McBride
Councillor Bernard McGuin	Councillor Darren O'Donovan
Councillor Marielle O'Neill	Councillor Shabir Pandor
Councillor Carole Pattison	Councillor Mussarat Pervaiz
Councillor Amanda Pinnock	Councillor Andrew Pinnock
Councillor Kath Pinnock	Councillor Hilary Richards
Councillor Mohammad Sarwar	Councillor Cathy Scott
Councillor David Sheard	Councillor Elizabeth Smaje
Councillor Richard Smith	Councillor Mohan Sokhal
Councillor Julie Stewart-Turner	Councillor John Taylor
Councillor Kath Taylor	Councillor Graham Turner
Councillor Sheikh Ullah	Councillor Rob Walker
Councillor Nell Griffiths	Councillor Alison Munro
Councillor Richard Murgatroyd	Councillor Mark Thompson
Councillor Harpreet Uppal	

42 Announcements by the Mayor and Chief Executive

The Mayor informed Council that former Councillor and Deputy Leader of the Council, Cath Harris, who had represented the Ashbrow Ward from 2007 to 2015, had sadly passed away on 3 August. Tributes were paid by Councillors Homewood, Pandor, Lawson, D Hall, Burke and Uppal.

The Mayor conveyed congratulations to Hanging Heaton Cricket Club on being the first club to hold both Yorkshire Club trophies, and wished them well for the forthcoming National T20 finals.

The Chief Executive informed Council (i) of the resignation of Councillor Billy Jewitt, on the grounds of ill health, and conveyed the Council's best wishes and (ii) the appointment of Eamonn Croston as the Council's Service Director for Finance and Section 151 Officer.

43 Apologies for absence

Apologies for absence were received on behalf of Councillors Asif, Hill, Iredale, Patrick, Sims, Watson, Wilson and Zaman.

44 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting of Council, held on 11 July 2018, be approved as a correct record.

45 Declaration of Interests

Councillor Hughes declared an 'other' interest in Agenda Item 18 on the grounds that she is a Member of the European Parliament Committee of Regions.

Councillor Smaje declared a Disclosable Pecuniary Interest in Agenda Item 9 on the grounds that she is a Board Member of Kirklees Neighbourhood Housing.

Councillor Pandor declared an 'other' interest in Agenda Item 18 on the grounds that he is a Substitute Member of the Council of Europe.

Councillor Cooper declared a Disclosable Pecuniary Interest in Agenda Item 18 on the grounds that he is a Member of the European Parliament Committee of Regions.

Councillor Bellamy declared an 'other' interest in Agenda Item 9 on the grounds that she is a KNH tenant.

Councillor Scott declared an 'other' interest on the grounds that she has a family member who is a KNH tenant.

Councillor A U Pinnock declared an 'other' interest in Agenda Item 9 on the grounds that she is employed by Fusion Housing.

46 Petitions (From Members of the Council)

No petitions were received.

47 Deputations & Petitions (From Members of the Public)

Council received a deputation, delivered by Mr John Lockwood, on behalf of Armitage Bridge Village Association, which advised of the concerns of residents in relation to road safety issues, traffic congestion and an increasing volume of traffic in Armitage Bridge.

The Cabinet Member for Communities and Environment, Councillor Naheed Mather, responded to the deputation.

No petitions were received.

48 Public Question Time

No questions were asked.

49 West Yorkshire Combined Authority - Minutes

RESOLVED - That the Minutes of West Yorkshire Combined Authority, held on 1 February, 5 April, 10 May and 28 June 2018 be received and noted.

50 Kirklees Housing Strategy 2018-2023 (Reference from Cabinet)

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

RESOLVED - That the Kirklees Housing Strategy 2018-2023 be approved.

51 Overview and Scrutiny Annual Report 2017/2018 and Scrutiny Work Programme 2018/2019

Council received, for information, the Overview and Scrutiny Annual Report 2017/2018, and the Scrutiny Work Programme 2018/2019, as presented by the Chair of Overview & Scrutiny Committee, and Scrutiny Panel Lead Members.

The Chair of Overview and Scrutiny Management Committee noted the comments of Council arising from the update report.

RESOLVED – That the Overview and Scrutiny Annual Report 2017/2018, and the Scrutiny Work Programme 2018/2019, be received and noted.

52 Allocation of Seats - Update

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

RESOLVED - That the allocation of seats be amended, in order to achieve overall proportionality, as follows; (i) Personnel Committee is constituted on a ratio of 4:2:1 and (ii) overall Scrutiny composition is constituted on a ratio of 13:6:3:1.

(Under the provision of Council Procedure Rule 5(4)(6), it was determined by the Chief Executive, in conjunction with the Mayor, that the Agenda business be considered in the following order).

53 Minutes of Cabinet and Cabinet Committee - Local Issues

RESOLVED – That the Minutes of Cabinet held on 20 February, 6 March, 20 March, 17 April, 12 June, 29 June and 10 July 2018, and Cabinet Committee – Local Issues held on 28 March 2018, be received and noted.

Council - 12 September 2018

54 **Holding the Executive to Account**

Council received Portfolio Updates from the Leader of the Council, Councillor Pandor, and the Portfolio Holder for Children's Services, Councillor Kendrick.

Oral Questions were received by Councillors Pandor and Kendrick.

(The remainder of oral questions were not received due to time constraints).

55 **Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons**

Item not considered (due to time constraints).

56 **Minutes of Other Committees**

Item not considered (due to time constraints).

57 **Oral Questions to Committee Chairs and Nominated Spokespersons of Joint Committees/External Bodies**

Item not considered (due to time constraints).

58 **Motion submitted in accordance with Council Procedure Rule 14 as to Flockton Traffic Issues**

Item not considered (due to time constraints).

59 **Motion submitted in accordance with Council Procedure Rule 14 as to Giving People a Say on the Final Brexit Deal**

Item not considered (due to time constraints).

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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

Name of meeting: Council

Date: 10 October 2018

Title of report: Council Budget Strategy Update Report 2019 – 2022

Purpose of report

To determine the Cabinet’s approach to the annual update of the Council’s Medium Term Financial Plan. This is reported to Council each year, and sets a framework for the development of draft spending plans for future years by Officers and Cabinet.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes.
Key Decision - Is it in the Council’s Forward Plan (key decisions and private reports?)	Yes
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Jacqui Gedman
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft
Cabinet member portfolio	Cllr G Turner

Electoral wards affected: All

Ward councillors consulted: All

Public or private: Public

1. Summary

The attached report was submitted to the meeting of Cabinet on 2 October 2018 for determination, where it was agreed;

- 1) That the funding and spend assumptions informing the updated budget forecasts, as set out in section 2 of the report, be noted.
- 2) That the joint Leeds City Region/North Yorkshire Business rates Pilot bid for 2019-2020 be noted and endorsed.
- 3) That the existing capital budget plans rolled forward as set out at Appendix D, incorporating a draft year 5, be noted.
- 4) That approval be given to the budget planning framework, as set out within the report.
- 5) That approval be given to the corporate budget timetable and approach as set out at Appendix G.
- 6) That approval be given to the budget consultation approach and timetable, as set out within the report.
- 7) That the report be submitted to Council on 2 October 2018 with a recommendation;
 - (i) That approval be given to the updated baseline general fund revenue and Housing Revenue Account budget forecasts over the 2019-2022 period, as set out at Appendix A (general fund) and Appendix C (HRA) of the considered report.
 - (ii) That approval be given to the revisions to earmarked reserves and general balances, as set out at Appendix B.
 - (iii) That approval be given to the changes to the existing plan, as set out at Appendix D.
 - (iv) That approval be given to the flexible receipts strategy, as set out at Appendix E.

2. Information required to take a decision

(See paragraph 2 of the attached report)

3. Implications for the Council

The Council's budget plans support the overall delivery of the following Council objectives and priorities within available resources;

- (i) Early Intervention and Prevention
- (ii) Economic Resilience
- (iii) Improving Outcomes for Children
- (iv) Reducing Demand of Services

4. Consultees and their opinions

(See paragraph 4.1 of the attached report)

5. **Next steps**

(See paragraph 5.1 and 5.2 of the attached report)

6. **Officer recommendations and reasons**

- 1) That the decision of Cabinet, as set out at Paragraph 1 above, be noted.
- 2) That approval be given to the updated baseline general fund revenue and Housing Revenue Account budget forecasts over the 2019-2022 period, as set out at Appendix A (general fund) and Appendix C (HRA) of the considered report.
- 3) That approval be given to the revisions to earmarked reserves and general balances, as set out at Appendix B.
- 4) That approval be given to the changes to the existing plan, as set out at Appendix D.
- 5) That approval be given to the flexible receipts strategy, as set out at Appendix E.

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

- 1) That the decision of Cabinet, as set out at Paragraph 1 above, be noted.
- 2) That approval be given to the updated baseline general fund revenue and Housing Revenue Account budget forecasts over the 2019-2022 period, as set out at Appendix A (general fund) and Appendix C (HRA) of the considered report.
- 3) That approval be given to the revisions to earmarked reserves and general balances, as set out at Appendix B.
- 4) That approval be given to the changes to the existing plan, as set out at Appendix D
- 5) That approval be given to the flexible receipts strategy, as set out at Appendix E.

8. **Contact officer**

Eamonn Croston, Service Director – Finance

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

(See paragraph 9 of the attached report)

10. **Service Director responsible**

Eamonn Croston, Service Director – Finance

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Name of meeting: Cabinet
Date: 2 October 2018

Title of report: Council budget strategy update report 2019-22

Purpose of the report

To determine the Cabinet's approach to the annual update of the Council's Medium Term Financial Plan (MTFP). This is reported to full Council each year, and sets a framework for the development of draft spending plans for future years by officers and Cabinet.

Key decision – is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key decision - is it in the Council's Forward Plan (key decisions and private reports)?	Key decision - Yes
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Strategic Director & name	Jacqui Gedman, 24 September 2018
Is it also signed off by the Service Director for Finance	Eamonn Croston, 24 September 2018
Is it also signed off by the Service Director – Legal, Governance & Commissioning ?	Julie Muscroft, 24 September 2018
Cabinet member portfolio - Corporate	Cllr Graham Turner

Electoral [wards](#) affected: All

Ward Councillors consulted: All

Public or private: Public

RESTRICTIONS ON VOTING

Members should be aware of the provisions of Section 106 of the Local Government Finance Act 1992, which applies to members where –

- (a) they are present at a meeting of the Council, the Cabinet or a Committee and at the time of the meeting an amount of council tax is payable by them and has remained unpaid for at least two months, and

- (b) any budget or council tax calculation, or recommendation or decision which might affect the making of any such calculation, is the subject of consideration at the meeting.

In these circumstances, any such members shall at the meeting and as soon as practicable after its commencement disclose the fact that Section 106 applies to them and shall not vote on any question concerning the matter in (b) above. It should be noted that such members are not debarred from speaking on these matters.

Failure to comply with these requirements constitutes a criminal offence, unless any such members can prove they did not know that Section 106 applied to them at the time of the meeting or that the matter in question was the subject of consideration at the meeting.

1. Summary

- 1.1 The Cabinet is required under Financial Procedure Rules to submit to Council a provisional budget strategy update no later than October, each year. The provisional budget strategy in this report provides a budget planning framework to consider a 3 year Medium Term Financial Plan (MTFP) for 2019-22, and a 5 year Capital Plan for 2019-24.
- 1.2 The starting point for the Council's updated Medium Term Financial Plan (MTFP) is the existing revenue budget plans (2018-20) approved at budget Council on 14 February 2018, and updated 5 year capital plans (2018-23) approved by Council on 11 July 2018 as part of the 2017-18 financial outturn & rollover report.

The links to both these reports are included below:

[Annual budget report 2018-20 \(Agenda Item 5\)](#)

[2017-18 financial outturn & rollover report \(Agenda Item 8\)](#)

- 1.3 Existing budget plans have been reviewed, including a high level review of funding and spend assumptions. Any resultant gap between funding and spend forecasts will inform target spending controls for Strategic Directors to bring forward draft budget proposals for member consideration in accordance with the corporate budget timetable. At the same time, funding and spend assumptions will continue to be reviewed through the remainder of the current budget round, and updated spend control totals incorporated into finalised budget plans as appropriate.
- 1.4 The overarching context for the Council in determining its annual resource allocations has been national government policy over successive Parliaments from 2010 onwards, resulting in significant reductions in Government funding to the Council over the period. These have been in the region of £150m (equivalent to about 60% locally; with average national funding reductions over the period nearer 50%).
- 1.5 At the same time, Councils, in particular those with statutory social services responsibilities like Kirklees, have also faced significant and increasing service pressures; in particular in Children's and Adult Services, and these pressures are

set to increase over future years. The Local Government Association has predicted that the scale of the funding gap across English Councils will be about £7.8 billion by 2025.

- 1.6 The Council is the 7th lowest funded Council in the country, as measured by the Government's own spending power benchmark calculation, expressed as spend per head of the population (and second lowest of the 36 metropolitan authorities).
- 1.7 The combined impact of national funding reductions and service pressures on the Council has resulted in a cumulative revenue savings requirement of £183m over the 2010-218 period, including £54m in 2017-18 alone. Existing Council budget plans for 2018-20, include planned savings of £16.2m in 2018-19 and a further £13.2m in 2019-20.
- 1.8 The Council Corporate plan 2018-20 acknowledges the scale of financial challenges to date, and the tough decisions that have had to be taken to balance the books while protecting frontline services and our most vulnerable residents. It also recognises that to support this approach, it has also required the development of a different type of organisation with new and innovative ways of doing things, changing the way that we work with communities, keeping vulnerable people safe and in control of their own lives, and focusing on the things that only the Council can do.
- 1.9 The Corporate Plan also makes reference to Councillors' changing roles, and that in representing and serving the people and places of Kirklees, councillors' roles are growing – they are community leaders and at the heart of democratically elected local government.

The link to the Council's Corporate Plan is shown below :

[2018-20 Council Corporate Plan \(Agenda Item 9\)](#)

- 1.10 The Corporate Plan sets out a vision ; *“a district which combines a strong, sustainable economy with a great quality of life – leading to thriving communities, growing businesses, high prosperity and low inequality where people enjoy better health throughout their lives.”*
- 1.11 To deliver this vision, the intention is to move into the next phase of developing the Council to be one that focuses on achieving outcomes by working with people rather than doing to them, working with partners, and recognising the importance of local identity and how needs differ in different places. Existing budget plans for 2018-20, whilst acknowledging the continuing financial challenges facing the Council, also included significant new investment; in particular in children services, regeneration activity, transformation capability and corporate capacity to support this approach.
- 1.12 The updated spend assumptions in this report continue the approach set out in existing budget plans, in terms of acknowledging the further re-shaping of spending plans and targeted investment aligned to the Councils ambitions and plans.
- 1.13 This report, in setting out current assumptions underpinning the updated MTFP, includes acknowledgement of potentially significant unbudgeted risks. These include further Social Care pressures, and current lack of national funding certainty from Government post-2020.

- 1.14 The updated general fund budget forecasts are summarised at Table 1 below, including the current 2018-19 budget ;

Table 1 – Summary Baseline General fund budget forecasts 2019-22

Updated Baseline forecasts	18-19 £m	19-20 £m	20-21 £m	21-22 £m
Total Funding Available	(291.2)	(288.6)	(316.0)	(321.4)
Spending Plans	307.4	310.6	341.8	346.9
<i>Existing Planned Savings (reviewed)</i>	(16.2)	(26.6)	(29.7)	(31.4)
<i>New Service Pressures</i>		9.4	17.7	24.6
<i>New Service Investment</i>		2.2	2.2	2.2
Net spending plans	291.2	295.6	332.0	342.3
Budget Gap	-	7.0	16.0	20.9

- 1.15 Updated baseline budget forecasts indicate that existing 2019-20 budget savings are still deliverable, but the timing of delivery of some of these has been re-profiled into later years. New service pressures largely reflects volume pressures, net of any service specific external funding allocations; mainly in Children & Families; educational High Needs pressures, and Adults demand led pressures.
- 1.16 This report also sets out a number of proposed investments, acknowledging that existing plans will continue to develop and re-shape to better align with the Council's ambitions set out in the 2018-20 Corporate Plan.
- 1.17 The net effect of the changes set out at Table 1 above indicate a budget gap across years i.e. further budget saving requirement, of **£7m** in 2019-20, **£9m** in 2020-21 (cumulative £16m) and **£5m** in 2021-22 (cumulative £21m) to deliver a balanced budget. These further savings requirements are in addition to existing planned savings (reviewed).
- 1.18 This report also acknowledges that in light of current national funding uncertainty beyond 2020, updated budget forecasts in later years are more susceptible to significant variations. While the updated baseline budget forecasts are considered reasonable and prudent at this stage, the inclusion of sensitivity analysis in this report reflects true extent of budget forecast sensitivities over later years; more so given the uncertain national funding context which Councils are expected to deliver accurate, robust and 'balanced' multi-year budget plans and financial strategies.
- 1.19 The funding uncertainty is also reflected in the approach to general fund revenue reserves set out in this report, in particular with regard to the requirement to maintain existing £37m financial resilience reserves at their current level, as a minimum, over the medium term.
- 1.20 The MTFP update also re-affirms the Council's current flexible capital receipts strategy framework in line with Government guidance which now extends the flexibility to 2021-22. This allows the Council to consider a range of approaches to capitalise qualifying revenue expenditure, funded through in-year generated capital receipts.

- 1.21 HRA budget plans support the delivery of a high quality landlord service to 23,000 Council tenancies alongside supporting the Council's strategic HRA capital investment ambitions, within a self-financed 30 year HRA business plan. The Council works closely with Kirklees Neighbourhood Housing (KNH), its partner arms length management organisation, to regularly review and update the HRA business plan.
- 1.22 Updated HRA budget forecasts assume the delivery of savings in view within existing budget plans 2018-20 as the starting point. The recently released Social Housing green paper includes a number of proposals which are reflected in updated budget forecasts, including proposed social housing rent uplifts at Consumer Price Index plus 1% over the 2020-25 period.
- 1.23 There is also acknowledgement that Government is proposing to drop proposals for a high value levy charge, which was intended to be an annual charge to HRA's, to compensate registered providers for loss of housing stock from the proposed introduction of right to buy in the registered provider sector. This will significantly improve the longer term financial sustainability of the self-financed HRA business plan.
- 1.24 The updated MTFP in respect of the Council's overall capital investment plans is summarised at Table 2 below :

Table 2 – Updated Capital Plan Summary 2018-24

	18-19 £m	19-20 £m	20-21 £m	21-22 £m	22-23 £m	23-24 £m
Strategic Priorities	58.3	40.3	10.9	1.5	0.5	111.5
Baseline	36.7	30.7	25.6	25.3	25.3	143.6
Risks & Pressures	1.0	1.0	1.0	1.0	1.0	5.0
Total General Fund	96.0	72.0	37.5	27.8	26.8	260.1
HRA strategic priorities	11.0	7.6	6.0	6.0	6.0	36.6
HRA baseline	16.1	15.8	16.7	16.4	14.6	79.6
Total HRA	27.1	23.4	22.7	22.4	20.6	116.2
All Capital	123.1	95.4	60.2	50.2	47.4	376.3

- 1.25 The above plans are rolled forward from the existing 5 year capital plan (2018-23), approved at Council on 11 July 2018, as part of the 2017-18 financial outturn & rollover report, plus a new year 5. Existing plans include significant strategic priority investment over the period in regeneration activity, housing growth and development, and a new leisure facility for North Kirklees. The capital plan update presented here also includes some further capital changes at this stage.
- 1.26 These plans will be reviewed further through the remainder of the current budget round, including a more major officer re-work of the existing plan, consideration of emerging new investment requirements, and capital resource affordability.
- 1.27 Funding and spend forecast assumptions presented in this report will continue to be reviewed and any further changes will be considered for incorporation into the finalised annual budget report for Cabinet and Council approval in February 2019.

2. Information required to take a decision

- 2.1 This report includes a range of supporting information set out in the following appendices:

Appendices

A	Summary general fund funding and spend forecasts 2019-22
B	General Fund Reserves
C	Summary Housing Revenue Account (including reserves) 2019-22
D	Summary Updated Capital Investment Plan 2018-24
E	Council flexible use of capital receipts strategy
F	Corporate Risk Register
G	Corporate Budget Timetable
H	Sensitivity analysis key assumptions

2.2 General Fund

- 2.2.1 Appendix A represents a high level re-refresh of funding and spend forecasts over the 2019-22 period, informed by a range of current national, regional and local intelligence.
- 2.2.2 The following sections of this report set out in more detail the underpinning assumptions informing the updated forecasts.

FUNDING ASSUMPTIONS

2.3 National Funding Outlook

- 2.3.1 The 2019-20 Local Government Finance Settlement technical consultation ran from 24 July to 18 September 2018. It set out Government's intention to confirm year 4 of the multi-year settlement that 97% of all Councils (including Kirklees) previously signed-up to, to provide 'certainty' over the 4 years.
- 2.3.2 The technical consultation also confirmed that Government is working towards significant reform in the local government finance system from 2020-21, including a more robust and transparent distribution methodology to set baseline funding levels, and resetting business rates baselines.
- 2.3.3 At this stage, it is not clear what the likely national funding position will be for the local government sector, or individual Councils from 2020-21 onwards. In light of this continued uncertainty, updated Council baseline funding forecasts assume a prudent position that national funding reductions will continue from 2020-21; equivalent to £3.2m further funding reduction each year from 2020-21 onwards against the Council's baseline funding allocation for that year, which Government intends to 're-set'.

2.4 75% Business Rates Retention Scheme implementation from 2020-21

- 2.4.1 Government's original intention was to implement a 100% scheme nationally from 2020-21 onwards, to be enacted through a Finance Bill. However, following the General Election on 8 June 2017, the Bill was not progressed. Government however remains committed to promoting greater financial self-sufficiency in Local

Government, and is instead intending to implement a 75% national scheme from 2020-21, which it can do within existing legislation.

- 2.4.2 It is intended to be 'fiscally neutral' at a national level, which means that the 'technical implementation' in itself would not leave any individual Council any better or worse-off. To compensate for the additional business rates income to be retained locally, it is anticipated that this will also involve a transfer of current Government funding responsibilities for Public Health at the same time.
- 2.4.3 This means that Council spending plans will increase by about £25m from 2020-21 onwards, because the Public Health specific grant contribution from Government will cease at this point. There will instead be a corresponding increase in business rates income retained locally, to compensate; 'net nil' overall budget impact. The updated budget forecasts set out at Appendix A reflect this adjustment. At this stage, it is not known if current Public Health specific grant conditions setting out eligible spend against the grant, and monitored by Public Health England, will continue in some guise, from 2020-21 onwards.

2.5 Leeds City Region & North Yorkshire Joint Business Rates Pilot bid 2019-20

- 2.5.1 Leeds City Region (LCR), along with 10 other Business Rates Pools, successfully bid to be a 100% business rates pilot for 2018-19 only, as part of a new round of bids offered to Councils by Government. The offer was originally set out as part of the 2017-18 Financial Settlement. Any potential gains were not explicitly incorporated into the Council's 2018-19 budget plans at the time. This was due to timing issues with the availability of the most up to date financial modelling projections for Pool members, based on business rates 2018-19 estimates formally submitted to Government at the end of January 2018.
- 2.5.2 However, anticipated minimum unbudgeted "one-off" gains of £1.6m were considered at Budget Council on 14 February 2018 and subsequently incorporated into a Cabinet approved report on 21 August 2018, alongside a late Government announcement of a specific Adult Social Care Grant for 2018-19 of £1.2m; combined funding of £2.8m to support a Social Care transformation and change programme over the 2018-20 period.
- 2.5.3 A Government business rates pool prospectus was released on 24 July 2018 inviting Councils to bid for a new round of 75% business rates pilots for 2019-20 only. The deadline for bid submissions was 25 September, and successful bids will be announced as part of the 2019-20 Provisional Financial Settlement sometime in December 2018.
- 2.5.4 Some existing pilots will automatically roll forward into 2019-20. These include the pre-existing 2017-18 devolution deal pilots, and Government is also in separate discussion with the London Boroughs about rolling forward their 2018-19 Pilot into 2019-20. All other current 2018-19 Pilots are effectively on an equal footing with other Councils to submit new bids for 2019-20. Government has also indicated that the 2019-20 Pilot programme is likely to be smaller than the 2018-19 programme.
- 2.5.5 In light of the anticipated smaller Pilot programme for 2019-20, and following regional discussions among Council Leaders and Chief Executives, there has been consideration of a Joint bid between Leeds City Region & North Yorkshire County

Council Pools. Government's prospectus criteria for 2019-20 bids includes testing new ways of working with different tier splits. The combined bid meets this test.

- 2.5.6 Pilot bids for 2019-20 would need to be submitted by the deadline date of 25 September 2018; signed off by the respective bidding member authority s151 Officers, following agreement from all participating member authority Leaders and Chief Executives. Government has not included a 'no detriment clause' for 2019-20 bids, compared to 2018-19. The original purpose of the no detriment clause was to ensure that Pool members were not any worse off by being part of a pilot. Financial modelling underpinning the 2019-20 joint bid has been co-ordinated by Leeds Council, who are the host administrating body for the current LCR Business Rates Pool. The non-inclusion of a Government no detriment clause is considered low risk for the 2019-20 Pilot bid submission.
- 2.5.7 The financial model underpinning a joint Leeds City Region/North Yorkshire 75% business rates retention Pilot submission, estimates a potential overall gain to the combined Pool in the region of £25m. The bid sets out proposals for distributing this; split between local and regional economic growth initiatives and individual contributions to member authorities. It also includes arrangements for governance of the 2019-20 Pool, using an approach similar to the existing 2018-19 LCR Pooled arrangement, through a Joint Committee, but with an expanded membership to ensure all member authorities in the expanded Pool were properly represented.
- 2.5.8 The deadline for publication of this report as part of the 2 October Cabinet papers, is 24 September; one day ahead of the 25 September deadline for 2019-20 Pilot applications. At this stage, the budget forecasts in this report assume that a finalised and ultimately successful joint bid will be submitted as described above, with a potential one-off gain to Kirklees of about £2m in 2019-20, based on current financial model estimates. Should any bid not be successful, it is assumed that the pre-existing 50% business rates LCR Pool, would continue as is, for 2019-20.

2.6 Business Rates Appeals

- 2.6.1 The Council has a prudent £11.5m bad debt provision for appeals valuations outstanding; largely relating to the 2010 list, some still outstanding from the 2005 list, and anticipated appeals from the 2015 list. A new appeals system was implemented by Government from April 2017, intended to reduce the overall volume of new appeals against the most current 2015 rating list. Current Valuation Office data suggests that new appeals from the 2015 ratings list are significantly lower in volume than previous rating list appeals. A prudent officer assessment suggests that the bad debts appeal provision requirement going forward can be revised, and in the region of £0.8m re-paid to the general fund in 2019-20 from the Collection Fund, as a result of this anticipated adjustment.
- 2.6.2 In-year collection fund monitoring for 2018-19 indicates that business rate projections are broadly on line with budget. In light of the current economic climate, no net growth assumptions have been built into future year business rates income projections, at least at this stage. This is also consistent with previous budget round assumptions on net business rates growth

2.7 Council Tax Referendum Principles 2019-20

- 2.7.1 The 2019-20 Local Government Finance Settlement technical consultation sets out a council tax referendum limit for Councils of up to 3% in 2019-20, similar to the referendum limit applied in 2018-19.
- 2.7.2 It is at the discretion of the Council to decide whether or not to uplift Council Tax in 2019-20, up to 3%, without triggering a referendum. The current officer assumption is that Council Tax will be uplifted by 2.99%, and this is incorporated into updated funding forecasts; equivalent to £5.2m additional funding. Assumed Council tax increases for the following 2 years are 1.99% per annum; equivalent to £3.6m additional funding each year.
- 2.7.3 At Band A level, 2.99% uplift in 2019-20 is equivalent to an annual uplift of £29.21; from £977.18 in 2018-19 to £1,006.39 in 2019-20 (before fire, police and parish council precepts). Government has confirmed that the referendum principles will not apply to Parish Councils in 2019-20, but will continue to keep this area under active review.
- 2.7.4 There were also Council tax uplifts of 3% in 2017-18 and a further 3% 2018-19 in respect of the Adult Social Care precept, which Government made available to Councils; hypothecated fully to adult social care spend in line with Government conditions. Councils were able to apply an adult social care precept uplift of no more than 6% over the 2017-20 period. Kirklees applied 3% uplifts in 2017-18 and 2018-19, and are now at the 6% limit. The technical consultation states that proposals for the precept remain as per existing Government guidance set out above.
- 2.7.5 The technical consultation does however note that *“following consideration of responses, the Government intends to provide an update on its proposals for council tax referendum principles including the Adults Social Care precept, alongside the provisional Local Government Finance Settlement later in the year.”*
- 2.7.6 The local Council Tax Reduction scheme is means tested and works so that those not “protected” are required to pay at least 20% of their full council tax liability. The local scheme only applies to those of working age, the national pension age scheme means there is no such minimum payment and many pensioners are assessed as having nothing to pay. Future year budget forecasts assume that this will continue as is.
- 2.7.7 Government has also made provision to allow Councils local discretion to implement a 100% empty property premium charge after 12 months, increasing to 200% after 24 months and 300% after 36 months. There is currently a 50% premium charged on properties still empty after 24 months. At the time of writing no date has been set in parliament for the Bill to receive Royal Assent but it is expected that the Bill will become law and that there will be sufficient time for Council to make a decision as to whether to adopt those premiums.
- 2.7.8 Officers will bring forward a further report to Cabinet and Council later this year with a view to locally implement this revised national policy. A current prudent assumption of £360k additional Council Tax income gain from 2019-20 is already factored into existing budget forecasts. The modelled impact of potential future year premium gains is currently under review.
- 2.7.9 Council tax funding projections assume Council Tax Base growth over the next 3 years, at an average increase (Band D equivalent) of 700 properties in 2019-20,

700 properties in 2020-21, and a further 700 properties in 2021-22. This is a continuation of growth assumptions set out in existing budget plans. Current in-year revenue monitoring 2018-19 suggests forecast council tax income is broadly in line with budget.

- 2.7.10 Current updated assumptions on business rates, council tax growth and any associated service infrastructure pressures will continue to be reviewed through the remainder of the current budget round, and any further revisions factored in as appropriate. This includes consideration of the potential impact of the housing strategy 2018-23, reported to Council on 12 September 2018. The link to this report is shown below:

[Housing strategy report 2018-23 \(Item 9\)](#)

2.8 Un-ringfenced Grants

- 2.8.1 While these grants are separately identifiable, the Council can apply this funding flexibly to meet overall Council spend priorities. Future year budget forecasts largely reflect existing budget plan allocations for 2019-20.
- 2.8.2 Housing & Council Tax Administration Grant allocations are forecast to reduce year on year by about £150k. This reflects the assumed pace of Universal Credit rollout in the District over the next 3 years, and consequential impact on reduced grant required due to reduced volumes of Housing Benefit directly administered by the Council over the period. There is a further £150k technical reduction in 2019-20 which adjusts the baseline to match current allocations.
- 2.8.3 The current New Homes Bonus (NHB) assumption is £4m in 2019-20, in line with Government indicative calculations for 2019-20, set out as part of the 2018-19 final financial settlement. The 2019-20 forecast has similarly been applied over future years. This is assumed to be a prudent forecast.
- 2.8.4 From 2017-18, Government introduced a national baseline for housing growth of 0.4% of Council tax base, below which NHB would not be paid. Government has retained the option to make adjustments to the baseline percentage in 2019-20 and future years, to reflect any significant additional housing growth and the requirement to remain within national spending limits. Any changes and impacts will be detailed at the time of the provisional 2019-20 financial settlement. It is also Government's intention for a more fundamental review of how to incentivise housing growth more effectively which could significantly impact on NHB in its current form, from 2020-21 onwards.

2.9 Adult Social Care Grant Funding

- 2.9.1 Demand led volume and cost pressures and demographic trends are having a continuing and significant impact on already stretched Council budgets and this has been well documented both nationally and at a local level over recent years.
- 2.9.2 These pressures have largely been contained over the 2016-20 period through a combination of Adult Social Care precept uplifts and additional Better Care Funding (BCF) allocations; albeit about half the 'additional' BCF has been funded from a national top-slice of pre-existing Council resources (New Homes Bonus), re-

directed to BCF. The cumulative impact of the above funding measures has been to add £27.9m to Adults annual base budget in 2019-20 compared to 2015-16, such has been the scale of increasing service pressures over the period.

- 2.9.3 There is however national recognition that beyond 2020, continuing and increasing adult social care pressures will be beyond the means of existing Council budgets to be able to contain over the longer term, and that a national funding solution is required.
- 2.9.4 Government has indicated that its intended green paper on the future funding of adult social care will be considered in autumn this year, alongside Government proposals for £20 billion additional funding for the NHS over the 2020-25 period.
- 2.9.5 Existing budget plans include Government funding through the additional Better Care Funding (BCF) allocation, which totals £12.4m in 2018-19, increasing to £15.4m in 2019-20. This is Government funding directed at English Councils with social care responsibilities. The funding is channelled through the Pooled Budget arrangements that Councils with social care responsibilities have with their local Clinical Commissioning Group Partners.
- 2.9.6 This funding has a number of national Government conditions attached to its spend, including measures to increase the rates of hospital discharge and reduce bed blocking, through more integrated local health and social care arrangements. While Government has not confirmed that the current level of 2019-20 funding will continue into future years, budget forecasts assume this to be the case.
- 2.9.7 A one-year Adult Social Care grant was announced late in the budget process by Government, as part of the finalised financial settlement for 2018-19. The allocation for Kirklees was £1.2m, subsequently earmarked to support a range of social care transformation and change activity over a 2 year period.
- 2.9.8 Government has made no formal announcement about continuing this grant into future years, but in light of continuing and significant pressures on Adult Social care budgets, updated budget forecasts assume that Government will maintain the existing £1.2m grant allocation in 2019-20 and future years.
- 2.9.9 For the reasons set out in paragraph 2.9.4 above, updated budget forecasts assume that from 2020-21 onwards, Government will commit to additional funding to support Councils with social care responsibilities. At this stage, any such 'additional' funding is assumed for presentational purposes to be by way of un-ringfenced grant, and mirrors what an equivalent 2% annual adult social care precept uplift would equate to from 20-21 onwards.
- 2.9.10 This equates to about £3.6m additional funding each year. This is considered a reasonable and prudent baseline assumption in the absence of any more detailed proposals from Government, which will not take shape at least before the 2019 Spending Review.

2.10 Schools Funding

- 2.10.1 Government introduced a revised National Funding Formula (NFF) for schools from April 2018. The NFF determines the amount of core revenue funding that goes directly to mainstream schools.

- 2.10.2 However, because the current funding arrangements for each local authority are the result of a complex combination of historical national and local funding decisions, the move to a National Funding Formula has produced significantly different outcomes for local schools and academies.
- 2.10.3 The NFF for Kirklees maintained schools is less generous than the pre-existing system but the NFF contains protections to mitigate most of the reductions delivered by the pure application of the new formula. This includes a Government minimum uplift of 0.5% in 2018-19 and also 2019-20 for the funding allocation per pupil within the overall Schools Block calculation.
- 2.10.4 The Council's indicative Schools Block funding in 2019-20 is £292m, the High Needs block is £36m, the Early Years block £27m and the Central School Services block £2.3m.
- 2.10.5 The High Needs block under the new NFF acknowledges the level of previous under-funding, and Government intention is to increase the annual allocation by £7m compared to the 2017-18 baseline. Due to transitional arrangements, this will be phased over a 7 year period, at about £1m per annum. This phasing is reflected in updated budget forecasts.
- 2.10.6 The NFF for schools funding was introduced in a 'soft' format across funding years 2018-19 and 2019-20. The NFF calculates the bottom-line Schools Block allocation to local authorities with local discretion over its distribution then to be agreed following consultation via the local Schools Forum, and a 'hard' format from funding year 2020-21. Schools block funding allocations from this point are intended to be calculated directly by the Education & Skills Funding Agency. The other three funding blocks within the Dedicated Schools Grant (High Needs, Central School Services and Early Years) would continue to be the responsibility of the Council to manage and allocate as appropriate.
- 2.10.7 For 2019-20 there is some flexibility to move funds from the Schools Block to the High Needs block, for example, to address financial pressure in the High Needs account. Up to 0.5% of the total Schools Block can be moved with the agreement of the Schools Forum; equivalent to £1.4m. If agreement was not reached, the Council would need the approval of the Secretary of State.
- 2.10.8 Any proposed movements above 0.5%, even with Schools Forum consent, would still require secretary of state approval.
- 2.10.9 The Council will keep under review the significant and growing high needs block funding pressures through the remainder of the current budget round (see also paragraph 2.12 further below), and will take a view on the potential flexibility as described in the above paragraph, taking account as well the provisional schools funding allocations for 2019-20 which will be released at the same time as the 2019-20 provisional financial settlement announcement.

SPENDING PLAN ASSUMPTIONS

2.11 Current year financial performance – general fund revenue

2.11.1 Current organisational and national intelligence informing the budget strategy update takes account of the most current financial monitoring. Quarter 1 financial monitoring, 2018-19, was presented to Cabinet 21 August 2018 (see report link below):

[Quarter 1, 2018-19 financial monitoring report \(Item 9\)](#)

2.11.2 There is a forecast overspend of £4.4m against £292m revised budget at Quarter 1 financial monitoring; equivalent to 1.5% variance against revised budget. There is good progress towards the delivery of £16.2m planned savings requirement in-year. Forecast savings are projected to be £14.0m; equivalent to 86% delivery. Elsewhere, there are forecast unbudgeted net pressures forecast at £2.2m.

2.11.3 The following sections set out in more detail, updated baseline spend assumptions across Strategic Director portfolios, highlighting as appropriate, key issues raised through current financial monitoring intelligence.

Updated spend assumptions – Strategic Director Portfolios

2.12 Children & Families – Learning, Skills & Early Support

2.12.1 The 2017-18 financial outturn report to Council on 11 July 2018 highlighted an underlying net service pressure on special educational needs activity, totalling £4.2m.

2.12.2 This pressure has continued and increased through 2018-19, based on Quarter 1 financial monitoring projections. The forecast in-year pressure is £6.4m. This includes a projected overspend of £3.7m in respect of placements of Kirklees children in independent and other local authority specialist provisions.

2.12.3 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.

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

2.12.5 Updated budget forecasts at this stage reflect these current pressures in service, and forecast a further increase of just over £1m, for 2019-20. As noted earlier at paragraph 2.10.5, assumed Government High Needs Block Grant uplifts of £1m per annum over the next 3 years will part mitigate against future service pressures. In conjunction with the above, it is also anticipated at this stage that pressures can also be part mitigated through a range of measures, including those described in the following paragraphs.

2.12.6 A Kirklees wide High Needs Strategic Review was reported to Cabinet on 20 February, 2018. The link to this report is shown below:

[Summary of findings from the Special Educational Needs and/or Disabilities \(SEND\) High Needs Strategic Review \(Item 14\)](#)

2.12.7 The Council is working with key education partners across the District on a comprehensive action plan to deliver a more effective, whole systems approach. This also includes a current review of District sufficiency requirements going forward; forthcoming proposals to be considered as part of emerging capital investment requirements through the remainder of this budget round.

2.12.8 An officer review of service requirements has further identified a significant investment requirement of £700k in the SENACT team, to support staffing, work force development and strategic development to achieve the necessary improvements set out above, and this requirement is included in updated spend forecasts.

2.12.9 A funding gap of £420k has been identified due to a number of factors including increased demand (increase of free nursery entitlement) and the increased provision of Early Intervention processes (Portage support to parents). By providing this funding, more resource can be dedicated to managing the needs of children as early as possible which will hopefully prevent the needs becoming more complex and potentially resulting in more expensive support packages in the future (for example via Education Health and Care Plans, or for family support).

2.13 Children & Families – Child protection & safeguarding

2.13.1 Existing budget plans include £5.5m sustainable investment in Child Protection & Family Support in 2018-19. Service budgets have been fundamentally reviewed and re-shaped to align with the Children Improvement Plan, which is based on a long term Partnership with Leeds Council.

2.13.2 The Council is making good progress in the delivery of significant improvements in outcomes of children, and meeting the recommendations set out in the original inadequate rated OFSTED report in November 2016.

2.13.3 These improvements include measures to reduce the number of children placed outside the District, with planned savings of just over £3m over the next 3 years. These improvements are ongoing, and the planned savings associated with out of area placements have been re-profiled across later years to reflect a more realistic timescale of delivery.

2.13.4 Planned improvements also include ongoing investment in a restorative practice team at £600k. This additional capacity is currently funded through a one-off Government grant for 2018-19 only, but on the basis that Council commitment to ongoing restorative practice investment is essential to the successful delivery of the Improvement Plan. Also, following the recent implementation of a new caseload management system within service, Liquid Logic, there is an identified ongoing investment requirement to support and maintain the system, at £240k, also built into updated spend forecasts.

2.13.5 Updated budget plans also build in demand led price inflation across the range of looked after children support provision.

2.14 Adults & Health

2.14.1 Existing budget plans include additional base budget resources of £9.7m in 2018-19 for demand led volume pressures, over 65's demographic pressures, and provider cost pressures; the latter relating to social care external provider costs impacted on by a 4.6% national living wage uplift in 2018-19. A further £3.2m is built into existing 2019-20 budget plans, to meet volume and demographic pressures.

2.14.2 Updated budget forecasts include a further assumed 4.6% National Living Wage uplift in 2019-20, with a corresponding impact on provider costs of about £4.3m.

2.14.3 At this stage, future year budget forecasts assume similar annual volume and cost increases over the 2020-22 period. However, all the above assumptions will be subject to detailed service review and challenge through the remainder of the budget round; in particular with regard to more detailed and robust business intelligence informing modelled service demand scenarios, and potential mitigating service actions. These include the impact of significant ongoing organisational investment in social service transformation and change, and the future shape, direction and impact of social care and health integration locally.

2.15 Economy & Infrastructure

2.15.1 Existing budget plans include £10k base budget allocation activity per ward; £230k in total, plus one-off resources totalling £706k for ward committed expenditure, rolled forward through earmarked revenue reserves. In addition, Cabinet will consider in due course, detailed proposals for the use of Council approved revenue rollover resources of just over £1.5m for Public Realm works.

2.15.2 The above measures are supported by a District wide 'ward squad', which it is intended to start to deploy from November 2018. Existing budget plans included £250k base budget investment to support this initiative.

2.15.3 Updated spend forecasts include a commitment to double the annual base budget allocation for ward based activity from £10k current to £20k per ward from 2019-20 onwards. The doubling of the allocation per ward has been resourced from existing 2018-20 budgeted resources set aside for for Place based activity, currently held within the Office of Chief Executive's Transformation Fund budget.

2.15.4 Elsewhere, there is acknowledgement of recurrent unfunded service pressures relating to schools transport, of £1m; in particular impacted on by current educational Special Educational Needs and/or Disability pressures. An additional pressure factored into updated budget spend forecasts is the financial impact of the loss of driver training police contract at £400k.

2.15.5 A recent officer review of health and safety and fire safety organisational compliance capacity requirements has identified an investment need of about £310k.

2.15.6 The Council's ambitions for Regeneration, including significant investment in town centre vibrancy, and plans for housing development and growth over the 2018-24

period, will require technical and officer project capacity, and an additional investment need of £300k has been identified. In addition, £4m has also been made available within existing earmarked revenue reserves to address the likely scale of other “one-off” costs required to support the scale of regeneration capital investment over the 2018-24 period (see also, paragraph 2.18.5).

2.15.7 The Council’s current Waste Contract ends in 2022-23, and work is ongoing to review options for 2023-24 onwards. It is anticipated that there will be an overall increase in costs from current. This includes the current annual PFI grant contribution of £3.2m which ends on 31 March 2023.

2.16 Corporate Services

2.16.1 Existing budget plans include £3m additional capital investment in the Council’s Digital transformation programme, in recognition of the scale of transformation required. The Council’s IT service has planned savings of £1.2m in 2018-19, and there are further planned IT savings of £1.3m in 2019-20 included in existing budget plans. The 2019-20 planned savings have now been deferred 12 months, to allow more time to review organisational IT requirements going forward.

2.16.2 Corporate capacity has been reviewed, in particular in light of more stringent General Data Protection Regulation (GDPR) requirements, with an identified need for additional investment of £200k per annum from 2019-20 onwards. Corporate business intelligence capability has also been reviewed, with an additional revenue investment identified at £130k per annum.

2.17 Central budgets

2.17.1 Contingency inflation assumptions have been updated to ensure pay provision requirements for the 2018-20 national pay award are fully met. Also factored in are assumed pay awards of 2% in both 2020-21 and 2021-22.

2.17.2 Price inflation is zero over existing budget plans. Strategic Director portfolios are operating within cash limit budgets over this period. The only exceptions relate to energy and waste contract inflation. Updated forecasts over the 2020-22 period assume an annual price inflation allocation equivalent to 1%, and separate inflation calculations as current, for energy and waste contract inflation.

2.17.3 Income inflation is assumed at 2% per annum, other than acknowledgement of ongoing pressures on car parking and markets income, which will continue to have zero inflation.

2.17.4 Contingency budget requirements have also been updated to accommodate annual £300k PFI repayment costs relating to schools, for which an earmarked reserve had previously been set aside (see also paragraph 2.18.10). A further £1m increase is required from 2019-20 to reflect a prudent break-even position on the Council’s insurance fund going forward. Current in-year forecasting indicates that a £1m target surplus factored into existing budget plans was overly optimistic in light of ongoing Council service and external insurance provider premia requirements.

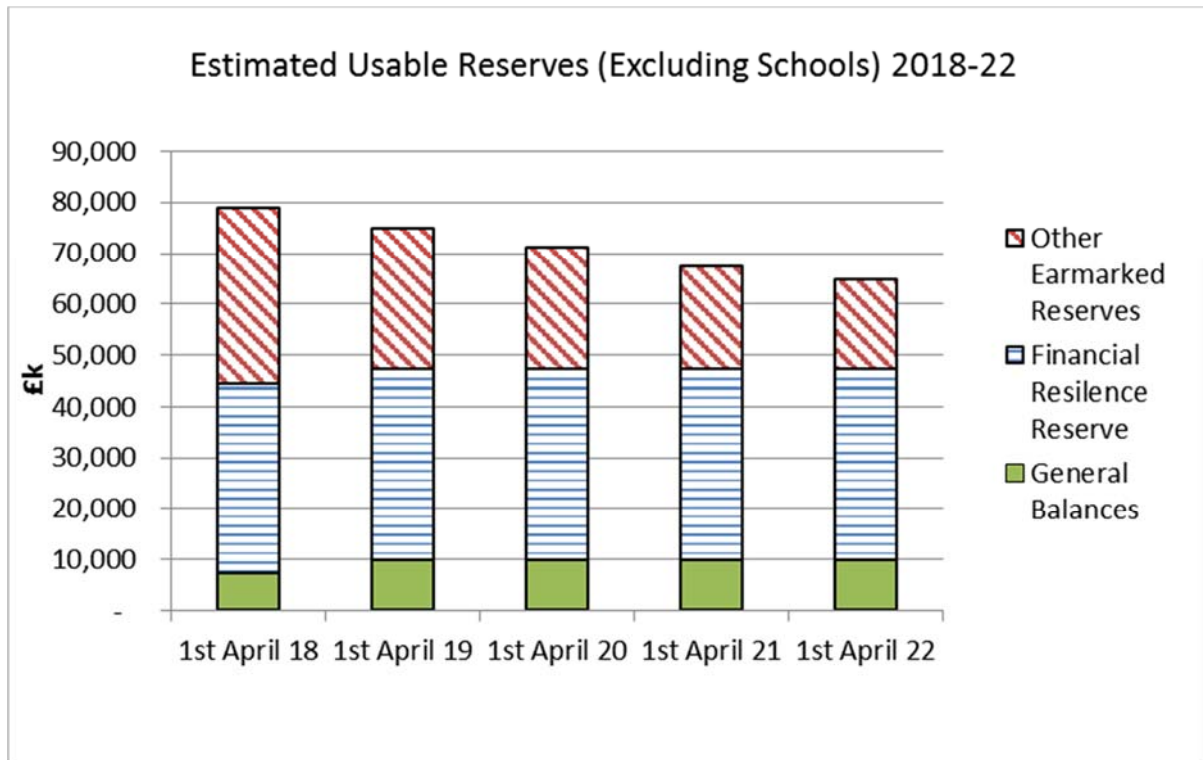
2.17.5 The next 3 yearly (tri-ennial) actuarial review of employer contributions to the West Yorkshire Pension Fund (WYPF) will be undertaken in preparation for 2020-23 period. Updated spend forecasts assume a prudent 1% increase in employer

contributions from current, to 17.1%, from 2020-21 onwards; equivalent to £1.6m per annum.

- 2.17.6 Updated Treasury management budget forecasts assume a further 0.25% uplift in bank of England base rate to 1.0%, in 2019-20. This can be contained within existing budgets, due to slippage on borrowing within existing capital investment plans.
- 2.17.7 In conjunction with the forthcoming review of current capital investment requirements (see also paragraph 2.22), it is intended to further review borrowing affordability over the 2018-24 period, and bring forward any revised borrowing proposals for member consideration. This will also take into consideration, updated CIPFA Prudential Borrowing Code and Government Treasury Management guidance.
- 2.17.8 The financial outturn and rollover report 2017-18 included officer intent to review current treasury management investment policy and consider options for future investment opportunities that could make additional returns for the Council. It is intended to bring forward early options for member consideration as part of the half-yearly review of 2018-19 treasury management performance, for Cabinet and Council consideration later this year.
- 2.17.9 Existing Treasury Management budgets also reflect changes to the Council's treasury management policy relating to minimum revenue provision (annual revenue resources set aside for repayment of debt, also known as MRP), implemented from 2017-18 onwards.
- 2.17.10 This reduces ongoing MRP requirements to an estimated £4m per annum over the 2017-27 period, compared to the £13m actual current base budget provision for MRP; effectively 'releasing' £9m annual base budget, intended to support organisational flexibility and financial resilience over the medium to longer term.
- 2.17.11 Current year financial monitoring has applied £5m of the MRP 'flexibility' to help offset significant unfunded service pressures relating to Special Educational Needs & Disabilities activity. Updated budget forecasts assume the continued application of this £5m flexibility to continue to support High Needs pressures in 2019-20, but reducing thereafter by £1m each year; with an equivalent Government uplift in Dedicated Schools Grant funding, High Needs block to offset this.
- 2.17.12 The balance of £4m MRP flexibility not applied in 2019-20 remains in Treasury Management base budget at this stage, available to support organisational flexibility and financial resilience requirements going forward.

2.18 General Fund Revenue Reserves

- 2.18.1 A modelled forecast of general fund revenue reserves over the 2018-22 period is shown graphically below. These reserves are set out in more detail at Appendix B together with a summary explanation of each reserve held.



- 2.18.2 Existing earmarked reserves and general balances requirements have been reviewed and the modelled reserves position reflects the following changes as set out below. For context, Usable Reserves (excluding Schools) at 1 April 2018 at £78.9m, equates to 27% of net annual revenue budget of £291.2m; equivalent to 14 weeks in-year spend. Useable Reserves are forecast to reduce to £64.8m by year end 2021-22, which equates to 20% of net annual revenue budget of £321.4m; equivalent to 10 weeks in-year spend.
- 2.18.3 General balances are effectively unallocated reserves set aside to support day to day working capital requirements. While this has traditionally been set at a minimum £5m requirement, actual general balances held has in recent years been above the £5m minimum.
- 2.18.4 A review of Councils in the region and wider suggests that a minimum general balances requirement of £10m is more appropriate for a Council with an annual net revenue budget requirement of just under £300m. Current general balances have therefore been adjusted to achieve the £10m minimum requirement going forward.
- 2.18.5 Existing multi-year capital plans include significant investment in a range of regeneration activity, including town centre vibrancy and housing growth and development intent over the 2018-24 period. This has also entailed a recent officer review of ongoing organisational capacity requirements, and other resource requirement to support development, planning and delivery. To support this requirement, it is intended to create a specific regeneration reserve at £4m.
- 2.18.6 The Strategic Director Portfolio for Economy & Infrastructure includes a winter maintenance base budget provision based on a 'typical' winter gritting requirement. Given more recent year unpredictable severe weather events in the District, this is acknowledged to present a degree of budget risk. To mitigate against this, it is intended to establish a severe weather reserve, also at £4m.

- 2.18.7 Current capital plans include intent for the Council to support third party regeneration development through a revolving capital loan facility (Property Investment Fund), upto a maximum £25m. The Council also has a number of existing third party loans, the most significant being the Kirklees College loan, with £19m currently outstanding.
- 2.18.8 A new local government accounting code requirement was introduced in 2018-19 which relates to a range of balance sheet categories, incorporating financial assets and liabilities (International Financial Reporting Standard 9 - Financial Instruments). This is intended to strengthen balance sheet transparency. This includes a mandatory set aside or provision requirement against the potential risk of future loan default.
- 2.18.9 To support the accounting code requirement, it is intended to set aside an initial specific reserve for £3m. This will be further reviewed in line with emerging technical code guidance and interpretation, including advice from Grant Thornton, our external auditors, as appropriate, to ensure Council compliance with accounting code requirements.
- 2.18.10 The above specific earmarked reserves requirements have been facilitated through the release of other current earmarked reserves held. This includes the release of the £3.3m PFI-Prepayment reserve, which has a prescribed annual drawdown requirement of £300k. The annual drawdown requirement will instead be incorporated into Central Budget base budget from 2019-20 onwards.
- 2.18.11 Existing workforce restructure and transformation reserves totalling £10m have also been released. Spend commitments against these reserves will instead be reflected as capitalised costs within updated capital plans, allowed for under the current flexible capital receipts strategy. It is anticipated that there will be sufficient in-year capital receipts in both current and future years to accommodate this approach.
- 2.18.12 The balance of existing reserves re-directed to accommodate the new reserves requirements set out above, has been re-directed from the revenue Grants reserve as they are no longer required; £703k in total.
- 2.18.13 As a result of the above measures, the financial resilience reserves held at the start of 2018-19, at £37m, will be maintained at their current level.
- 2.18.14 Under Section 25 of the Local Government act (2003), in setting annual budgets the statutory s151 officer is required to give positive assurance statements in relation to the robustness of budget estimates and the adequacy of reserves and balances. There is no prescriptive guidance on the latter. Most recent sectoral guidance comes from a joint CIPFA/Local Authority Accounting Panel paper in 2014, which states :
- i) *when reviewing their medium term financial plans and preparing their annual budgets, local authorities should consider the establishment and maintenance of reserves;*
 - ii) *authorities should make their own judgements on such matters taking into account all the relevant local circumstances; and*

iii) in assessing the appropriate level of reserves, a well-managed authority will ensure that the reserves are not only adequate but are also necessary. There is a broad range within which authorities might reasonably operate depending on their particular circumstances.

2.18.15 The updated reserves position set out in this section of the report takes into account the above guidance.

2.18.16 This Council faces continuing and significant financial challenges and service pressures over the medium term. The national funding landscape post-2020 is uncertain, and there is potentially increased volatility in terms of impact from a range of risks recorded on the Council's updated corporate risk register (see Appendix F), including the potential high level impacts from the United Kingdom's withdrawal from the European Union. There are also a number of well documented national media reports regarding increasing numbers of Councils potentially at the brink of financial crisis.

2.18.17 The extent of this concern has also extended to the sector's professional accounting body, CIPFA, who recently consulted Councils on proposals on a benchmark measure of Councils relative financial resilience. This is alongside a proposed financial management code of practice to guide officers and members in understanding and considering all relevant factors in assessing Council financial resilience, including local as well as national factors. CIPFA will update Councils later in the year on emerging new guidance.

2.18.18 The Council has also set out its ambition to invest, transform and change. Financial resilience reserves are a key element of the Council's budget strategy in terms of Council financial resilience to manage unbudgeted risks and pressures over the 2019-22 period.

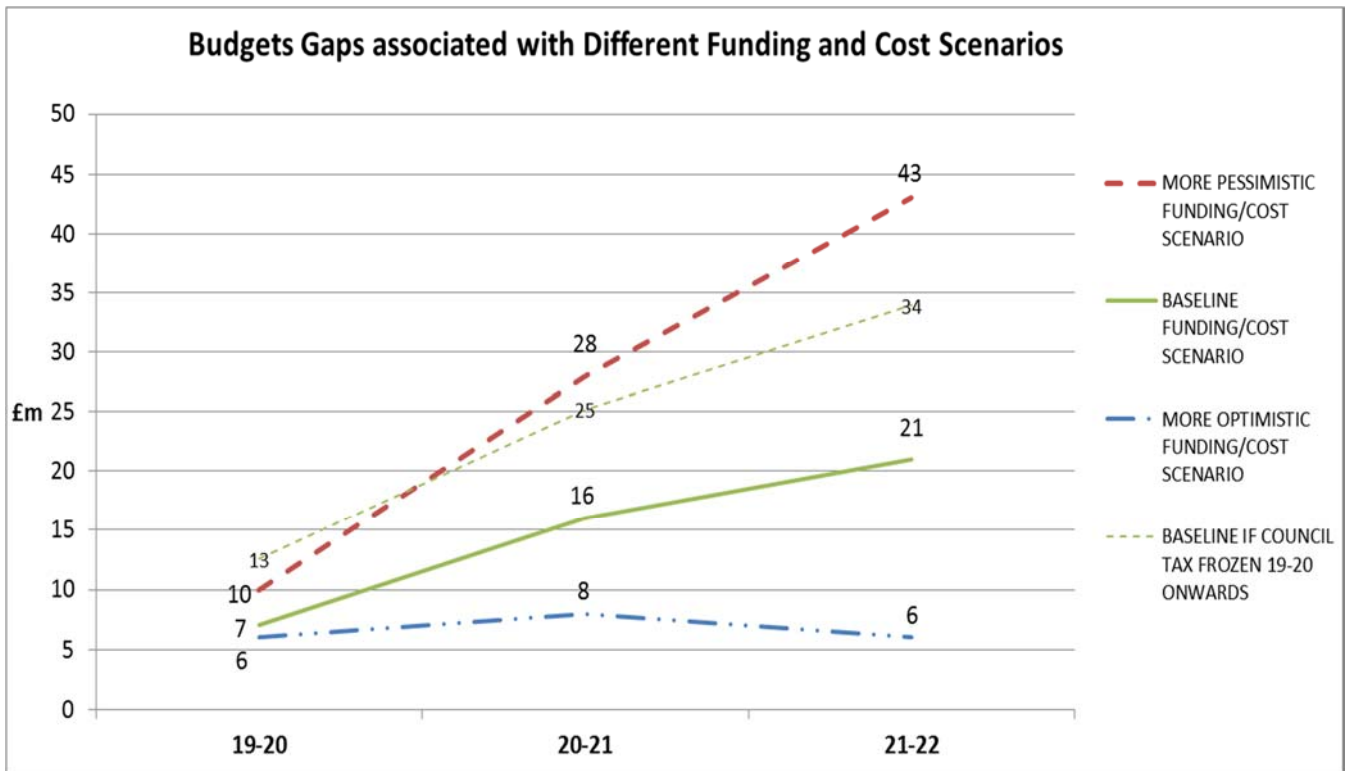
2.18.19 The s151 officer recommends that the existing £37m financial resilience reserves are maintained as a minimum at their current level, at least for the next 18 months, pending further analysis and clarification of the broader national and local funding, policy and economic landscape.

2.18.20 The following section includes some sensitivity analysis regarding updated baseline budget forecasts included in this report. The range of sensitivities reflect marginal changes to a number of key assumptions but show the extent of potential volatility of medium term budget forecasts, in a climate of increased external funding and economic uncertainty.

2.19 BUDGET FORECASTS – SENSITIVITY ANALYSIS

2.19.1 Included at Appendix H are a range of potential sensitivities on baseline budget forecast assumptions as set out in this report. While these sensitivities are illustrative, and there can be different combinations, in broad terms they represent relatively minor changes to a number of key baseline budget forecast assumptions, and the cumulative impact of these over time.

2.19.2 The impact of these budget forecast sensitivities are summarised in the graph below.



2.19.3 Illustratively here, the forecast budget gap by 2021-22 could be in the actual range £6m to £43m, and to a large extent this reflects the extent of both Council funding uncertainty post-2020, and the potential impact of the highlighted headline corporate risks, compared to baseline budget forecast assumptions.

2.19.4 Also included in the sensitivity analysis for illustrative purposes is the cumulative impact on current baseline budget gap assumptions over the 2019-22 period, if the Council decided to maintain council tax at 2018-19 levels over the next 3 years. The cumulative impact would be a further £13m budget pressure by 2021-22.

2.20 Flexible Capital Receipts Strategy

2.20.1 Current flexible capital receipts strategy guidance is set out by the Ministry of Housing, Communities and Local Government (MHCLG), and applies over the 2016-22 period. The web link to current Government guidance is shown below:

[Final Guidance on flexible use of capital receipts](#)

2.20.2 MHCLG guidelines state that the flexible use of capital receipts must be approved by full Council annually. The Council's current flexible capital receipts strategy is incorporated into this report, at Appendix E.

2.20.3 The proposed strategy included at Appendix E incorporates the following qualifying 'capitalisable' revenue expenditure :

- i) cost of service reconfiguration, restructuring or rationalisation (staff or non-staff), where this leads to ongoing efficiency savings or service transformation; and

- ii) driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible;

2.20.4 Appendix E sets out the Council's flexible capital receipts strategy framework. To support the Council's revised earmarked reserves requirements, it is intended to reflect the intended continued capitalisation of transformation and workforce restructure costs within the updated capital plan.

2.21 Housing Revenue Account (HRA)

2.21.1 The overarching context for the existing multi-year HRA budget plans rolled forward into 2018-22 MTFP update is a sustainable, self-financed 30 year HRA business plan, which delivers the following key objectives :

- i) annual servicing of HRA debt upto the £247m borrowing cap limit set by Government,
- ii) capital improvements and maintenance of all Council housing stock to a minimum decency standard ,
- iii) delivery of high quality and cost effective housing management and repair service, and
- iv) inclusion of funding for a number of HRA strategic capital priorities and scope to consider further investment opportunities

2.21.2 Updated HRA budget forecasts are summarised at Appendix C. They reflect the final year impact of Government's annual 1% social housing rent reduction, over the 2016- 20 period, enacted through the Welfare Reform and Work Act 2016. The recently released Government social housing green paper sets out proposals for social housing rents to increase by Consumer Price Index (CPI) plus 1%, over the 2020-25 period. This is reflected in the rent proposals for the 2020-22 period, with an assumed CPI level of 2.5%.

2.21.3 Right to Buys over the 2019-22 period are assumed to continue at about 173 per annum based on current trends.

2.21.4 Updated budget forecasts assume void level targets of 1.1%, and gradual annual uplifts in rent and service charge bad debt provision requirement from 2.1% current year, to 2.5% by 2021-22. The gradual uplift takes account of predicted rollout of universal credit, which includes housing benefit, and the likely impact of direct payment to tenants on income collection going forward.

2.21.5 The social housing green paper also includes the Government proposal not to progress the 'higher value' annual levy or charge, based on higher value property void rates. The levy was to be re-directed to private registered providers to compensate them for the loss of housing stock through the introduction of the right to buy scheme in this sector. This proposal, if enacted, could have been a significant 'risk' to the overall financial viability of the HRA 30 year business plan.

2.21.6 HRA revenue reserves commitments include a set aside of £4m for business risks; in particular, with regard to proposed welfare reform changes. The balance of commitments includes £1.5m working balance, and the planned build up (sinking fund) of reserves to support longer term HRA business plan capital investment requirements.

- 2.21.7 The Council, working in partnership KNH, jointly and regularly review and update the HRA 30 year business plan with the aim to produce a self-financed and balanced budget position over the 30 year plan that delivers the key objectives set out in paragraph 2.21.1 above.
- 2.21.8 The overall resourcing potential for the HRA will continue to be reviewed through the remainder of this budget round, factoring in the implications of the green paper, including capital resourcing capacity. The HRA has £69m current borrowing headroom potential against the £247m borrowing cap set by Government, and there may be potential to utilise at least some of this going forward to support the Council's ambitions and plans for housing development and growth.

2.22 Capital

- 2.22.1 The updated capital plan 2018-23 is detailed at Appendix D. It also includes a new year 5 early draft (2023-24).
- 2.22.2 The updated capital plan also includes some further changes at this stage. This includes an anticipated £6m Homes England grant to fully fund accelerated site development and disposal for housing, at the Soothill and Huddersfield Waterfront sites, which are included in the list of sites to support the Housing delivery Plan previously reported to Cabinet on 29 August 2018.
- 2.22.3 The changes also include a proposed acceleration of baseline HRA works by £7.5m over the 2019-23 period. The £7.5m proposal groups properties by estate and geography ensuring workforce, plant and materials can be delivered in a more efficient manner to take advantage of economies of scale and reduce delivery costs. A more detailed business case regarding this specific proposal will be reported to Cabinet in due course. Other HRA capital changes at this stage reflect current consideration of market provision as the now preferred option for the particular strategic priority schemes highlighted at Appendix D.
- 2.22.4 Changes to the plan also include a capitalisation line for transformation activity at an estimated £3m each year, from 2018-19 onwards, as per current flexible capital receipts strategy. This also enables the release of existing earmarked revenue reserves for the reasons as set out earlier at paragraph 2.18.11. While Government hasn't indicated its intention to extend the current flexible receipts strategy guidelines beyond 2021-22, the working assumption here is that they will be extended into later years, in due course.
- 2.22.5 Council officers are currently undertaking a major review of the current 5 year capital plan, including consideration of emerging new capital proposals not currently in view, to support the delivery of Council priority outcomes over the medium and longer term. The outcome of this review, including a re-working of capital plan affordability and re-prioritisation, will be factored into further updated capital plan proposals for member consideration through the remainder of the current budget round.

3. Implications for the Council

- 3.1 The Council's budget plans 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 A robust Medium Term Financial Plan and budget strategy is a key element of financial and service planning. This will be updated in detail by full Council in February 2019. This report sets a framework for development of draft plans by officers and Cabinet, for consideration by all Members in due course.
- 3.3 Key funding and spend assumptions factored into the MTFP update will be subject to further review, informed by most current local and national intelligence, including the outcome of the Chancellor's Autumn Budget and the provisional government 2019-20 financial settlement.
- 3.4 Any further material changes to funding and spend assumptions will be considered for incorporation into the finalised annual budget report for Cabinet and Council approval in February 2019.

RISK ASSESSMENT

- 3.5 The MTFP update is based on a range of local and national intelligence, and risk assessments underpinning current and future funding and spend assumptions, acknowledging that the extent of these are all potential risk factors to the delivery of balanced budget plans over the medium term. This is summarised at Appendix F, alongside identified management actions to mitigate the risks.

Budget Planning Framework

- 3.6 The updated budget plans set out in this report provide the budget planning framework for officers to bring forward proposals to Cabinet and members through the remainder of the current budget round, in order to deliver a sustainable and balanced overall multi-year budget over the 2019-22 period.
- 3.7 The key budget timetable milestones for the remainder of this budget round are set out at Appendix G.

Budget Consultation

- 3.8 The Council's overall budget planning framework includes consideration of wider engagement and timetabling on stakeholder views on high level priorities in resource allocation. This will be timetabled for a 6 week period between November-December. Stakeholder views on emerging HRA budget proposals will be considered through the relevant Council Tenant stakeholder forums.

- 3.9 In addition, there may be a requirement for more detailed service consultations, led by the relevant services, on specific service budget proposals. These will engage service users as early as possible, and target the groups most likely to be affected.
- 3.10 There is also on-going engagement with the business and voluntary and community sectors.
- 3.11 Key budget proposals include accompanying evidence available to members; namely officer led equalities impact assessments, which are undertaken annually and reviewed and updated as appropriate, on a range of budget proposals. These are also made available on the Council's website, in a timely way. This purpose of the assessments is to ensure that decision makers have due regard to the Council's equalities duties on key decisions.

4. Consultees and their opinions

- 4.1 This report is based on consultation with the Council's Executive Team and Cabinet Members in assessing the current issues, risks and factors to be addressed.

5. Next Steps

- 5.1 Resultant budget proposals will be submitted to Cabinet and full Council. The Council's Chief Finance Officer (& Service Director, Finance) will co-ordinate the development of draft budget proposals and options, and supporting budget documentation within the budget framework and planning totals.
- 5.2 Cabinet will bring forward detailed budget proposals in the new year, for consideration at Budget Council on 13 February 2019.

6. Cabinet portfolio-holders recommendations

The portfolio holder supports the recommendations in this report, and welcomes the changes to the way the budget update has been prepared.

In a time of great uncertainty around the funding of the Council in future years, and also national and international events having the potential to impact on the Council's costs, this budget update takes a pragmatic view in light of all these uncertainties.

It's important that we have a flexibility within the budget to allow us to react to these uncertainties, and this update allows the degree of flexibility that we need at this time.

The review of the capital plan will allow us to ensure that future spending plans are the correct ones and the ones that will allow us to invest without involving excessive risk.

As with all budget updates there has to be a certain amount of assumptions made, and I believe the assumptions we have made are reasonable and the correct ones for the position we and the nation finds itself in at this moment in time. Of course things can and will change, but I believe we have the ability and skills to be able to

react in a manner that will enable us to ensure our finances are sound and the we can continue to deliver the Council's outcomes.

7. Officer recommendations and reasons

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

- 7.1 approve the updated baseline general fund revenue & HRA budget forecasts over the 2019-22 period set out at Appendix A (general fund) and Appendix C (HRA);
- 7.2 note the funding and spend assumptions informing the updated budget forecasts as set out in section 2 of this report;
- 7.3 note and endorse the joint Leeds City Region/North Yorkshire Business Rates Pilot bid for 2019-20;
- 7.4 approve the revisions to earmarked reserves and general balances as set out at Appendix B ;
- 7.5 note the existing 2018-23 capital budget plans rolled forward as set out at Appendix D, incorporating a draft year 5;
- 7.6 approve the changes to the existing Plan as set out at Appendix D;
- 7.7 approve the budget planning framework set out in this report,
- 7.8 approve the flexible capital receipts strategy set out at Appendix E,
- 7.9 approve the corporate budget timetable and approach set out at Appendix G; and
- 7.10 approve the budget consultation approach and timetable set out in this report

The above approach allows the updated budget plans to be adjusted subsequently for major factors identified and sets the basis for officers to update draft service plans within a clear Council budget framework.

8. Contact Officer

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eamonn.croston@kirklees.gov.uk
Sarah Hill, Finance Manager, Finance
sarahm.hill@kirklees.gov.uk

9. Background papers and History of Decisions

Annual budget report 2018-20
Government Financial Settlement 2018-19
Technical Consultation – 2019-20 Local Government Finance Settlement
Annual financial outturn and rollover report 2018-19
Financial monitoring report 2018-19; Quarter 1
MHCLG Guidance; flexible capital receipts strategy
Council Corporate Plan 2018-20

10. Service Director responsible

Eamonn Croston, Service Director, Finance
eamonn.croston@kirklees.gov.uk

APPENDIX A

General Fund Summary - Funding & Spending Plans 2019-22	18-19	19-20	20-21	21-22
	£000	£000	£000	£000
<u>FUNDING AVAILABLE</u>				
Business Rates Baseline	(97,446)	(92,823)	(118,128)	(118,128)
2.5% National Funding Reduction 20-21 onwards			3,203	6,144
Anticipated 19-20 Pool Gain		(2,000)		
Revised Business Rates Retention	(97,446)	(94,823)	(114,925)	(111,984)
Council Tax Baseline (18-19 level)	(160,082)	(160,082)	(160,082)	(160,082)
Additional 700 properties per annum		(1,029)	(2,055)	(3,081)
Empty Property Premium		(360)	(360)	(360)
2.99% increase 19-20, 1.99% thereafter		(5,192)	(8,803)	(12,527)
Adult Social Care Precept	(12,539)	(12,539)	(12,539)	(12,539)
Council Tax	(172,621)	(179,202)	(183,839)	(188,589)
New Homes Bonus	(4,700)	(4,000)	(4,000)	(4,000)
Business Rate Reliefs	(9,575)	(6,776)	(6,776)	(6,776)
Housing and Council Tax Admin	(2,114)	(1,814)	(1,664)	(1,514)
Independent Living Fund	(835)	(810)	(810)	(810)
Additional Adult Social Care Funding			(3,577)	(7,368)
Other	(436)	(372)	(372)	(372)
Total Un-ringfenced Grants	(17,660)	(13,772)	(17,199)	(20,840)
Collection Fund Transfer	(3,500)	(750)		
TOTAL FUNDING AVAILABLE	(291,227)	(288,547)	(315,963)	(321,413)
<u>SPENDING PLANS</u>				
Strategic Director Portfolios	261,460	262,598	262,598	262,598
Public Health Funding rolled into Business Rates			25,305	25,305
Central Budgets – Existing Plans	45,967	51,021	51,021	51,021
Central Budget Adjustments		(3,066)	2,884	7,934
	307,427	310,553	341,808	346,858
Planned Savings rolled forwards from 2018-20 MTFP	(16,200)	(29,398)	(31,119)	(31,384)
Review of Existing Planned Savings		2,834	1,438	
Revised Savings	(16,200)	(26,564)	(29,681)	(31,384)
UPDATED SPENDING PLANS BEFORE SERVICE PRESSURES AND INVESTMENT	291,227	283,989	312,127	315,474

APPENDIX A (continued)

General Fund Summary - Funding & Spending Plans 2019-22 (continued)	18-19	19-20	20-21	21-22
	£000	£000	£000	£000
UPDATED SPENDING PLANS BEFORE SERVICE PRESSURES AND INVESTMENT	291,227	283,989	312,127	315,474
<u>Service Pressures</u>				
<u>Childrens</u>				
High Needs Pressure		6,950	6,100	5,200
Childrens Demand Led Pressures		550	1,100	1,650
Improvement Plan (years 3 and 4)		0	510	510
<u>Adults</u>				
Adults Demand Led Pressures		4,300	12,350	19,700
Better Care Funding and Social Care Grant Offset		(3,800)	(3,800)	(3,800)
<u>Economy and Infrastructure</u>				
Schools Transport - High Needs Pressure		1,000	1,000	1,000
Loss of Driver Training Contract		400	400	400
Total Pressures	0	9,400	17,660	24,660
<u>Service Investment</u>				
<u>Childrens</u>				
Learning Investment (Portage and Access Fund)		420	420	420
Liquid Logic - post implementation support & maintenance		240	240	240
Restorative practice team investment		600	600	600
<u>Economy and Infrastructure</u>				
Fire Safety/Health and Safety		310	310	310
Additional Regeneration Capacity		300	300	300
<u>Corporate</u>				
Information Governance		200	200	200
Business Intelligence		130	130	130
Total Investment	0	2,200	2,200	2,200
UPDATED SPENDING PLANS INCLUDING SERVICE PRESSURES AND INVESTMENT	291,227	295,589	331,987	342,334
BUDGET GAP	0	7,042	16,024	20,921

GENERAL FUND RESERVES

<u>General Fund Reserves</u>	1st April 18 Including Approved Rollover	Reserves Review	Planned use in 18-19	1st April 19	1st April 20	1st April 21	1st April 22
School Reserves	(9,827)	0	0	(9,827)	(9,827)	(9,827)	(9,827)
<u>Earmarked Reserves</u>							
Financial Resilience	(37,146)	0	0	(37,146)	(37,146)	(37,146)	(37,146)
Workforce Restructure Transformation	(5,091)	5,091	0	0	0	0	0
Rollover	(4,944)	4,944	0	0	0	0	0
Revenue Grants	(3,463)	0	1,200	(2,263)	(1,063)	0	0
Stronger Families	(10,615)	703	2,000	(7,912)	(5,912)	(3,912)	(1,912)
Prepayment Reserve (PFI)	(1,924)	0	0	(1,924)	(1,924)	(1,924)	(1,924)
Insurance	(3,055)	3,055	0	0	0	0	0
Ward Based Activity	(1,900)	0	0	(1,900)	(1,900)	(1,900)	(1,900)
Property and Other Loans	(706)	0	250	(456)	(206)	0	0
Adverse Weather	0	(3,000)	0	(3,000)	(3,000)	(3,000)	(3,000)
Strategic Investment Support	0	(4,000)	0	(4,000)	(4,000)	(4,000)	(4,000)
Other	(2,905)	0	500	(2,405)	(1,905)	(1,405)	(905)
	(71,749)	2,793	3,950	(65,006)	(61,056)	(57,287)	(54,787)
General Balances	(7,207)	(2,793)	0	(10,000)	(10,000)	(10,000)	(10,000)
Grand Total	(88,783)	0	3,950	(84,833)	(80,883)	(77,114)	(74,614)

Note - Reserves with balances as at 1st April 2019 are described overleaf.

Glossary of Reserves

Reserve	Description
School Reserves	Statutory reserves relating to both individual schools balances/deficits carried forwards, and Dedicated Schools Grant (ring-fenced for schools related expenditure)
Financial Resilience	Covers a range of potential costs highlighted in the Council's corporate risk assessment, including budget risks as set out in the sensitivity analysis within this report.
Rollover	To fund deferred spend commitments against approved rollover
Revenue Grants	Represents grants and contributions recognised in the Comprehensive Income and Expenditure Statement before expenditure has been occurred.
Stronger Families	Represents deferred expenditure commitments supporting a range of Stronger Families activity.
Insurance	Mitigates against risk from increased liabilities and insurance claims.
Ward Based Activity	To fund deferred ward based activity commitments
Property and Other Loans	Set aside against the potential risk of future loan default. Arising from the introduction of a new local government accounting code intended to strengthen balance sheet transparency.
Adverse Weather	Mitigates against budget risk arising from severe weather events in the District.
Strategic Investment Support	To address the likely scale of one off costs required to support the scale of regeneration capital investment over the 2018-24 period.
Other	A range of smaller reserves earmarked for specific purposes, each less than £0.6m.
General Balances	General reserve available for Council use, excluding Housing Revenue Account purposes. Minimum level proposed to be £10m going forwards.

APPENDIX C

Housing Revenue Account (HRA) SUMMARY MTFP 2018-22

	18-19	19-20	20-21	21-22	22-23
	£000	£000	£000	£000	£000
<u>Repair & Maintenance</u>					
KNH Fee	22,800	21,242	20,900	20,900	20,900
<u>Housing Management</u>					
Policy & Management	13,622	13,172	13,172	13,172	13,172
Council services bought in	2,493	2,463	2,463	2,463	2,463
KNH Fee	16,577	15,745	15,745	15,745	15,745
Special Services (Communal)	1,652	1,517	1,517	1,517	1,517
Sub-total	34,344	32,897	32,897	32,897	32,897
<u>Other Expenditure</u>					
Depreciation charge	16,500	16,500	16,500	16,500	16,500
Interest on capital debt	8,454	8,132	7,903	7,587	7,587
Bad Debt Provision	2,652	2,752	2,852	2,952	2,952
Levy (High value voids)	-	-	-	0	0
Other	684	1,614	2,557	3,510	3,510
Sub-total	28,290	28,998	29,812	30,549	30,549
Total Expenditure	85,434	83,137	83,609	84,346	84,346
Dwelling rent income	(79,734)	(79,875)	(80,625)	(83,264)	(83,264)
Government Grant*	(7,912)	(7,912)	(7,912)	(7,912)	(7,912)
Tenant & Leaseholder charges	(3,186)	(3,392)	(3,674)	(3,800)	(3,800)
Other	(916)	(937)	(958)	(980)	(980)
Total Income	(91,748)	(92,116)	(93,169)	(95,956)	(95,956)
Net Operating Expenditure	(6,314)	(8,979)	(9,560)	(11,610)	(11,610)
Contribution to capital	6,314	8,979	9,560	7,651	4,430
Transfer to / (from) reserves	0	0	0	3,959	7,180
Net Bottom Line	0	0	0	0	0

Current & forecast HRA Reserves-Month 4 Monitoring

	18-19	19-20	20-21	21-22	22-23
	£000	£000	£000	£000	£000
As at April 1	(60,358)	(45,403)	(42,001)	(41,660)	(45,619)
Transfers to/from HRA	-	-	-	(3,959)	(7,180)
In-year capital funding	9,258	3,402	341	-	-
Earmarked - business risk	4,000	-	-	-	-
Earmarked – working balance	1,500	-	-	-	-
In-year forecast (HRA)	197	-	-	-	-
As at 31 March 2018	(45,403)	(42,001)	(41,660)	(45,619)	(52,799)

<i>2019/20 – 2023/24 Capital Plan Expenditure Summary</i>	<i>2019/20 £'000</i>	<i>2020/21 £'000</i>	<i>2021/22 £'000</i>	<i>2022/23 £'000</i>	<i>2023/24 £'000</i>	<i>Total £'000</i>
General Fund:						
Strategic Priorities	58,270	40,316	10,895	1,526	544	111,551
Baseline	36,694	30,655	25,581	25,331	25,331	143,592
Risks & Pressures	1,000	1,000	1,000	1,000	1,000	5,000
General Fund Capital Plan	95,964	71,971	37,476	27,857	26,875	260,143
Housing Revenue Account:						
Strategic Priorities	10,961	7,650	6,000	6,000	6,000	36,611
Baseline	16,168	15,767	16,675	16,375	14,605	79,590
HRA Plan	27,129	23,417	22,675	22,375	20,605	116,201
TOTAL EXPENDITURE	123,093	95,388	60,151	50,232	47,480	376,344
Assumed Slippage	-29,207	-22,565	-16,789	-12,728	-11,011	-92,300
TOTAL FUNDING REQUIREMENT	93,886	72,823	43,362	37,504	36,469	284,044

<i>Funding Summary</i>	<i>2019/20 £'000</i>	<i>2020/21 £'000</i>	<i>2021/22 £'000</i>	<i>2022/23 £'000</i>	<i>2023/24 £'000</i>	<i>Total £'000</i>
Direct / Earmarked Contributions to Schemes						
<i>Capital Grants / Contributions applied</i>						
-In Year	22,865	15,602	14,114	13,864	13,864	80,309
-Funding brought forward (previous yr)	9,850	5,192	4,760	4,760	4,760	29,322
-Funding carried to next year	-5,192	-4,760	-4,760	-4,760	-4,119	-23,591
<i>Earmarked Capital Receipts</i>	1,590	1,590	1,590	1,590	1,620	7,980
<i>Revenue Contributions (HRA)</i>	12,381	9,901	7,651	4,430	6,958	41,321
<i>Reserves (HRA)</i>	11,917	11,493	13,579	16,500	12,202	65,691
Pooled Resources						
<i>Non Earmarked Capital Receipts</i>	8,000	8,000	8,000	8,000	8,000	40,000
<i>Commercial Loan Repayments</i>	4,000	8,000	8,500	2,848	0	23,348
<i>Corporate Prudential Borrowing</i>	57,682	40,370	6,717	3,000	4,195	111,964
Assumed Slippage :						
<i>Borrowing Slippage</i>	-26,355	-19,523	-14,015	-10,004	-8,287	-78,184
<i>Grants Slippage</i>	-2,852	-3,042	-2,774	-2,724	-2,724	-14,116
TOTAL FUNDING REQUIREMENT	93,886	72,823	43,362	37,504	36,469	284,044

	Funding	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	5Yr Total £'000
Learning & Early Support								
New Pupil Places in Primary/Secondary Schools	G/B S106	10,975	9,848	972	545	544	544	12,453
Delivery of an Autistic Spectrum Disorder (ASD) School to mitigate expenditure on out of area ASD placements	B	150	1,000	1,500	350	0	0	2,850
<i>Learning & Early Support Total</i>		11,125	10,848	2,472	895	544	544	15,303
Adults Social Care Operation								
Pump Prime & Commissioning Specialist Accommodation	B	750	1,250	0	0	0	0	1,250
Commissioning Option Appraisals to facilitate outcomes of Specialist Accommodation Strategy	B	250	500	0	0	0	0	500
<i>Adults Social Care Operation Service Total</i>		1,000	1,750	0	0	0	0	1,750
Economy Regeneration & Culture								
Aspirational Regeneration of Major Town Centres - Feasibility	B	500						
Regeneration of Strategic Town Centres - Dewsbury	B	915	7,000	7,085	0	0	0	14,085
Regeneration of Strategic Town Centres - Huddersfield	B	1,050	12,172	10,759	6,500	0	0	29,431
Spenn Valley Leisure Centre	B	500	1,500	8,000	3,500	232	0	13,232
Spenn Valley Leisure Centre - KAL Contribution	B*	0	0	0	0	750	0	750
Huddersfield Leisure Centre	B	34	0	0	0	0	0	0
Dewsbury Learning Quarter	B	376	2,000	0	0	0	0	2,000
Local Growth Fund	B	550	0	0	0	0	0	0
Highways	G	151	0	0	0	0	0	0
HD-One (KSDL)	B	1,000	8,000	4,000	0	0	0	12,000
Property Investment Fund	B	8,000	9,000	8,000	0	0	0	17,000
Kirklees College Loan	B	6,000	0	0	0	0	0	0
Site Development	G	0	6,000	0	0	0	0	6,000
<i>Economy Regeneration & Culture Total</i>		19,076	45,672	37,844	10,000	982	0	94,498
Strategic Priorities Total		31,201	58,270	40,316	10,895	1,526	544	111,551

	Funding	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000
Learning & Early Support							
Basic Need	G	836	2,152	500	500	500	500
Capital Maintenance	G	4,799	3,600	3,400	3,200	3,000	3,000
Devolved Formula Capital	G	939	900	850	800	750	750
One-Off Initiatives:							
SEND Provision	G	352	352	352	0	0	0
SEN future needs review – option appraisal commissioning	B	150	500	0	0	0	0
Early Years Provision	G	198	0	0	0	0	0
IT Infrastructure for Children's System	R	447	0	0	0	0	0
Healthy Pupils	G	358	0	0	0	0	0
Section 106 funded schemes	S106	2,157	0	0	0	0	0
Completed Schemes	G	106	0	0	0	0	0
Learning & Early Support Total		10,342	7,504	5,102	4,500	4,250	4,250
Adults Social Care Operation Total							
	G	300	700	0	0	0	0
Economy Regeneration & Culture							
Housing Private Sector							
Disabled Facilities Grants	G	3,452	2,721	2,721	2,721	2,721	2,721
Discretionary Assistance	R	163	100	100	100	100	100
Minor Adaptations	R	450	290	290	290	290	290
Other	G	2,001	0	432	0	0	0
Housing Private Sector Total		6,066	3,111	3,543	3,111	3,111	3,111
Economic Resilience	B/G	4,223	900	900	900	900	900
KAL - Self Funded	B*	3,456	500	617	617	617	617
Strategic Asset Utilisation /Rationalisation	B	2,560	300	0	0	0	0
Leeds City Region Revolving Fund	B	1,632	0	0	0	0	0
Economy Regeneration & Culture Total		17,937	4,811	5,060	4,628	4,628	4,628
Commercial Regulatory & Operational Services							
Highways							
Maintenance :							
Principal Roads	G	2,605	2,600	2,600	2,600	2,600	2,600
Roads Connecting Communities	G	2,074	1,369	1,164	856	856	856
Local Community Roads	B/G	2,872	2,247	2,247	2,247	2,247	2,247

	Funding	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000
Structures	G	1,678	1,200	1,200	1,200	1,200	1,200
Street Lighting Replacement Strategy	B*	3,172	3,000	3,000	1,000	1,000	1,000
Unadopted Roads	B	130	50	50	50	50	50
Integrated Transport :							
Integrated Public Transport	B/G	806	300	0	0	0	0
Network Management	B/G	442	100	100	100	100	100
Cycling & Walking	B/G	135	20	20	20	20	20
Safer Roads	B/G	1,545	650	650	650	650	650
Town Centre Car Parking	B	596	100	100	100	100	100
Flood Management and Drainage Improvements	B/G	1,451	680	680	680	680	680
Developer Funded Schemes	S106	1,452	0	0	0	0	0
Highways Total		18,958	12,316	11,811	9,503	9,503	9,503
Corporate Landlord Asset Investment	B	5,665	4,250	2,300	1,300	1,300	1,300
Transport	B	2,317	1,250	1,250	1,250	1,250	1,250
Environment & Strategic Waste	B	148	100	100	100	100	100
School Catering	B/ B*	488	400	400	400	400	400
Electric Vehicle Charge Points	G	547	0	0	0	0	0
Commercial Reg & Operational Total		28,123	18,316	15,861	12,553	12,553	12,553
Office of the Chief Executive							
Ward Based Activity	B	192	0	0	0	0	0
Office of the Chief Executive Total		192	0	0	0	0	0
Corporate Services							
Information Technology	B*/ R	2,792	2,363	1,632	900	900	900
Flexible Capital Receipts Strategy - Transformation	R	3,000	3,000	3,000	3,000	3,000	3,000
Corporate Services Total		5,792	5,363	4,632	3,900	3,900	3,900
TOTAL BASELINE		62,686	36,694	30,655	25,581	25,331	25,331

FUNDING KEY:

B = Borrowing

B* = Service funded Borrowing - Work is ongoing to remove this category and have one system of prudential borrowing.

G = Grant

R = Capital receipts

	Funding	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
Strategic Priorities								
Housing Growth	H / R	4,320	4,000	4,000	4,000	4,000	4,000	20,000
New Build Phase 1 - Ashbrow Extra Care	H / G	990	3,961	1,650	0	0	0	5,611
New Build Phase 2 - Soothill Extra Care	H / R	0	0	0	0	0	0	0
New Build Phase 3	H / R	0	0	0	0	0	0	0
New Build Phase 4 - Environmentally Friendly Housing	H / R	(4,111)	0	0	0	0	0	0
Garage/Green Space Development Phase 1	H / R	2,038	0	0	0	0	0	0
Remodelling / High Rise	H	2,000	2,000	2,000	2,000	2,000	2,000	10,000
Strategic Priorities	H / R	0	0	0	0	0	0	0
IT System (Universal Housing Replacement)	H	0	1,000	0	0	0	0	1,000
Sub-Total		9,348	10,961	7,650	6,000	6,000	6,000	36,611
Baseline								
Housing Capital Plan	H	10,889	11,006	10,522	11,346	10,960	9,190	53,024
Estate Improvements (Housing Capital Plan)	H	1,988	731	746	760	775	775	3,787
Compliance	H	2,200	1,000	1,000	1,000	1,000	1,000	5,000
Fuel poverty	H / G	662	638	650	663	676	676	3,303
Adaptations	H	2,739	2,793	2,849	2,906	2,964	2,964	14,476
Sub-Total		18,478	16,168	15,767	16,675	16,375	14,605	79,590
TOTAL HRA PLAN		27,826	27,129	23,417	22,675	22,375	20,605	116,201

FUNDING KEY:

- H = HRA revenue contribution/major repairs reserve
- R = Capital receipts
- G = Grant

Summary of Capital Plan Changes from Original Plan

Appendix D

	Funding	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000
ORIGINAL CAPITAL PLAN (Council 11.07.18)						
General Fund		91,887	86,964	68,971	34,476	24,857
Housing Revenue Account		31,937	25,128	25,530	31,596	26,109
TOTAL ORIGINAL EXPENDITURE		123,824	112,092	94,501	66,072	50,966
ADDITIONS/REDUCTIONS						
General Fund						
Strategic Priorities – Site Development	G	0	6,000	0	0	0
Baseline - Corporate Services, Flexible Capital Receipts Strategy	R	3,000	3,000	3,000	3,000	3,000
Sub-Total		3,000	9,000	3,000	3,000	3,000
Housing Revenue Account						
Strategic Priorities - New Build Phase 2 - Soothill Extra Care	H / R		0	(3,631)	(3,703)	0
Strategic Priorities - New Build Phase 3	H / R		0	0	(7,555)	0
Strategic Priorities - New Build Phase 4 - Environmentally Friendly Housing	H / R	(4,111)	0	0	0	0
Strategic Priorities - Strategic Priorities	H / R	0	0	0	0	(5,504)
Baseline – Housing Capital Plan	H / R		2,001	1,518	2,337	1,770
Sub-Total		(4,111)	2,001	(2,113)	(8,921)	(3,734)
TOTAL ADDITIONS/REDUCTIONS		(1,111)	11,001	887	(5,921)	(734)
REVISED CAPITAL PLAN		122,713	123,093	95,388	60,151	50,232

KIRKLEES COUNCIL - FLEXIBLE USE OF CAPITAL RECEIPTS STRATEGY

1. Government guidance allows the capitalisation of certain types of qualifying revenue expenditure in-year, funded from the flexible use of 'in-year' generated capital receipts. It covers in-year capital receipts generated in-year, from 2016-17 to 2021-22 inclusive.
2. In-year generated capital receipts includes general fund receipts from the sale of general fund land and buildings. It also includes 'right to buy' (RTB) receipts from the sale of Council houses. These are remaining receipts that are also available to the Council, after taking account of the Council's other obligations in relation to RTB receipts generated in-year.
3. It is proposed that consideration be given to applying 'in-year' capital receipts generated, to fund the following qualifying capitalised revenue expenditure, in line with original DCLG guidance issued in March 2016, as follows :
 - i) *funding the cost of service reconfiguration, restructuring or rationalisation (staff or non-staff), where this leads to ongoing efficiency savings or service transformation;*
 - ii) *driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible;*
4. The time period relating to the above qualifying expenditure covers 2017-18 and the following 4 years. The original DCLG guidance covered the 2016-19 period, but this was subsequently extended by a further 3 years, to 2021-22, following the Autumn Statement announcement on November 17th, 2017.
5. The extent to which capital receipts will actually be applied in-year will take into account the following factors :
 - i) the amount of capital receipts actually generated in-year;
 - ii) the amount of qualifying capitalisable revenue expenditure in-year;
 - iii) the affordability of borrowing to fund the capital plan in-year, where current funding assumptions include use of in-year capital receipts to part fund the Councils annual general fund capital plan
6. The proposals set out in 3. above are 'in principle', and allow officers the 'flexibility' to consider a range of funding options in-year that meet the intended objectives set out in the Council's budget strategy update.
7. It is intended that officers will update members as part of the annual budget report to full Council each February, and finalised proposals for the flexible use of capital receipts to be incorporated into an annual early closedown review report for Cabinet consideration early April.

Risk No	Risk – Description of the risk	Management actions already in place to mitigate the risk
	The finances of the Council	
1	A failure to achieve the Councils savings plan impacts more generally on the councils finances with the necessity for unintended savings (from elsewhere) to ensure financial stability	<ul style="list-style-type: none"> • Established governance arrangements are in place to achieve planned outcomes at Cabinet and officer level • Escalation processes are in place and working effectively. • Alignment of service, transformation and financial monitoring. • Tracker developed which allows all change plans to be in view and monitored on a monthly basis • Programme management office established and resourced • Monthly (and quarterly) financial reporting
2	<p>Failure to control expenditure and income within the overall annual council approved budget leads to the necessity for unintended savings (from elsewhere)). The most significant of these risks are related to volumes (in excess of budget) of;</p> <ul style="list-style-type: none"> • Complex Adult Care services • Childrens Care Services • Educational high needs <p>& * Rent Collection impact of Universal Credit rollout (H R A) And in the longer term, the costs of waste disposal.</p>	<ul style="list-style-type: none"> • Significant service pressures recognised as part of resource allocation in 2018/19 and 2019/20 • Responsibility for budgetary control aligned to Strategic and Service Directors. • Examine alternative strategies or amend policies where possible to mitigate growth in demand or reduce costs • Utilise supplementary resources to cushion impact of cuts and invest to save. • Continue to lobby, through appropriate mechanisms, for additional resources • Proactive monitoring as Universal Credit is introduced
3	Above inflation cost increases, particularly in the care sector, impact on the ability of providers to deliver activities of the specified quality, and or impacting on the prices charged and impacting on the budgets of the council.	<ul style="list-style-type: none"> • Monitor quality and performance of contracts. • Be aware of underlying issues through effective communication with service providers and suppliers about likely impact on prices • Renegotiate or retender contracts as appropriate. • Ensure that budgets anticipate likely cost impacts • Seek additional funding as a consequence of government imposed costs

4	Making inappropriate choices in relation to lending or and borrowing decisions. leads to financial losses.	<ul style="list-style-type: none"> • Effective due diligence prior to granting loans and careful monitoring of investment decisions. • Effective challenge to treasury management proposals by both officers and members (Corporate Governance & Audit Committee) taking account of external advice
5	Exposure to uninsured losses or significant unforeseen costs, leads to the necessity for unintended savings to balance the councils finances	<ul style="list-style-type: none"> • Ensure adequacy of financial revenue reserves to protect the council financial exposure and managed effectively not to impact on the council essential services. • Consider risks and most cost effective appropriate approach to responding to these (internal or external insurance provision)
6	A future financial regime set by government causes a further loss of resources or increased and under-funded obligations (eg in relation to social care), with impact on the strategic plans.	<ul style="list-style-type: none"> • Monitor government proposals and legislation, and their impact on council and partner services. • Continue to lobby, through appropriate mechanisms, for additional resources e.g. Local Government Association (LGA) • Be aware of underlying issues through effective communication with citizens, partners, service providers and suppliers about likely impact on resources • Ensure that budgets anticipate likely impacts • Ensure adequacy of financial revenue reserves to protect the council financial exposure and managed effectively not to impact on the council essential services.
Community Impacts & Risks		
7	The council does not adequately safeguard children and vulnerable adults, as a result of increased complexity, referral volumes and a lack of service capacity to respond to the assessed need.	<ul style="list-style-type: none"> • Disclosure & Barring Service (DBS) checking, staff training, supervision, protection policies kept up to date and communicated. • Effective management of social work (and related services); rapid response to any issues identified and from any serious case review work. • Active management of cases reaching serious case review stage, and any media interest • Review of current practices following the child sexual exploitation in Rotherham and the emerging requirements. • Ensure that workloads are balanced to resources. • Staff and skill development to minimise dependence on key individuals. • Use of agency staff and or contractors when necessary • Ideal manager training • Development of market sufficiency strategy; consider approaches to support the development of the available service offer both locally and regionally.

		<ul style="list-style-type: none"> • Ensure competence of the Safeguarding Boards and that they are adequately resourced to challenge and improve outcomes • Ensure routine internal quality assessment • Take effective action after Serious Case Reviews • Effective listening to messages about threats from other parts of the council and partner agencies • Proactive recognition of Members role as “corporate parent” • Childrens Improvement Board to assist governance and quality improvement
8	The heightened national attention to Child Sexual Exploitation and historical abuse cases causes reputational issues, and resource demands to address consequential matters.	<ul style="list-style-type: none"> • Additional resources and expertise allocated to new and historical Child Sex Exploitation (CSE) work. • Risk matrix and risk management approach implemented with the police and partners. • Oversight of Council risks through the CSE Member Panel. • Understand relationship with the Prevent strategy, and issues linked to counter terrorism • Take steps per risk 1 to seek to avoid ongoing issues
9	Failure to address matters of violent extremism and related safer stronger community factors create significant community tension, (and with the potential of safeguarding consequences for vulnerable individuals.	<ul style="list-style-type: none"> • Prevent partnership action plan. • Community cohesion work programme • Local intelligence sharing and networks. • New status as a Prevent Priority Area provides funding for a Prevent Coordinator Post and enables the development of bids for additional funding. • Counter terrorism local profile. • Home Office funded Counter Extremism Community Co-ordinator role
10	Significant environmental events such as severe weather impact on the Council’s ability to continue to deliver services.	<ul style="list-style-type: none"> • Effective business continuity and emergency planning (including mutual aid) investment in flood management, gritting deployment plans. • Winter maintenance budgets are supported by a bad weather contingency. • Operational plans and response plans designed to minimise impacts (e.g. gully cleansing for those areas which are prone to flooding.)
11	The policy presumption of communities taking more responsibility for service provision does not deliver the hoped for outcomes, with the consequence that some community services will no longer be sustainable from the	<ul style="list-style-type: none"> • Reduced demand for statutory services • If the reduction is not realised at the pace set out, (in change plans) then those services that are directly impacted will need to identify this early, and to help in doing so, ensure that appropriate demand management and monitoring is put in place to record the levels of service take up. Remedial action should also be identified by those services. • Successful implementation of new service models

	resources available, with reputational and policy risks.	<ul style="list-style-type: none"> • Impact assessments for those services directly affected should be carried out to reflect the impact on citizens of losing a service as a consequence of the pace and scale of new service models not meeting demand. •
	The UK exiting the EU	
12	<p>The process of the UK exiting the EU lead to the following consequences and impact:</p> <ul style="list-style-type: none"> • Economic uncertainty impact on business rates and housing growth, with knock-ons to council tax, new homes bonus and business rate income. • The potential for increased cuts in core government funding (as a result of economic pressures) in the context of ongoing increases in demand for council services. • Rising inflation could lead to increased costs. And Interest rate volatility impacting on the cost of financing the council's debt. • The general uncertainty affecting the financial markets could lead to another recession. • An uncertain economic outlook potentially impacting on levels of trade and investment. • Uncertainty about migration impacting on labour markets, particularly in key sectors like health and social care • Potential impact on community cohesion, with increased community tensions and reported hate crimes. 	<p>These risks are largely addressed elsewhere in the Matrix</p> <ul style="list-style-type: none"> • Monitor government proposals and legislation, and their impact on council and partner services. • Continue to lobby, through appropriate mechanisms, for additional resources e.g. Local Government Association (LGA) • Be aware of underlying issues through effective communication with partners, service providers and suppliers about likely impact on prices and resources • Ensure that budgets anticipate likely cost impacts • Utilise supplementary resources to cushion impact of any cuts and invest to save. • Ensure adequacy of financial revenue reserves to protect the council financial exposure and that they are managed effectively not to impact on the council essential services • Local intelligence sharing and networks. • Prevent partnership action plan. • Community cohesion work programme • Service and financial strategies kept under review to keep track of developments related to the UK exiting the EU.

	Other Resource & Partnership Risks	
13	<p>Council supplier and market relationships, including contractor failure leads to;</p> <ul style="list-style-type: none"> • loss of service, • poor quality service • an inability to attract new suppliers (affecting competition, and to replace any incumbent contractors who have failed) • complexities and difficulties in making arrangements in respect of significant and long running major outsource contracts. 	<ul style="list-style-type: none"> • Avoid, where possible, over dependence on single suppliers; • More thorough financial assessment when a potential supplier failure could have a wide impact on the council's operations but take a more open approach where risks are few or have only limited impact. • Recognise that supplier failure is always a potential risk; those firms that derive large proportions of their business from the public sector are a particular risk. • Need to balance between only using suppliers who are financially sound but may be expensive and enabling lower cost or new entrants to the supplier market. • Consideration of social value, local markets and funds recirculating within the borough • Be realistic about expectation about what the market can deliver, taking into account matter such as national living wage, recruitment and retention issues etc. • Develop and publish in place market position statement and undertake regular dialogue with market. • Effective consultation with suppliers about proposals to deal with significant major external changes • Early consultation with existing suppliers about arrangements to be followed at the end of existing contractual arrangements • Realign budgets to reflect real costs • Commission effectively • Ensuring adequate cash flow for smaller contractors
14	<p>Management of information from loss or inappropriate destruction or retention and the risk of failure to comply with the Council's obligations in relation to Data Protection, Freedom of Information legislation and the General Data Protection Regulations (GDPR) leading to reputational damage, rectification costs and fines</p>	<ul style="list-style-type: none"> • Thorough, understandable information security policies and practices that are clearly communicated to workforce. • Effective management of data, retention and recording. • Raised awareness and staff training • Compliance with IT security policy. • Compliance with retention schedules. • Compliance with information governance policy. • Business continuity procedures. • Comply with new legislation around staff access to sensitive data.

		<ul style="list-style-type: none"> • Council has a Senior Information Risk Owner (“SIRO”) officer and a Data Protection Officer (DPO) who are supported by an Information Governance Board • Development of action plan to respond to GDPR requirements and resourcing requirements as appropriate • Increased awareness of officers and members as to their obligations
15	Health and safety measures are inadequate leading to harm to employees or customers and possible litigious action from them personally and/or the Health and Safety Executive.(and the potential of prosecution and corporate /personal liability)(and in particular issues of fire safety,)	<ul style="list-style-type: none"> • New Fire Safety Policy approved and being implemented Improved monitoring of fire risk • Prioritised programme of remedial works to buildings to tackle issues • Review work practices to address H&S risks • Monitor safety equipment • Improved employee training as to their responsibilities, as employees and (where appropriate) as supervisors
16	Exposure to increased liabilities arising from property ownership and management, including dangerous structures and asbestos, with reputational and financial implications.	<ul style="list-style-type: none"> • Routine servicing and cleansing regimes • Work practices to address risks from noxious substances • Property disposal strategy linked to service and budget strategy • Review of fire risks Develop management actions, categorised over the short to medium term and resource accordingly. • Prioritisation of funding to support reduction of backlog maintenance • Clarity on roles and responsibilities particularly where property management is outsourced.
17	A funding shortfall in partner agencies) leads to increased pressure on community services with unforeseen costs.	<ul style="list-style-type: none"> • Engagement in winter resilience discussions with NHS partners • Secure funding as appropriate • Consider extension of pooled funds • Accept that this may lead to an increase in waiting times • Strengthen partnership arrangements to ascertain whether other funding or cost reduction solutions can be introduced.
18	The risk of retaining a sustainable, diverse, workforce, including - aging and age profile - encouraging people to enter hard to recruit roles (which often have low pay, or challenging hours or tasks)	<ul style="list-style-type: none"> • Effective Workforce Planning (inc recruitment , retention issues) • Modernise Human Resources policies and processes • Increased accessibility to online training managers/ employees. • Selective use of interim managers and others to ensure continuity of progress regarding complex issues

	- encouraging entrants to professional roles where pay is often below market levels. and ensuring that the workforce are broadly content, without whom the council is unable to deliver its service obligations.	<ul style="list-style-type: none"> • Ensure robust change processes including Equality Impact Assessments (EIA's) and consultation.. • Understand market pay challenges • Promote the advantages of LG employment • Emphasise the satisfaction factors from service employment • Engage and encourage younger people through targeted apprenticeships, training, and career development
19	National legislative or policy changes have unforeseen consequences with the consequence of affecting resource utilisation or budgets.	<ul style="list-style-type: none"> • Reprioritise activities • Deploy additional resources • Use of agency staff or contractors where necessary • Development of horizon scanning service

Corporate Budget Timetable

Year	Date	Forum*	Milestone activity
2018	2 Oct / 10 Oct	Cabinet & Council	MTFP Update report
	Nov to Dec	General budget consultation	6 weeks consultation period
	Late Nov	Central Gov't	Autumn Budget
	Mid-Dec	Central Gov't	Provisional Financial Settlement 2019-20
2019	Mid Jan	Cabinet/Council	Update to members on the outcome of the provisional 2019-20 financial settlement Council Tax Base report 2019-20 HRA rent & service charge setting report Schools funding reports
	Mid to late Jan	Central Gov't	Finalised financial settlement 2019-20
	29 Jan / 13 Feb	Cabinet & Council	Council annual budget report

Sensitivity Analysis

MORE OPTIMISTIC SCENARIO	2019-20	2020-21	2021-22
	£m	£m	£m
Baseline Scenario – Budget Gap	7.0	16.0	20.9
More Optimistic Scenario – Changes to Budget Gap:			
<u>Funding Changes</u>			
No decrease in national funding – cash limited rates retention income	-	(2.5)	(4.9)
No decrease in rolled in Public Health Funding – cash limited	-	(0.6)	(1.2)
Fair Funding review outcome - 2% increase in funding	-	(1.9)	(3.7)
2% uplift per annum in business rates grants	(0.2)	(0.3)	(0.4)
Additional 300 properties per annum	(0.4)	(0.9)	(1.4)
Housing Benefit Grant lower reduction per annum (£100k v £150k)	-	(0.1)	(0.1)
	(0.6)	(6.3)	(11.7)
<u>Cost Changes</u>			
Pay Inflation 1% from 20-21 (vs 2%)	-	(1.6)	(3.2)
More Optimistic Scenario – Updated Budget Gap	6.4	8.1	6.0

MORE PESSIMISTIC SCENARIO	2019-20	2020-21	2021-22
	£m	£m	£m
Baseline Scenario – Budget Gap	7.0	16.0	20.9
More pessimistic Scenario – Changes to Budget Gap:			
<u>Funding Changes</u>			
Higher decrease in national funding – 5% reduction	-	2.1	4.1
Higher decrease in rolled in Public Health Funding – 5% reduction	-	0.6	1.2
Fair Funding review outcome – 2.5% decrease in funding	-	2.3	4.5
2% reduction per annum in business rates grants	0.2	0.3	0.4
Housing Benefit Grant greater reduction per annum (£300k v £150k)	0.2	0.3	0.4
No Pilot Extension for 2019-20	2.0		
New Homes Bonus – 5% decrease per annum	0.2	0.4	0.6
Reduction in other unringfenced grants – 2% decrease per annum		0.1	0.1
No additional Adult Social Care Monies		3.6	7.4
	2.6	9.7	18.7
<u>Cost Changes</u>			
Pay Inflation 1% from 20-21 (vs 2%)	-	1.6	3.2
More Pessimistic Scenario – Updated Budget Gap	9.6	27.3	42.8

COUNCIL MEETING

Wednesday 10 October 2018

AGENDA ITEM 9 – WRITTEN QUESTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 12

- (1) **Question by Councillor D Hall to the Cabinet Member for Communities and Environment (Councillor Mather)**

‘What is the Council’s policy on replacing concrete litter bins?’

The Cabinet Member to respond

- (2) **Question by Councillor D Hall to the Cabinet Member for Economy (Councillor McBride)**

‘Please will you give an update on Pioneer House, including total spending to date on the project?’

The Cabinet Member to respond

- (3) **Question by Councillor D Hall to the Cabinet Member for Economy (Councillor McBride)**

‘How long will it take to complete your masterplans for Huddersfield and Dewsbury town centres?’

The Cabinet Member to respond

- (4) **Question by Councillor D Hall to the Cabinet Member for Housing and Democracy (Councillor Scott)**

‘Not counting the 550 “Excellent Homes for Life” units commissioned by the last Conservative administration, how many council houses have been built in Kirklees since 2009?’

The Cabinet Member to respond

(5) Question by Councillor Iredale to the Cabinet Member for Corporate Services (Councillor Turner)

‘How are you measuring satisfaction with the Council’s automated telephone system?’

The Cabinet Member to respond

(6) Question by Councillor A Pinnock to the Cabinet Member for Communities and Environment Services (Councillor Mather)

‘Can the Council claim compensation from Virgin Media where the installation of new cables result in local pavements and verges being damaged?’

The Cabinet Member to respond

(7) Question by Councillor Eastwood to the Cabinet Member for Communities and Environment (Councillor Mather)

‘There are estate agents ‘for sale’ signs cluttering a piece of council-owned land in Lindley. Numerous requests have been made to remove the signs, but the signs have remained in place and no enforcement has been undertaken by the Council. When can residents expect to see the signs removed?’

The Cabinet Member to respond

(8) Question by Councillor D Hall to the Cabinet Member for Corporate Services (Councillor Turner)

‘How many new dwellings are expected per year in your new budget assumptions?’

The Cabinet Member to respond

(9) Question by Councillor D Hall to the Cabinet Member for Economy (Councillor McBride)

‘How many new dwellings are expected per year in your Local Plan?’

The Cabinet Member to respond

(10) Question by Councillor Holmes to the Lead Member for Children’s Scrutiny Panel (Councillor Burke)

‘Have you, as Chair of Children’s Scrutiny, asked the Police to attend a meeting to provide Members with a full briefing on the current CSE situation in Kirklees?’

The Lead Member to respond

(11) Question by Councillor Smith to the Leader of the Council (Councillor Pandor)

“Can we be confident that the threatened Bin Strike is now not going to happen?”

The Leader to respond

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 21st August 2018

- Present: Councillor David Sheard (Chair)
Councillor Musarrat Khan
Councillor Naheed Mather
Councillor Peter McBride
Councillor Graham Turner
- In attendance: Councillor Elizabeth Smaje
Councillor Mohan Sokhal
Councillor John Taylor
- Apologies: Councillor Shabir Pandor
Councillor Masood Ahmed
Councillor Erin Hill (Currently on Maternity Leave)
Councillor Viv Kendrick
Councillor Cathy Scott

- 30 Membership of the Committee**
Apologies for absence were received on behalf of Councillors Hill, Ahmed, Kendrick, C Scott and Pandor.
- 31 Minutes of previous meeting**
RESOLVED - That the Minutes of the Meetings held on 29 June and 10 July 2018 be approved as correct records.
- 32 Interests**
No interests were declared.
- 33 Admission of the Public**
It was noted that Agenda Items 20, 21, 22, 23 and 24 would be considered in private session (Minute No's 49 to 53 refer).
- 34 Deputations/Petitions**
No deputations or petitions were received.
- 35 Public Question Time**
No questions were asked.
- 36 Member Question Time**
No questions were asked.

37 Proposed appropriation of Cemetery Road Allotments, Huddersfield
(Under the provision of Council Procedure Rule 37, Cabinet received representations from local residents Debby Fulgoni and Jonathan Adamson).

Cabinet gave consideration to a report which sought approval of the appropriation of a defined section of Cemetery Road Allotments, Huddersfield, from general estate purposes to education purposes, in order to facilitate the redevelopment of the land to create playing fields and car parking provision for a new primary school to be built on adjacent land.

The report advised that the need to appropriate a defined part of the allotments arose from; (i) ownership of the playing fields and allotments needed for the new school (ii) the land requirements for a new primary school in order to ensure that it provides full on site access to the curriculum and (iii) the need to meet Sport England requirements to replace playing field land lost to development with land of equivalent size and quality.

The report advised that the recommendations would enable the Council to enact its decision to build a 420 place primary school (Brambles Primary Academy), with associated playing fields and other ancillary provision, on the Clare Hill site. The report advised that, as a consequence, fourteen allotment holders would be displaced but that they would be provided with alternative plots within the site.

It was noted that, subject to approval, work would be undertaken to complete the appropriation process, and that a further report would be submitted during Autumn to seek approval for contracting and the investment of approximately £11m in new school facilities.

RESOLVED -

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

38 Kirklees Libraries Service Redesign

(Under the provision of Council Procedure Rule 37, Cabinet received a representations from Jeremy Cuss and Jennifer Madden. Under the provision of Council Procedure Rule 36(1) Cabinet received a representations from Councillors Smaje and J Taylor).

Cabinet gave consideration to a report which set out proposals for the next stage in the re-design of the Council's library service. The report set out a summary of the findings of a twelve week consultation which had taken place between 8 January and 2 April 2018, the outcomes of which had been analysed by Qa Research Consultants. The summary of the findings were set out at paragraph 2 of the considered report.

In terms of library service delivery, the report advised that the library service budget had reduced by 43% and, based upon the Medium Term Financial Plan, would need to reduce further next year to meet an overall reduction of 63%. The report advised of the following proposed framework for the redesign of the service; (i) libraries must be situated in the right building, in the right place, in order to meet community needs and maximise the impact upon early intervention and prevention (ii) libraries should be situated, where possible, on one floor to ensure an efficient and cost effective delivery model (iii) a local plan should be developed for each area to reflect the differing needs of each community (iv) 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 (v) the services and activities provided must meet the Council's outcomes.

The report advised that, subject to approval of the recommendations, further discussion would take place with Library Friends of Groups, stakeholders and partners in order to determine place based solutions for communities, including local level reviews of the locations and sustainability of the accommodation of each library.

RESOLVED -

- 1) That approval be given to the framework, as set out in paragraph 2.4 of the considered report, and that there be a period of time to establish how the service, with support from communities and partners, will contribute towards Council priorities and outcomes in a local context with reduced financial resource.
- 2) That approval be given to the procurement of an external partner to provide the Home Service, on behalf of the Council.
- 3) That the current library fine charging system be reviewed.
- 4) That the risks as set out at paragraph 2.2 of the considered report and that it be agreed that the Council retains the delivery of service provision.
- 5) That authority be delegated to the Strategic Director (Adults and Health), in consultation with the Cabinet Member for Corporate Services, to make individual change service decisions.

39 The New Spen Valley Leisure Centre

Cabinet gave consideration to a report which sought approval to progress to the detailed design stage for a new Spen Valley Leisure Centre.

Cabinet - 21 August 2018

The report advised that the existing leisure facilities were in need of replacement and that an appraisal had identified the most suitable location for the new facility to be the site of the current swimming pool. Consequently, it would be necessary to close the existing pool facilities for a period of approximately two years. Cabinet noted that the proposed closure would have an impact upon Spenborough Swimming Club, Kirklees Active Leisure, schools and the public, and that measures would be put in place to mitigate the short term negative impact. It was noted that, in the longer term, the facility would provide positive financial, health and social outcomes.

Cabinet were advised that the new leisure centre would contain a mix of facilities including an eight lane swimming pool, a learner pool, a fitness gym, two exercise studios and a spin studio. The proposed timescale for works, which scheduled the new centre opening for September 2021, was set out at paragraph 2.14 of the considered report.

The report requested that Cabinet approve a capital budget of £15m for the construction of the new facility upon the existing site, and authorise the detailed design stage.

RESOLVED -

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

40 Kirklees Council Fire Safety Policy

The Committee gave consideration to a report which introduced an updated Fire Safety Policy, which discharged the Council's responsibilities in relation to fire safety, including a policy statement, details of organisational structure, roles and responsibilities. Cabinet were asked to give approval to the refreshed policy and delegate approval of supplementary documentation which would be regularly updated in accordance with changes to working practices. The policy was attached at Appendix A of the considered report.

The report advised that the aim of the policy was to enable the Council to discharge its legal obligations, particularly those contained within the Regulatory Forum (Fire Safety) Order 2005. It was noted that, in addition to the policy, a detailed

Cabinet - 21 August 2018

supplementary guidance note had been produced which provided further background information and guidance for services, alongside other site specific documents.

Cabinet were advised that the implementation of the policy would require additional resources and that capital resources of £3m had been identified within the (February 2018) Capital Plan. It was noted that a further report would be submitted to Cabinet in the autumn setting out the planned expenditure of the funding.

RESOLVED -

- 1) That approval be given to the updated Corporate Fire Safety Policy, as attached at Appendix A of the considered report, and that Officers be authorised to implement the policy.
- 2) That authority be delegated to the Strategic Director (Economy and Infrastructure) to approve the Supplementary Fire Guidance documentation, and make amendments as necessary.
- 3) That the legal and financial implications of the policy, as set out at paragraphs 3.1 and 3.2 of the report be noted.

41 Dewsbury Heritage Action Zone

Cabinet received a report which provided an update on the Dewsbury Heritage Action Zone and sought approval of actions that would assist in the effective, efficient and timely implementation of the Heritage Action Zone and wider regeneration of Dewsbury Town Centre.

The report sought approval to accept a grant offer from Historic England's Partnership Scheme in Conservation Area that would provide £550k of funding for the Heritage Action Zone (HAZ).

It also requested that the Council funds allocated for the HAZ could be used for a range of activity that would assist in the delivery of the HAZ objectives including offering a range of financial support options to enable projects to be progressed. The report also proposed that the 'private sector housing-other' element of the approved capital plan, and the HAZ fund, could be used to fund the acquisition of key properties to contribute towards HAZ objectives and wider regeneration objectives. Paragraph 5 of the considered report provided an outline of the proposed next steps for several individual HAZ projects.

RESOLVED -

- 1) That it be agreed that the Council funded part of the Heritage Action Zone (HAZ) can be used to support a variety of interventions that support delivery of the HAZ objectives, as outlined in paragraphs 2.10-2.16 of the considered report.
- 2) That the Service Director (Economy, Regeneration and Culture), or, the Service Director (Housing), in consultation with relevant Cabinet Members, be authorised to approve individual items of expenditure of up to £500k from within the HAZ fund, the 'Private Sector Housing – Other' and 'Regeneration of Strategic Town Centre – Dewsbury' elements of the approved capital plan.
- 3) That the offer of the grant from Historic England be accepted to enable the effective delivery of the programme.

Cabinet - 21 August 2018

- 4) That the Service Director (Economy, Regeneration and Culture), or, the Service Director (Housing), be authorised to negotiate and agree the terms of the grant offer from Historic England.
- 5) That the Service Director (Legal, Governance and Commissioning) be authorised to enter into any related funding or ancillary agreements(s) with Historic England.
- 6) That approval be given to the principle of acquiring key properties within the HAZ, as set out within the considered report, and that the Service Director (Economy, Regeneration and Culture) or the Service Director (Housing), in consultation with the relevant Cabinet Member(s) agree individual purchases.
- 7) That approval be given for the property acquisitions, and any related works described in the considered report, to be funded from capital plan allocations, as detailed in paragraph 3.5.
- 8) That approval be given to the principle of acquiring key properties within the HAZ by the use of Compulsory Purchase Order powers and that the Service Director (Economy, Regeneration and Culture), or Service Director (Housing), in consultation with the relevant Cabinet Member, agree the individual purchases.
- 9) That approval be given to the property acquisitions and any related works described in the report, to be funded from the capital plan allocations as described in paragraph 3.5 of the considered report.
- 10) That approval be given to the principle of acquiring key properties within the HAZ by using Compulsory Purchase Order powers and that the Service Director (Economy, Regeneration and Culture), or the Service Director (Housing), in consultation with the relevant Cabinet Member, agree the individual properties.
- 11) That it be noted that, in instances where it appears unlikely that it will be possible to acquire by agreement, further reports will be submitted on individual groups of properties with proposals to make Compulsory Purchase Orders for those properties.

42 **Corporate Financial Monitoring Report Quarter 1 for 2018/19**

Cabinet received a report which set out financial monitoring information for General Fund Revenue, the Housing Revenue Account and Capital Plan at Quarter 1 (Month 3) 2018-2019.

The report provided an overview summary of (i) the general fund (ii) general fund reserves (iii) the collection fund (iv) the housing revenue account and (v) capital.

In terms of the general fund, the report advised of a forecast overspend of £4.4m against the £292.2m revised budget at Quarter 1, equivalent to a 1.5% variance against revised budget, which represented (i) a £2.2m overspend against £16.4m planned savings, translating to a forecast headline delivery of £14.2m savings, equivalent to 86% and (ii) a £2.2m net unplanned pressures elsewhere.

The report advised that general fund reserves and balances were forecast to reduce through 2018-2019 by £2.6m to £86.2m as at 31 March 2019, which included £9.8m relating to a statutory schools reserve. The forecast usable reserves level as at 31 March 2019 was equivalent to 23.8% of the current year controllable revenue budget.

Cabinet - 21 August 2018

In terms of capital, the report advised that the revised capital budget for 2018-2019 was £123.9m, with a forecast capital outturn at Quarter 1 of £105.3m, and a projected underspend of £18.6m, equivalent to 15%.

RESOLVED -

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

43

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

Cabinet gave consideration to a report which set out a request for a loan from the Property Investment Fund towards a scheme to bring 103 New Street, Huddersfield, back into use as residential accommodation. The report advised that SKA Property, a Huddersfield based developer, had received planning permission for a scheme to provide 75 units of accommodation, which would initially be aimed at the student market but would have the potential to amalgamate into larger units at a future date if there was sufficient market demand.

The details of the funding request were set out within an exempt appendix to the report.

Cabinet noted the current negative impact which the current condition of the building has upon the town centre, and that no alternative uses for the site had been identified over a number of years.

(Cabinet gave consideration to the exempt information as set out at Agenda Item 20 (Minute No. 49 refers) prior to the determination of this item).

RESOLVED -

- 1) That approval be given to the disposal of 103 New Street to SKA properties, or a Special Purpose Vehicle created by SKA properties, on the terms as set out in the (exempt) appendix to the report (Agenda Item 20), to facilitate the redevelopment of the property.

- 2) That it be agreed that a loan be offered from the Property Investment Fund up to the amount as set out within the (exempt) appendix, to support the redevelopment of 103 New Street, subject to due diligence being carried out.
- 3) That the Strategic Director (Economy and Infrastructure), in consultation with the Cabinet Member – Corporate Services, having sought appropriate advice from the Service Director (Legal, Governance and Commissioning), and the Acting Service Director (Finance), be authorised to carry out appropriate due diligence on the proposal to offer a loan from the Property Investment Fund.
- 4) That the Service Director (Legal, Governance and Commissioning), be authorised to enter into any documentation required to agree the Property Investment Fund loan and to protect the Council's position as lender.

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

Cabinet gave consideration to a report which sought approval of a Town Heritage Initiative Grant to fund improvement works to The Black Bull, Dewsbury.

The report advised that the new owners of The Black Bull had purchased the property in September 2017 and had submitted the application for funding the restoration and rehabilitation of the property for use as a public house and restaurant. It was noted that the property was in a prominent position within Dewsbury Town Centre, and had become increasingly dilapidated. The proposed scheme was consistent with work undertaken to other properties throughout the Town Heritage Initiative Scheme which aimed to deliver a uniformity of high quality traditional frontages and enhance the streetscape. An exempt appendix to the report provided details of both the grant application and the tenderer that had been selected to carry out the proposed works.

Cabinet were advised that the scheme had received planning permission and listed building consent during March 2018.

(Cabinet gave consideration to the exempt information as set out at Agenda Item 21 (Minute No. 50 refers) prior to the determination of this item).

RESOLVED -

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

45 Disposal of Surplus Land and Property Assets

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

Cabinet - 21 August 2018

Cabinet received a report which sought approval for the disposal of a number of surplus land and property assets, as listed in Appendices A and B of the considered report. The report advised that Appendix A set out the vacant sites that had been assessed as being potentially capable of supported housing delivery, and that the exempt information at Appendix B set out agricultural holdings and land lettings that had been identified for disposal. Cabinet noted that the estimated revenue savings from the assets as listed within the appendices were approximately £150k.

(Cabinet gave consideration to the exempt information as set out at Agenda Item 22 (Minute No. 51 refers) prior to the determination of this item).

RESOLVED -

- 1) That approval be given to the disposal of assets as listed in Appendices A and B of the report (Agenda Item 22 refers – Appendix B).
- 2) That authority be delegated to the Strategic Director (Economy and Infrastructure) and Service Director (Legal, Governance and Commissioning) to negotiate and agree the terms and the disposal of each asset as listed within the appendices, including sale price, except where an auction is the preferred route and Contract Procedure Rules will apply).
- 3) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute any agreements or instruments relating to the disposal of any assets as listed within Appendices A and B.

- 46 Bradley Business Park, Huddersfield – Phase 3**
Cabinet received a report which provided details of an offer received from Aflex Hose Ltd for the purchase of council owned land off Dyson Wood Way, Huddersfield (Phase 3 Bradley Business Park).

The report advised that Cabinet had agreed to the marketing and disposal of the site in 2015, and that following this decision a marketing campaign had resulted in nil interest. Subsequently in 2017, Aflex Hose expressed an interest in the site for the consolidation of their business and the relocation of their operations from Calderdale, and a formal offer was received and progressed in February 2018. An exempt appendix to the report set out details of the draft heads of terms document.

Cabinet noted that disposal of the land would be subject to the purchaser obtaining satisfactory planning permission for the development, and also the completion of a deed of option for the Council to repurchase the land at the purchase price in the event that no contracts had been put in place for the construction of the proposed development within six months of completion.

(Cabinet gave consideration to the exempt information as set out at Agenda Item 23 (Minute No. 52 refers) prior to the determination of this item).

RESOLVED -

- 1) That approval be given to the disposal of Bradley Business Park Phase III by the Council to Aflex Hose Ltd for the purchase price as set out in the Heads of Terms, as attached at Appendix 3.

- 2) That the disposal shall be (i) conditional upon the grant of an unchallengeable planning permission for the proposed manufacturing unit and (ii) subject to the Council being granted an option to repurchase Bradley Business Park III in the event that no contracts have been put in place for the construction of the proposed development within six months of completion.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree with Aflex Hose Ltd the terms of the disposal and the option to repurchase, and any other ancillary deed or document that may be required.
- 4) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute any agreement transfer and option in relation to the disposal of Bradley Business Park Phase III to Aflex Hose Ltd, together with any ancillary documents and agreements.

47 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

Cabinet received a report which set out proposals to allocate funding for the replacement of cremators and ancillary equipment at both Dewsbury and Huddersfield Crematoria. The report advised that the cremators at both sites were in excess of 23 years old and were experiencing operational and mechanical issues. Cabinet were asked to approve the authorisation of funding for the delivery and installation of new cremator systems.

The report also advised of additional improvement works for both crematoria sites which would include upgrading of cold storage facilities and changes to structural configuration in order to modernise the assets. Cabinet noted that the cost of the replacement cremators, ancillary equipment and modernisation works would be in the region of £3.3m.

(Cabinet gave consideration to the exempt information as set out at Agenda Item 24 (Minute No. 53 refers) prior to the determination of this item).

RESOLVED -

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

into a 15 year maintenance contract with the successful bidder in order to ensure adequate ongoing maintenance of new cremators for 15 years and to achieve continuity of service.

48 Exclusion of the Public

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

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

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

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 14 (Minute No. 43 refers).

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

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

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 15 (Minute No. 44 refers).

51 Disposal of Surplus Land and Property Assets

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

Cabinet - 21 August 2018

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 16 (Minute No. 45 refers).

52 **Bradley Business Park Huddersfield - Phase 3**

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

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 17 (Minute No. 46 refers).

53 **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**

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

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 18 (Minute No. 47 refers).

Contact Officer: Helen Kilroy

KIRKLEES COUNCIL

CABINET

Wednesday 29th August 2018

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

Apologies: Councillor David Sheard
Councillor Masood Ahmed
Councillor Erin Hill (Currently on Maternity Leave)
Councillor Viv Kendrick

54 Membership of the Committee

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

55 Interests

No interests were declared.

56 Admission of the Public

It was noted that there were no items for consideration in private session.

57 Deputations/Petitions

No deputations or petitions were received.

58 Public Question Time

No questions were asked.

59 Member Question Time

No questions were asked.

60 Proposed Spending Plan for Additional Investment in Social Care in 2018-19

Cabinet received a report which sought approval for the utilisation of additional social care funding during 2018-2019. The report advised that the Council would receive funding from the Adult Social Care Grant and the Leeds Business Rates Pool, totalling £2.762m. The proposed spending, which was set out at Appendix 1 to the considered report, focussed upon the priority areas of; (i) new technology and equipment (to enable individuals to remain as independent as possible) (ii) staffing capacity (to balance day to day activity and service transformation) (iii) supporting and developing a more sustainable care market (iv) increasing specialist accommodation capacity (v) managing demand through community based activity

and (vi) implementing new care management systems to support the new model of care and integration with local partners.

The report advised that the budgetary allocation for each project would be from the 2018-2019 funding, but in some cases would be profiled over a period of two years.

RESOLVED - That approval be given to:-

(1) The proposed projects in the spending plan attached to the report;

(2) Capitalisation of funding required for those projects that require capital expenditure; and

(3) The delegation of the approval of any changes required between the project allocations and the projects themselves to the Strategic Director for Adults and Health in consultation with the Portfolio Holder for Adults and Independence.

61 Catering Service Capital Plan - Proposed allocation of funding for the Compliance Essential Works 5 year and 18/19 - 20/21 2 year baseline programmes

Cabinet gave consideration to a report which identified potential gas ventilation works and investment schemes, to be funded from the Catering Service Capital Baseline section of the Capital Plan, as approved by Council on 11 July 2018. Cabinet were asked to approve the 5 year £1m budget in order to bring school kitchen gas installations up to current compliance standards. The report also set out proposals for the annual baseline allocation for the next two year period in addition to the gas compliance programme.

Cabinet noted that KNH property services maintained approximately 136 commercial gas catering installations and that in 2016 it had been highlighted that 85 school kitchens required upgrade works or refurbishment in order to meet current gas health and safety legislation.

RESOLVED - That approval be given to:-

(1) The proposed programmes of works outlined in the report and Appendix A, as per the capital allocation approved at Council on 14 February 2018, including the 5 year £1m budget to bring school kitchen gas installations up to current compliance standards as well as the 2 year investment programme; and

(2) The delegated powers, as outlined in paragraphs 2.11 to 2.13 of the report, to manage both of the programmes.

62 Kirklees Housing Strategy 2018 - 2023

Cabinet received the draft Housing Strategy 2018-2023 prior to its submission to Council on 12 September 2018. The report advised that the strategy, which had been shaped by the input of a range of stakeholders, set out the Council's key issues, challenges and ambitions for housing and housing services in Kirklees over the next five years, and supported the Council's outcomes. An action plan, which formed part of the Housing Strategy was included within the considered document, set out priority actions and identified the outcomes to be achieved. Cabinet were

advised that progress made would be monitored and measured through the action plan, which would be reviewed annually.

Cabinet were asked to endorse the Strategy and agree that it be submitted to Council with a recommendation of approval.

RESOLVED - Cabinet noted and approved the draft Housing Strategy and referred to Council for discussion and approval on 12 September 2018.

63 Housing Delivery Plan

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

Cabinet received a report which set out the approach for delivering the growth element of the housing strategy and delivering 1000 homes on land currently owned by the Council. It advised that the delivery plan had been prepared as part of the evidence base for the Kirklees Housing Strategy and that its purpose was to guide future investment decisions by recognising market conditions and providing the mechanisms to prioritise activities in support of identified intervention themes. Cabinet noted the detail of the report which set out the proposal and how it would be progressed, including information on the changing pattern of housing demand and maximising the use of council owned land.

The report advised that, subject to approval, the next stage of the process would include appraising sites and commissioning site surveys. A full list of sites was attached at Appendix 2 of the considered report.

RESOLVED –

(1) That approval be given to the proposal for a programme of housing land disposals and development to enable the delivery of the council's strategic ambition for more affordable housing, specialist accommodation, Right to Buy receipts programme (as described in paragraphs 3.33- 3.38 of the report) and for mainstream mixed tenure housing;

(2) Cabinet noted that the Council was at an early stage of site analysis and so a degree of flexibility would be needed as more became known about site feasibility and constraints and the finalising of the local plan;

(3) That approval be given to work with an identified specialist partner as set out in paragraphs 3.39 – 3.43 of the report, to deliver new provision for people with very complex and challenging behaviours currently living in hospital;

(4) That approval be given to work with an identified partner to develop supported housing for adults with Learning Disabilities as set out in paragraphs 3.44-3.46 of the report, currently living in the Mencap scheme at Castle House;

(5) That approval be given to run a design competition as set out in paragraphs 3.77-3.80 of the report, on an appropriate site in the ownership of the Council and the Strategic Director, Economy and Infrastructure be given delegated authority to identify the most appropriate site and the parameters of the competition;

(6) The Strategic Director, Economy and Infrastructure, in consultation with Portfolio Holder for Adults and Independence, be given delegated authority to determine the blended packages, the selection of partners and negotiate and agree the terms of the disposal (as described in paragraphs 3.15- 3.32 and 3.47 to 3.80 of the report) subject to: detailed due diligence and business case viability; and appropriate governance arrangements to ensure oversight of the programme and the individual projects within it; and

(7) That the Cabinet receive periodic updates to report on the progress and performance of the Land Disposal and Development Programme.

64 Small Affordable Housing Sites

Cabinet gave consideration to a report which sought approval for the disposal of a portfolio of council owned sites within the 'small affordable housing sites' programme to a registered provider for the provision of affordable housing. The report advised that the programme was designed to maximise affordable housing delivery and had the potential to deliver approximately 160 new homes. Subject to approval, it was noted that the proposal would be progressed to a competitive exercise through YORtender to receive and evaluate potential partners' expression of interest submissions. The sites proposed for the programme were listed at Appendix 1 to the considered report and outline development timescales were set out at Appendix 2.

Cabinet were advised that, by using this approach, the Council could benefit from the affordable housing development sector's capacity and resources in order to maximise investment in affordable housing delivery. The report advised that the affordable housing sought would be for social or affordable rent, or intermediate housing, such as shared ownership.

RESOLVED –

(1) That approval be given to the disposal of the portfolio of sites in Appendix 1 to a Registered Provider through competitive exercise, as described in the report;

(2) That the issue of the statutory notice to advertise the disposal of those sites that constitute open space be endorsed;

(3) That authority be delegated to the Service Director for Legal, Governance and Commissioning Support and the Strategic Director for Economy and Infrastructure, to negotiate and agree terms and complete the sale of sites once planning permissions have been obtained, unless further authority was required in respect of the disposal of any site where objections were received following the publication of the statutory notices advertising the disposal of the particular site; and

(4) That authority be delegated to the Service Director for Legal, Governance and Commissioning Support to enter into and execute any agreement and any other ancillary documents necessary to enable the sale and transfer of the sites in the Small Affordable Housing Sites portfolio as described in Appendix 1 to the report.

(5) That officers be requested to explore different types of tenure, supported living and different types of grant funding available.

Contact Officer: Alaina McGlade

KIRKLEES COUNCIL

APPEALS PANEL

Friday 27th July 2018

Present: Councillor Nosheen Dad (Chair)
Councillor Andrew Cooper
Councillor Sheikh Ullah

In attendance: Alaina McGlade – Governance & Democratic
Engagement Officer
Kate Rowland – Appeals Officer

1 Minutes of Previous Meeting

That the Minutes of the meeting held on Thursday 10 May 2018 be approved as a correct record.

2 Interests

No interests were declared.

3 Exclusion of the Public

RESOLVED – That acting under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

4 School Transport Appeal (FO)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be upheld for the 2018/19 school year.

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Contact officer: Helen Kilroy – Tel. 01484 221000

KIRKLEES COUNCIL

CORPORATE PARENTING BOARD

Monday 30th April 2018

Present: Councillor Viv Kendrick (Chair)
Councillors Loonat, Marchington
Ophelia Rix, Head of Safeguarding and Quality Assurance
Melanie Tiernan, Service Manager
Steve Comb, Interim Head of Corporate Parenting
Tom Brailsford, Head of Joint Commissioning

In attendance: Helen Kilroy, Principal Governance & Democratic Engagement Officer
Joanna Pritchard (Observer)
Kevin Larkin, Radio Leeds
Laura Counce, Residential Service Manager

Apologies: Cllrs Hill, Allison and Watson
E Mc Shane, J Sanders, J Tolley and J Walsh

1 Introductions and Apologies

Apologies for absence were received on behalf of Councillors Hill, Allison and Watson, Elaine McShane, Jo-Anne Sanders, Janet Tolley and John Walsh.

2 Minutes of previous meeting

The Board considered the minutes of the meeting held on 12th March 2018.

RESOLVED –

1. That the minutes of the meeting held on 12th March 2018 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the public

All items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Presentation by Children in Care Council (CICC) and Care Leavers Forum (CL Forum)

The Board considered a verbal presentation from Sanna Mahmood, Care Leavers Advocate, on behalf of the Children in Care Council (CICC) and the Care Leavers Forum (CL Forum).

Sanna Mahmood highlighted the following key issues:-

- One of the purposes of the CICC and CL Forum was to enable young people in care to build friendship groups with other young people with whom they have common interests;
- The CICC and CL Forum had created a logo and were working on a pledge;
- Members of the groups were made up of school age children between 7 to 13 years old and care leavers and dates of meetings had been arranged;
- an area of focus for the groups was accessing suitable housing, financial budgeting and housekeeping and helping to prepare the young people for living in and managing their own homes.

Sanna Mahmood advised the Board that one of the main issues for the young people was being able to access the right type of housing in Kirklees. The Board noted that there were some barriers to young people getting access to some types of housing. The Board agreed that it would be helpful if the Council could try and help young people to access suitable housing and build relationships with KNH and Housing Associations. Cllr Marchington advised that he was on the KNH Board and suggested that he could raise this issue at a future meeting. The Board also recognised that providers of affordable electrical goods and services was important.

The Board noted that some Members had visited the No 11 drop-in facility for young people in care and had noted the facilities available, such as cooking a meal, accessing computers and a chance to meet other young people.

Sanna Mahmood informed the Board that a report on the outcomes and progress of the CICC and CL Forum meetings would be drafted and shared in due course with the Corporate Parenting Board – date to be determined.

Resolved –

1. That the verbal presentation on the Children in Care Council and the Care Leavers Forum be noted and that Sanna Mahmood, Care Leavers Advocate, be thanked for attending the meeting.
2. That the Board agreed to update their Membership to include representatives from the Children in Care Council and Care Leavers Forum.
3. That the Board consider a progress report from the Children in Care Council and Care Leavers Forum at a future meeting – date to be determined.

7. Review of Membership and Terms of Reference of the Corporate Parenting Board

The Board considered a review of the Terms of Reference and the Membership of the Board prior to Council Annual General Meeting on the 23rd May.

The Board agreed that the Chairs of the Children in Care Council and Care Leavers Forum, the Designated Nurse for Looked after Children and a representative from the Kirklees Fostering Network should be included on the Membership of the Board and be invited to attend future meetings.

The Board agreed it was important not to duplicate the work of the Children's Partnership Board, but that the Corporate Parenting Board should challenge performance, achievement and progress within the Children's Service.

Councillor Kendrick advised the Board that she had recently met with the Kirklees Fostering Network Chair and Deputy and suggested that could be invited to a future meeting of the Board.

The Board noted that a report on progress of the Board would be submitted to a future meeting of the Health and Wellbeing Board and Council in the 2018/19 municipal year – date to be determined.

The Board agreed that reference should be made within the Terms of Reference to the statutory responsibility for the health of looked after children.

RESOLVED –

1. That the Terms of Reference be amended to make reference to the statutory responsibility for the health of Looked after Children.
2. That the Board's Membership be updated as agreed.
3. That the revised Terms of Reference be agreed.
4. That a report be considered by Council AGM on the 23rd May to request approval to re-establish the Corporate Parenting Board and note the revised Terms of Reference.
5. That a progress report on the work of the Board be submitted to a future meeting of the Health and Wellbeing Board and Council in the 2018/19 municipal year – date to be determined.

8 Ofsted Update

The Board considered a verbal update on Ofsted by Steve Comb, Interim Head of Corporate Parenting.

Steve Comb advised the Board that a 2 day monitoring visit by Ofsted had taken place on the 13th and 14th March 2018 and that Ofsted had focussed on the experiences of looked after children who were placed with their parents.

The Board noted a letter from Ofsted which was attached to the agenda and Steve Comb highlighted the key findings and comments, as follows:-

- Strong support and high level challenge being modelled by senior managers was starting to have a positive impact on staff morale;

- A comprehensive professional development framework was better supporting staff to access learning and training opportunities;
- Reports being developed were more robust and were being used more confidently by frontline managers to support their oversight of practice;
- No children had been found in situations of unassessed risk in the cases seen;
- Children were being seen regularly whilst placed at home, and where appropriate their views were acted upon;
- The quality assurance framework was being embedded;
- The Corporate Parenting Board was not providing sufficiently robust oversight or challenge about the quality of practice and the pace of change needed in this area had been slow;
- Inspectors spoke to staff who said they felt they were receiving better support from their managers and that they felt more confident to ask for advice and guidance;
- Supervision of staff was now more regular and managers were more accessible.

Cllr Kendrick advised the Board that she had been interviewed by Ofsted, as Cabinet Member with responsibility for Children and Chair of the Board. Cllr Kendrick further explained that not having a young person's voice on the Board made it less effective. The Board noted that the Corporate Parenting Strategy was being updated and agreed that the evidence that staff were starting to feel safer and more supported in the Children's Service was very positive.

The Board agreed that even though there was still a lot of work to do, the report from Ofsted was more positive in terms of progress made.

Steve Comb advised the Board that Liquid Logic would be implemented later in 2018 and that training was ongoing and migration testing was being undertaken. The Board was informed that workshops were being held on the implementation of Liquid Logic.

Ophelia Rix advised the Board that as part of the Children's Framework, there was a more streamlined process for scrutinising case files and that conversations with social workers, managers and voice of the child was informing good practice.

Steve Comb advised the Board that the Children's Scrutiny Panel had visited one of the Children's Homes and had fed back their comments which had been followed up. Cllr Kendrick advised that she had visited a Children's Home in Kirklees and met with staff.

Councillor Kendrick advised the Board that she had visited the Fostering, Children in Care Teams and Social Worker Service to meet staff and was starting to make the relevant links to the work of the Corporate Parenting Board.

Steve Comb advised the Board that the following figures were sent to Cllr Kendrick on a weekly basis:-

- Number of children in care
- Number of children in need
- Number of children with a child protection plan

The Board agreed to discuss its work programme for the 2018/19 municipal year at the first meeting on the 9th July 2018 and agree what information should be considered and how that information should be presented to the Board.

Councillor Kendrick advised that there were currently 2 places for Kirklees Councillors on the Kirklees Fostering Panels, but that the Panels were struggling to be quorate due to the time commitment required from Councillors. The Board was informed that Kirklees was currently considering whether to have a pool of Councillors to sit on the Fostering Panels, which would allow other elected members to get an in-depth knowledge of some of the issues involved in the corporate parenting role.

RESOLVED –

1. That the verbal update on Ofsted, following the monitoring visit on the 13 and 14 March, be noted.

9 CSE and Missing Provision

The Board considered a report on CSE and Missing Provision presented by Ophelia Rix, Head of Safeguarding and Quality Assurance.

The Board noted that the overall vision of the service was to reduce the risk of Child Sexual Exploitation (CSE), Child Criminal Exploitation (CCE) and episodes of children missing from home and care.

Ophelia Rix highlighted the following key issues:-

- In the month of February 2018, 125 children were referred to social care due to missing episodes, all of which would have been offered a missing return interview;
- The Team were proposing to strengthen links with Licensing and the Police and were looking at the safeguarding practices of the night time economy and visiting businesses;
- The data from return interviews would be scrutinised to look at the areas where children go missing to;
- The team were working with schools regarding children who go missing during the school day.

The Board agreed that future reports on CSE and Missing should include the numbers of missing episodes, numbers of interviews held and outcomes.

Ophelia Rix advised the Board that staff in the team were working with the Police and sharing information on missing children on a daily basis. The Board was informed that real efforts were being made to have consistent independent persons undertaking the return interviews to build relationships

with children who go missing and there had therefore been an increase in the take up of interviews and better outcomes for children. Ophelia Rix further explained that the number of missing episodes in Children's Homes had seen a significant reduction and that the Police had better relationships with Children's Homes and were visiting them regularly.

The Board noted that a Partnership day would be held in July and suggested that Members of the Board could be invited to have some input.

The Board agreed to receive regular updates on the progress of the CSE and Missing provision – dates to be determined.

The Board agreed that the work with the night time economy and engaging with businesses was a priority.

RESOLVED –

1. That the report on CSE and Missing Provision and proposal of the development of a Risk and Vulnerability Team be noted.
2. That future progress reports on CSE and Missing Provision be considered by the Board, that included numbers of missing episodes, numbers of interviews held and outcomes.

10 Statement of Purpose for Registered Children's Homes (Annual Report)

The Board considered an Annual Report on the Statement of Purpose for three mainstream residential Children's Homes in Kirklees presented by Laura Counce, Residential Service Manager.

Laura Counce advised the Board that there were three mainstream residential homes in Kirklees that were inspected by Ofsted once a year. The Board noted that all three homes cared for children with emotional and behavioural difficulties between the ages of 13 and 16 years old on admission. Laura Counce further explained that the Statement of Purpose set out important factors in the care of a young person, as outlined in the report.

Laura Counce advised the Board of a model called "Pillars of Parenting" used in all three homes, which was an emotional warmth model of caring for young people which drew from the knowledge base of applied psychology, theory and research and was designed to empower the main carers of young people in care. The Board was informed that the main focus of the model was to focus on matching the children to the right home, whilst taking account of the impact on the child and other children in the home.

Steve Comb advised the Board that Copthorne Children's Home had its Ofsted registration suspended in November 2017 and that this was due to safeguarding and fire safety concerns. The Board was informed that Kirklees had been working with Ofsted to meet the requirements of the compliance notices for Copthorne Children's Home and that it would re-open in May 2018 as a 4 bedded home. Steve Comb explained that the Statement of Purpose for the Copthorne Children's Home was being reviewed.

The Board was informed that six bedded Children's Homes were complex to manage and that the Council would be looking at the make-up and offer of its in-house provision to ensure it met with the Service's sufficiency needs for the future.

The Board suggested that it would be useful to see examples of best practice for standards of children's homes. Laura Counce advised that monthly meetings took place with semi-independent private residential home providers and suggested that representatives of the Board could be invited to attend these meetings.

Laura Counce advised that the Statement of Purpose for Healds Road and Woodlands Children's Homes were being reviewed and would be submitted to Ofsted shortly.

The Board noted that a Sufficiency Strategy for looked after children resources was currently in the approval pathway and had recently been presented to the Chief Executive and Executive Team.

RESOLVED –

1. That the Annual Report on the Statement of Purpose for Children's Homes in Kirklees be noted.

11 Statement of Purpose for the Fostering Service (Annual report)

The Board considered an Annual Report on the Statement of Purpose for the Fostering Service presented by Steve Comb, Interim Head of Corporate Parenting.

The Board noted that the three main aims of the Fostering Service was to:-

- Provide continuously improving quality placements with foster carers for all children and young people where it was assessed as being in their best interests to be cared for in a family setting;
- To recruit foster carers who could meet the assessed needs of children;
- To assist looked after children and care leaving young people within Kirklees to improve and drive up their life chances and outcomes.

Steve Comb advised that the Statement of Purpose for the Fostering Service would be submitted to Ofsted. The Board was informed that the biggest challenge for Kirklees was the recruitment of foster carers and that Kirklees would be holding a Fostering Fortnight event in May 2017 to try and recruit more foster carers.

The Board agreed to receive further details regarding the Fostering Fortnight and any other events relevant to the role of Corporate Parenting.

Steve Comb further explained that Fostering Network meetings had been arranged for the rest of 2018. The Board was informed that a new Acting Service Manager, Andy Quinlan, had recently been appointed in the Fostering Service.

RESOLVED –

1. That the Annual Report on the Statement of Purpose for the Fostering Service be noted.
2. That the Board receive information regarding the Foster Fortnight event taking place in May 2018 and other future events relevant to the role of Corporate Parenting.

12 Corporate Parenting Strategy for Kirklees 2018-2020 – Corporate Parenting Function and the seven principles of Corporate Parenting

The Board considered a report on the Corporate Parenting Strategy for Kirklees 2018-2020 and a report outlining the Corporate Parenting Function and the seven principles of Corporate Parenting presented by Steve Comb, Interim Head of Corporate Parenting.

The Board agreed that any elected members who were involved in the Corporate Parenting Board or other Children's Panels should receive more detailed training that was tailored to be fit for purpose for the role of Corporate Parenting.

Steve Comb advised the Board that following the elections, training would be arranged for Members of the Board and other elected members as appropriate on the Corporate Parenting Principles.

The Board agreed that a working group be established to revise the Corporate Parenting Strategy, which would include the Chair and other elected Members of the Board.

RESOLVED –

1. That the report on the Corporate Parenting Strategy for Kirklees 2018-20 Corporate Parenting Function and the seven principles of Corporate Parenting be noted.
2. That a working group be established to revise the Corporate Parenting Strategy, which would include the Chair and other elected Members of the Board.
3. That Members of the Board have access to and be invited to training as required on the role of Corporate Parenting.

13 Corporate Parenting Board Agenda Plan for 2017/18 and looking forward to 2018/19

The Board considered the progress of the Board during the 2017/18 municipal year and identified issues to put forward for consideration during 2018/19.

The Board agreed that the Chair and key Officers should work with the Governance Officer to agree dates for submission of key reports to the Corporate Parenting Board during the 2018/19 municipal year and finalise the Board's agenda plan for consideration by the Board in July 2018.

RESOLVED -

1. That the progress of the Board during the 2017/18 municipal year be noted.

2. That the Work Programme and Agenda Plan of the Corporate Parenting Board for 2018/19 be reviewed at the first meeting of the Board in July 2018.
3. That the Board's supporting officer be authorised to liaise with attendees to address the agreed actions.

11 Dates of Future Meetings

That the Board noted the future meeting dates of the Board during the 2018/19 municipal year:

- Monday 9th July 2018, 10 am
- Monday 24th September 2018, 10 am
- Monday 19th November 2018, 10 am
- Monday 21st January 2019, 10 am
- Monday 11th March 2019, 10 am
- Monday 15th April 2019, 10 am

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Contact Officer: Penny Bunker

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 3rd September 2018

Present: Councillor Julie Stewart-Turner (Chair)
Councillor Gulfam Asif
Councillor Cahal Burke
Councillor Elizabeth Smaje
Councillor Rob Walker

In attendance: Saf Bhuta, Head of Safeguarding and Quality
Alexia Gray, Service Manager, Domestic Abuse and
Safeguarding Partnerships

18 Minutes of Previous Meeting

RESOLVED - The Minutes of the meeting held on 16 July 2018 were agreed as a correct record.

19 Interests

No interests were declared.

20 Admission of the Public

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

21 Scrutiny of Crime and Disorder - Domestic Abuse

The Committee considered a presentation and report on the incidence of domestic abuse in the Kirklees District and the partnership approach to addressing the issues. Saf Bhuta, Head of Safeguarding and Quality and Alexia Gray, Service Manager Domestic and Safeguarding Partnerships attended the Committee for the discussion. The report considered by the Overview and Scrutiny Committee incorporated the following areas;

- The strategy and background information
- National picture and current position
- Prevalence
- Governance arrangements
- Budget and staffing
- Risk assessment and partnership response
- Key achievements
- Key challenges and risks

A copy of the Kirklees Domestic Abuse Strategy 'Taking Up The Challenge Towards Freedom 2015-18' was appended for information. It was noted that since its approval in 2015, the Government had strengthened legislation and statutory guidance so the Domestic Abuse Strategic Partnership was undertaking a review of the strategy based on the principles of Outcome Based Accountability.

Overview and Scrutiny Management Committee - 3 September 2018

In his presentation, Mr Bhuta indicated that nationally 26% of women and 15% of men aged 16-59 had experienced some form of domestic abuse since the age of 16. This was the equivalent of an estimated 4.3m female and 2.4m male victims. For the year ending March 2017 this indicated a 20% rise in the reporting of domestic abuse related offenses compared to the previous year. It was suggested that this was in part attributable to better identification of victims by Police and improvements in reporting practice.

In Kirklees for 2017/18 there were:

- 9649 Police incidents and crimes reported, an increase of 18.7% on the previous year
- Victim repeat rate of 45.5%
- Suspect repeat rate of 32.7%
- Child present at 26.5% of all Police call outs

Mr Bhuta continued to explain the partnership response, setting out information of the different teams and agencies involved in supporting victims and children as well as prevention work. He also outlined the similar interventions for perpetrators.

It was recognised that there was more work to do in preventative interventions which was a focus for the partnership moving forward.

Mr Bhuta outlined some of the key achievements of the Domestic Abuse Partnership which included:

- Award winning awareness raising campaigns such as 'It's Never OK'
- Expansion of the Independent Domestic Violence Advocates contract which had improved support for victims and created partnerships in areas that had previously struggled, for example Accident and Emergency. IDVA's were also attending Police callouts on Friday and Saturday evenings as part of the Police Transformation Fund
- Operation Encompass was being rolled out and schools were being notified of domestic abuse incidents/crimes from the day before where children were involved
- White Ribbon Accreditation had been awarded in 2018

The Management Committee welcomed these achievements highlighting in particular the joint working with the Police and Operation Encompass. The Committee was also pleased to note that the Home Office had been complimentary on the quality of reports and learning arising from domestic homicide reviews within the Kirklees District.

Mr Bhuta continued his presentation by outlining some of the key risks and challenges faced by the Domestic Abuse Strategic Partnership. The following were highlighted:

- The volume and breadth of the agenda. With the remit of domestic abuse being wider and prevalence and reporting rates continuing to rise there was a significant challenge in responding to the levels of demand.
- Because of resource pressures and high demand volumes it was a challenge to direct resources towards increasing preventative work

Overview and Scrutiny Management Committee - 3 September 2018

- There continued to be a gap in the supply of perpetrator programmes until anything else is commissioned at a regional level
- Welfare reform, in particular Universal Credit had led to changes in advice concerning immigration status, impacting on benefits and the homeless and housing agendas. This particularly affected victims who had no recourse to public funds.

The Management Committee welcomed the comprehensive report and asked with the budget resource pressures in 2018 what impact this would have on the work. In response Mr Bhuta indicated that opportunities to access new funding with a focus on supporting children and accommodation for domestic abuse victims had been identified and staff were working on applications. Mr Bhuta explained that current commitments would be financed and the service would continue to investigate opportunities for short term funding.

Councillor Walker suggested that councillors would be interested in understanding in more detail the procedures around reporting domestic abuse and the different agencies operating within local areas. It was suggested that this should be provided to councillors in the form of a briefing note. It was further suggested that attendance at political group meetings would be an effective way of updating councillors.

There followed further discussions on the work in schools it was noted that Encompass was a first step and the Council was working with Leeds Council to look at extending Encompass to all education establishments.

The Committee looked in more details at the Kirklees statistical information compared with the national statistics. Mr Bhuta confirmed that there had been an increase in reporting due to the information campaigns that had been undertaken. The repeat rate remained quite high but was consistent with the national average. He acknowledged there was further development required in accessing key data and intelligence to underpin the targeting of resources in the future. It was agreed that information from health partners would be appropriate.

It was acknowledged that the work of the Independent Domestic Violence Advocates in A&E in both Dewsbury and Huddersfield Hospitals, had been very positive. It has allowed trained people to have a conversation with possible victims at the earliest opportunity. It was suggested that there was also a possible pilot for working in GP surgeries. Councillor Smaje raised the linkage to mental health issues and how a cohesive support approach was put in place. Ms Gray indicated there had been a recent conference with over 150 general practitioners in attendance to look at these issues and how through a partnership approach they might be addressed.

There followed a discussion on reporting rates and the cultural sensitivities that led to underreporting of incidents. The Committee noted that the Safer Kirklees Strategic Intelligence Assessment had provided useful geographical information, indicating that in areas of deprivation incidents rates were higher. The Management Committee continued to explore the issue of hidden victims and the groups that were particularly hard to engage. Specialist workers were required to work within certain communities to help to get a true idea of prevalence. In respect of

Overview and Scrutiny Management Committee - 3 September 2018

preventative work it was suggested that there was a model which sought to upskill people within communities who came into regular contact with potential victims. Officers advised that a service mapping exercise would help to get an overview of the offer within Kirklees Council and look at how targeted investment might increase the balance between prevention and a reactive approach to domestic abuse incidents.

It was noted that there was an updated version of the action plan available and it was agreed that this would be circulated to members of the committee. It had been reformatted and now had a red, amber, green rating system which was reviewed regularly. Councillor Smaje asked how officers were sharing best practice and learning with other local authorities and agencies. In response it was indicated that there was a Crown Prosecution Service Panel and a Police and Crime Commissioner Panel where information was shared and fed back into organisations for clarity. The Police and Crime Commissioner Panel meetings tended to be themed with the last one being stalking and harassment. In addition the Local Domestic Abuse Strategic Partnership also undertook a robust challenge on progress and achieving targets.

The Committee was concerned about an insufficiency of perpetrator programmes and how conviction rates were being improved in courts. In response to the discussion on the work of the courts it was noted that victims had an opportunity to be supported by one of the IDVAs who could help them throughout the process in providing intensive support.

In concluding the discussion the Overview and Scrutiny Management Committee thanked Saf Bhuta and Alexia Gray for a very informative presentation and discussion of the issues and requested that the Management Committee had the opportunity to consider the revised draft strategy when it was available later in the year.

RESOLVED –

- (1) That Saf Bhuta and Alexia Gray be thanked for attending the Scrutiny Committee meeting.
- (2) That an updated version of the Domestic Abuse Strategy Action Plan be circulated to committee members.
- (3) That the draft of the revised Domestic Abuse Strategy be considered by the committee in November 2018

22 Approval of Scrutiny Work Programme

The Overview and Scrutiny Management Committee considered the final version of the proposed work programme of the Economy and Neighbourhoods Scrutiny Panel for 2018/19 municipal year. In considering the report Councillors Smaje and Burke welcomed the proposal to consider air quality and asked that the progress of proposals for air quality management areas be explored as part of the work of the Scrutiny Panel. In respect of the Hackitt review arising from the Grenfell Tower fire, Councillor Stewart-Turner asked that consideration be given to inviting partners to

Overview and Scrutiny Management Committee - 3 September 2018

attend a Scrutiny meeting to look at the recommendations arising from the Hackitt review and how they were being addressed within the Kirklees district.

RESOLVED - That the proposed work programme for the Economy and Neighbourhoods Scrutiny Panel be approved.

23 **Appointment of Interim Co-optee**

Following the resignation of a former voluntary scrutiny co-optee on the Health and Adult Social Care Scrutiny Panel, it had been agreed that an interim co-optee be sought to complete the remainder of the municipal year, pending the recruitment of more voluntary co-optees in the autumn.

It was noted that suggestions had been sought from Healthwatch concerning individuals with appropriate experience and Lynne Keady had come forward as a proposed voluntary co-optee. Ms Keady had met with the Governance Support Officer to the Scrutiny Panel Lead Member to discuss the role and had also observed a Panel meeting.

The Management Committee agreed that Ms Keady would be a welcome scrutiny co-optee and agreed to appoint her to the Health and Adult Social Care Scrutiny Panel for the remainder of the municipal year.

RESOLVED - That Lynne Keady be appointed as a voluntary scrutiny co-optee to the Health and Adult Social Care Scrutiny Panel, subject to review at the end of the municipal year.

24 **Scrutiny Lead Member Update Reports**

The Scrutiny Committee considered updates from the Chair of Scrutiny and the 4 Scrutiny Panel Lead Members on work that had been undertaken in Scrutiny since the beginning of the new municipal year.

Councillor Stewart-Turner highlighted the early start made by panels in the new municipal year. It was also noted that the former Leader of the Council had asked that Scrutiny look at Safety Camera Partnership. Councillor Stewart-Turner felt that it was not appropriate at this time but that consideration might be given to how a restructuring of the CCTV in Kirklees might align to the long term goals for West Yorkshire.

Councillor Stewart-Turner reported on a meeting with the Head of Intelligence and Performance to begin to understand the proposed approach to corporate performance within the Council. Councillor Stewart-Turner welcomed what she had been heard and advised that the Director for Resources and the Head of Intelligence and Performance would be attending a future meeting of the management committee to set out the proposed framework.

Councillor Cahal Burke outlined the work of the Children's Scrutiny Panel which had started looking at the draft Sufficiency Strategy for meeting local demand for family settings and residential care placements within the Kirklees District.

Overview and Scrutiny Management Committee - 3 September 2018

Councillor Burke also advised that the Elective Home Education Scrutiny Panel work was ongoing and meetings had been set up with parents and carers to gather their experiences of home educating in Kirklees.

The Children's Scrutiny Panel had received a request to assist with gathering evidence from parents with special educational needs and disabilities and meetings had been set up between the panel and parents and carers.

Councillor Burke highlighted that with the active involvement of the Cabinet Member, the Scrutiny Panel was pleased to be receiving good attendance from officers and access to information in a timely manner.

Councillor Smaje continued to outline the recent work of the Health and Adult Social Care Scrutiny Panel, highlighting in particular the feedback to Adult Services on the consultation on the Adult Care Offer. Councillor Smaje also highlighted the planned engagement activity to support the development of mental health rehabilitation and recovery services in Kirklees. This led the Panel to recommend that more work was done to ensure that engagement could be carried out with people across the whole of Kirklees and from different communities.

The Committee noted that in September the panel would be looking at diabetes in Kirklees and an update on the Kirklees Integrated Wellness Model. In September the Panel would also hold an informal workshop to look at the outcomes of the Adult Social Care Offer Consultation.

Councillor Asif updated on the work of the Corporate Scrutiny Panel which had included some excellent finance training from the section 151 officer, Eamonn Croston. Councillor Asif suggested that the training could be included as part of new councillor induction. The Scrutiny Panel had also given initial consideration to the Library Review Consultation report.

The Scrutiny Panel was scheduled to receive a progress report on the procurement project strand of the Transformation Programme. There followed a brief discussion on how social value aspects were being picked up as part of procurement and the need to ensure linkage across scrutiny panels.

Councillor Walker advised that the panel meeting in July had looked at the draft Housing Policy and the Housing Allocations Policy to ensure that policies were robust and meeting the needs of the residents of Kirklees. Members of the panel had agreed to participate in the Council group that would be undertaking a review of the Open Age Policy and the Local Lettings Framework. In addition the panel had agreed to look at and monitor the implications for the Council of the findings of the Hackitt Review into building regulations and fire safety.

RESOLVED - That the Panel Lead Members and Chair of Scrutiny update reports on the progress of scrutiny work, be received and noted.

25 Forward Agenda Plan / Date of next meeting Committee meeting dates 2018/19
The Management Committee noted the forward agenda plan including issues identified during the course of the meeting to be incorporated. It was also noted that

Overview and Scrutiny Management Committee - 3 September 2018

the next meeting of the Committee would be held on Monday 1 October 2018 at 10.00am.

RESOLVED -

- (1) That the OSMC consider the first draft of the refreshed Domestic Abuse Strategy in November 2018.
- (2) That the Committee consider a draft of the Cohesion Strategy at its meeting on March 2019.
- (3) That a copy of the CCTV feasibility report be circulated to members of the Committee
- (4) That as part of the January update on crime and disorder, the approach to CCTV be considered.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PERSONNEL COMMITTEE

Monday 30th July 2018

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

Apologies: Councillor John Taylor
Councillor David Hall

1 Membership of the Committee

Apologies for absence were received on behalf of Councillors D Hall and Taylor.

2 Minutes of Previous Meeting

Approved as a correct record subject to the amendment of Minute No. 10 to read that the further report on the Waste Review would be submitted to Personnel Committee, and not Employee Relations Sub-Committee.

3 Interests

No interests were declared.

4 Admission of the Public

It was noted that Agenda Item 9 would be considered in private session.

5 Deputation/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were received.

7 Senior Management Structure - Update

The Chief Executive presented a report which provided an update on the Council's senior management structure. The report sought approval for the establishment of two Elected Member Appointment Panels to appoint to the posts of Strategic Director for Children and Families, and Service Director for Finance (Section 151 Officer). The report also sought approval to establish a new post, to be titled Service Director for Growth and Housing, within the Economy and Infrastructure Directorate. The Committee were asked to agree to appoint Elected Member Appointment Panels to recruit to this post, as well as to the existing vacant post of Service

Personnel Committee - 30 July 2018

Director for Economy and Regeneration, which had formerly been titled as Service Director for Economy, Regeneration and Culture.

The submitted report set out an overview of the background regarding the appointment to, or establishment of, these posts within their respective directorates. It also set out revisions to the responsibility portfolios for posts of Service Director for Economy and Regeneration, and Service Director for Commercial, Regulatory and Operational Services.

RESOLVED -

- 1) That approval be given to the establishment of Member Appointment Panels on a 3:1:1 ratio to recruit (i) a Strategic Director for Children and Families and (ii) a Strategic Director for Finance (Section 151 Officer).
- 2) That approval be given to the establishment of the post of Service Director for Economy and Infrastructure of Service, within the Economy and Infrastructure Directorate, and that authority be delegated to both the Strategic Director for Economy and Infrastructure and the Head of People Services to develop a role profile for the post.
- 3) That approval be given to the establishment of Member Appointment Panels on a 3:1:1 ratio to recruit to the posts of (i) Service Director for Housing Growth and (ii) Service Director for Economy and Regeneration (formerly Service Director for Economy, Regeneration and Culture).

8 Exclusion of the Public

That acting under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

9 Industrial Relations - Update

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006, namely that the report contains information relating to consultations or negotiations, or contemplated consultations and negotiations, in connection with a labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority. The public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

The Service Director for Economy and Infrastructure provided an update on ongoing negotiations regarding industrial relations matters within Cleansing Services. The Committee were advised of the issues that were still subject to ongoing discussions, the progress that had been made to date, and proposals for the next stages of the process, which included the submission of a report to the next Committee regarding the modernisation of the Service, and the implications of changes to working arrangements.

Personnel Committee - 30 July 2018

RESOLVED –

- 1) That the update on industrial relations matters within Cleansing Services be received and noted and that the approach of Management be endorsed by the Committee.
- 2) That a report be submitted to the next meeting of the Committee regarding proposals for the modernisation of working practices within Cleansing Services.

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 2nd August 2018

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Donald Firth
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Hilary Richards

1 Membership of the Committee

Councillor Hilary Richards substituted for Councillor Rob Walker.

2 Minutes of the Previous Meeting

The Minutes of the meeting held on 5 July 2018 were approved as a correct record.

3 Interests and Lobbying

Councillors Kane, Pattison, A Pinnock, Bellamy, D Firth and S Hall declared they had been lobbied on application 2017/94109.

Councillor Bellamy declared that she had been lobbied on application 2018/90735.

4 Admission of the Public

It was noted that Agenda Item 13 would be considered in private session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - 2018/90735

Site visit undertaken.

8 Local Planning Authority Appeals

That the report be noted.

9 Planning Application - Application 2017/94109

The Committee gave consideration to Planning Application 2017/94109 Change of use and extension of the existing office building to create 156 student bedrooms including a gym, cycle and refuse storage area, student 'hub' space, plant and services and associated landscaping. Queensgate House, Queensgate, Huddersfield.

Strategic Planning Committee - 2 August 2018

Under the provisions of Council Procedure Rule 37, the Committee received representations from Helen Marks and Lauren Wedderburn (on behalf of the applicant) and Amy Hordon (objector on behalf of the Ministry of Justice).

RESOLVED – Contrary to the officer’s recommendation that the application be refused. The Committee considered that the introduction of student accommodation into an Employment Priority Area as shown on the emerging Local Plan would result in the loss of an existing employment use and it had not been adequately demonstrated that the site or premises were no longer capable of employment use, contrary to policy B4 of the Unitary Development Plan and policy PLP8 of the Publication Draft Local Plan.

In addition the Committee considered that the proposed building would not be in keeping with the surrounding development in respect of its form, scale, materials, height and massing and would have an overbearing and domineering impact upon the local area and would therefore be contrary to policy BE2 and BE11 of the Unitary Development Plan and policy PLP24 of the Emerging Local Plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Bellamy, D Firth , S Hall, Kane, Pattison A Pinnock and Richards (7 votes)

Against : (0 votes)

10 **Planning Application - Application 2018/90146**

The Committee gave consideration to Planning Application 2018/90146 Erection of 5 dwellings adj, 196, Wakefield Road, Earlsheaton, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Andrew Keeling (Agent).

RESOLVED – That consideration of the application be deferred in order to provide the applicants with a further opportunity to: consider how to provide access for the construction traffic with the minimum of disruption to residents of Park View; provide more details of the construction management plan; and to address the specific details requested by Kirklees Council Highways as outlined in section 10.19 of the considered report.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Bellamy, D Firth , S Hall, Kane, Pattison A Pinnock and Richards (7 votes)

Against: (0 votes)

11 Planning Application - Application 2018/90735

The Committee gave consideration to Planning Application 2018/90735 Demolition of former fire station and erection of 24no. two bedroom flats, 2no. single bedroom flats and 1no. dwelling, associated parking, new vehicular access and landscaping (within a Conservation Area) Marsden Fire Station, Manchester Road, Marsden, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from William Best and David Storrie (on behalf of the applicant).

RESOLVED – That consideration of the application be deferred in order to allow the applicants and officers time to provide the following information:

1. Details of where the privately managed model of affordable housing had been used at other local authorities and its degree of success;
2. The latest position from Strategic Housings consultation response;
3. An updated viability appraisal that included the long term ownership financial position, rental projections and applicant profits of the units.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For : Councillors Bellamy, D Firth , S Hall, Kane, Pattison A Pinnock and Richards (7 votes)

Against: (0 votes)

12 Exclusion of the Public

RESOLVED – That acting under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

13 Planning Application - Application No: 2018/90735

(Exempt information relating to Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Variation Order 2006 as it contains commercially sensitive information (Information relating to the financial or business affairs of any particular person, including the Authority holding that information). It is not in the public interest to disclose the exempt information as disclosure could adversely affect overall value for money and compromise the interests of the company involved, which outweighs the public interest

The Committee gave consideration to the exempt information prior to the determination of Agenda Item 11.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 30th August 2018

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Donald Firth
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Rob Walker

- 1 **Membership of the Committee**
All Committee Members were present.
- 2 **Minutes of the Previous Meeting**
RESOLVED – That the Minutes of the Meeting held on 30 August 2018 be approved as a correct record.
- 3 **Interests and Lobbying**
All Committee Members declared that they had been lobbied on Application 2018/91432.
- 4 **Admission of the Public**
It was noted that exempt information had been submitted in respect of Agenda Item 13 (Pre-application enquiry 2018/20339) (Minute No. 15 refers).
- 5 **Deputations/Petitions**
None received.
- 6 **Public Question Time**
No questions were asked.
- 7 **Site Visit - Application 2018/91713**
Application withdrawn.
- 8 **Site Visit - Application 2017/91851**
Site visit undertaken.
- 9 **Planning Application - Application: 2018/91432**
The Committee gave consideration to Application 2018/91432 – Erection of industrial unit (use classes B2 and B8), office, research and development building (use classes B1a and B1b) and associated internal roads, car park, service yard and landscaping at land adjacent to Bradley Business Park, Dyson Wood Way, Bradley.

Strategic Planning Committee - 30 August 2018

Under the provisions of Council Procedure Rule 37, the Committee received representations from Flora Harding, Keith Hunter and David Ashwell (local residents) and Jeremy Hudson (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(1), the Committee received representations from Councillors Uppal, Homewood and Cooper.

RESOLVED –

1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to those listed below and those recommended by the Coal Authority and Highways Development Management;

- time limit for implementation – 3 years
 - plans to be approved
 - details and samples of materials
 - archaeology
 - car parking
 - ecological design strategy
 - landscape and ecological management plan
 - landscaping details to be provided and implemented (planting to be replaced if any trees or shrubs fail within five years)
 - removal of hedgerows, trees
 - external lighting
 - tree planting
 - tree protection
 - boundary treatments and gabions
 - lighting strategy
 - crime prevention
 - control over processes carried out in B2/B8 building
 - times of HGV movements
 - noise
 - site contamination
 - mine capping details
 - mine gas monitoring
 - waste arisings
 - construction method statement
 - dust suppression
 - odour control measures
 - air quality measures
 - structures adjacent to highways
 - sight lines
-
- electric/hybrid vehicle charging points
 - surfacing and drainage of parking areas
 - flood risk/drainage

Strategic Planning Committee - 30 August 2018

2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) apprenticeships and local employment initiatives (ii) travel plan implementation and monitoring fee (£15,000) and (iii) contribution towards off-site tree planting (to negotiate an increase from £6,000).

3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Strategic Investment shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, D Firth, S Hall, Kane, Pattison, A Pinnock and Walker (7 votes)

Against: (No votes)

10 **Planning Application - Application: 2018/90146**

The Committee gave consideration to Application 2018/90146 – Erection of 5 dwellings at land adjacent to 196 Wakefield Road, Earlsheaton, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Andy Keeling (applicant's agent).

RESOLVED -

That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to those listed below and a construction management plan condition that will not specify that construction access be taken from Wakefield Road only ;

- time limit for implementation – 3 years
- plans
- samples of materials (natural stone to front elevations of plots 1-3)
- removal of permitted development rights
- surfacing of parking areas
- electric vehicle charging points
- reporting of unexpected contamination
- ecological enhancement measures
- drainage
- landscaping scheme
- provision of footway
- construction management plan (with vehicular access and deliveries only from Wakefield Road)
- noise attenuation measures

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, D Firth, S Hall, Kane, Pattison, A Pinnock and Walker (7 votes)

Against: (No votes)

11 Planning Application - Application: 2017/91851

The Committee gave consideration to Application 2017/91851– Erection of 84 dwellings and associated works including new access off Lady Ann Road, regrading works and landscaping land at Lady Ann Road, Soothill, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Simon Lunn (applicant's agent).

RESOLVED – That the application be refused on the grounds that the proposal would result in overdevelopment of the site and that;

(i) the proposal would entail residential development on a greenfield site which would significantly overwhelm the character and appearance of part of Lady Ann Road by virtue of the scale, massing and location of the proposed development. The prominent location in this case is emphasised by poor design, inconsistent roof designs and a lack of cohesion between the development and the existing urban grain. The development would represent a stand-alone design of inappropriate scale and appearance that would cause significant harm to the character and appearance of the area whilst failing to enhance the townscape. Accordingly, the proposal constitutes poor design and is considered unacceptable in terms of visual amenity, contrary to paragraph 13 of the National Planning Policy Framework, policies BE1 and BE2 of the Kirklees Unitary Development Plan and Kirklees Publication Draft Policy PLP 24.

(ii) the application potentially impacts on water voles which are a species of Principal Importance. There is insufficient information concerning the existing population of water voles, nor has it been demonstrated that the proposed development would contribute to, and enhance the natural environment having regard to the impact on the known water vole population. The proposal is therefore contrary to UDP policies NE5, BE2 (iv) of the Kirklees Unitary Development Plan and policy PLP30(i) (ii) of the Kirklees Publication Draft Local Plan and paragraph 175(a) of the National Planning Policy Framework.

(iii) there is insufficient information to demonstrate that the proposed development would direct development away from the areas of flooding, contrary to policy PLP27 of the Kirklees Publication Draft Local Plan and paragraph 155 of the National Planning Policy Framework.

(iv) insufficient information has been submitted to demonstrate that the proposed development would not result in unacceptable highways impacts as required by policy PLP32 of the Kirklees Publication Draft Local Plan and paragraph 109 of the National Planning Policy Framework.

Strategic Planning Committee - 30 August 2018

(v) there is insufficient information contained with the application to understand the potential impact of the proposed development on heritage assets, namely archaeology, based on the potential for the site to support historical findings, contrary to paragraph 199 of the National Planning Policy Framework.

(vi) there is no information supporting the application relating to requirements to support local infrastructure. A S106 agreement is required to ensure contributions towards affordable housing, education, Public Open Space and play equipment. The proposed development, therefore, fails to achieve the requirements of policy PLP4 of the Kirklees Publication Draft Local Plan.

(vii) the application would result in a significant impact on trees within the site which are subject to a Tree Preservation Order (TPO – 72/91). The proposal includes a retaining wall feature which would be positioned in between the protected trees potentially resulting in their loss. In addition, the proximity of proposed dwellings in close proximity of the protected trees would put undue pressure on the trees to be removed in future due to the impact the trees would have on the amenity of future occupiers of the properties. The application conflicts with policy NE9 of the Kirklees Unitary Development Plan and PLP33 of the Kirklees Publication Draft Local Plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

To defer;

For: Councillors A Pinnock and Walker (2 votes)

Against: Councillors Bellamy, D Firth, S Hall, Kane and Pattison (5 votes)

To Refuse;

For: Councillors Bellamy, D Firth, S Hall, Kane, Pattison, A Pinnock and Walker (7 votes)

Against: (No votes)

12 **Planning Application - Application: 2018/91713**

The Committee were informed that Application 2018/91713 had been withdrawn.

13 **Pre - Application Enquiry: 2018/20339**

The Committee received information in relation to a Pre-Application Enquiry in respect of Application 2018/20339.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Vivienne Clements (on behalf of the applicant).

Discussion took place in relation to (i) the existing planning permission and proposed changes to the scheme (ii) site location and infrastructure (iii) cumulative impacts upon highways and education and (iv) viability information.

14 **Exclusion of the Public**

Strategic Planning Committee - 30 August 2018

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

15 Pre - Application Enquiry: 2018/ 20339

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

The Committee received exempt information in relation to Agenda Item 13 (Minute No. 13 refers).