

Public Document Pack



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

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Monday 25 November 2019

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 3 December 2019**.

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

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Cabinet members are:-

Member

Councillor Shabir Pandor
Councillor Viv Kendrick

Councillor Musarrat Khan
Councillor Naheed Mather
Councillor Peter McBride

Councillor Carole Pattison

Councillor Cathy Scott
Councillor Graham Turner
Councillor Rob Walker

Responsible For:

Leader of the Council
Cabinet Member - Children (Statutory responsibility for Children)
Cabinet Member - Health and Social Care
Cabinet Member - Greener Kirklees
Deputy Leader and Cabinet Member for Regeneration
Cabinet Member for Learning, Aspiration and Communities
Cabinet Member - Housing and Democracy
Cabinet Member - Corporate
Cabinet Member for Culture and Environment

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

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

2: Interests

1 - 2

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

3: Admission of the Public

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

4: Deputations/Petitions

The Cabinet 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.

5: Member Question Time

To receive questions from Councillors.

6: Community Asset Transfer of Milnsbridge Village Hall 3 - 22

This report sets out the proposal to transfer the land and buildings that currently make up Milnsbridge Village Hall, Armitage Road, Huddersfield to Milnsbridge Village Hall (Charitable Incorporated Organisation; Number: 1172735)

Ward: Golcar

Portfolio: Corporate

Contact: Mark Varley and Giles Chappell, Asset Strategy Officers, Tel: 01484 221000

7: Corporate Financial Monitoring Report; Quarter 2 for 2019-20 23 - 50

To receive information on financial monitoring for General Fund Revenue, Housing Revenue Account (HRA) and Capital Plan, as at Quarter 2 (month 6), 2019-20

Ward: N/A

Portfolio: Corporate

Contact: James Anderson, Head of Service, Accountancy and Sarah Hill, Finance Manager

8: Half yearly monitoring report on Treasury Management Activities 2019-20 51 - 72

To receive the half-yearly monitoring report on Treasury Management Activity, covering the period 1 April 2019 to 30 September 2019.

Ward: All

Portfolio: Corporate

Contact: James Anderson, Head of Accountancy and Rachel Firth, Finance Manager, Tel:01484 221000

9: Dewsbury Sports Centre Family Attraction 73 - 82

To seek Cabinet approval to invest up to a maximum of £320,000 in Dewsbury Sports Centre to enable Kirklees Active Leisure to create a new Family Attraction at the facility

Ward: Dewsbury East

Portfolio: Regeneration

Contact: Peter Thompson, Economic Resilience Project Manager,
Tel: 01484 221000

10: Approval of a revised Local Development Scheme (the timetable for Planning Policy work) 83 - 102

To seek approval to publish the updated Local Development Scheme (LDS).

Ward: All

Portfolio: Regeneration & Greener Kirklees

Contact: Steven Wright, Planning Policy and Strategy Group
Leader, Tel: 01484 221000

11: Statement of Community Involvement (SCI) 103 - 138

To seek approval to publish the revised Statement of Community Involvement (SCI). The SCI sets out how the council will involve communities in planning policy decisions.

Ward: All

Portfolio: Regeneration

Contact: Steven Wright, Planning Policy and Strategy Group
Leader, Tel: 01484 221000

12: Dewsbury Town Centre Better Spaces Strategy 139 - 208

To seek approval of the Dewsbury Town Centre Better Spaces Strategy, its constituent proposals, including a Public Art Plan and approval of funds to implement these projects

Ward: Dewsbury East, Dewsbury West, Dewsbury South

Portfolio: Regeneration

Contact: Peter Thompson Economic Resilience Project Manager
Tel:01484 221000

13: YPO Strategic Investment 209 - 238

To provide additional information on the proposed strategic investment by the Yorkshire Purchasing Organisation

Ward: All

Portfolio: Corporate

Contact: James Anderson, Head of Accountancy; Jane Lockwood, Head of Procurement and Commissioning Support; Karl Larrad, Legal – Head of Corporate; and Martin Dearnley, Head of Risk & Internal Audit Tel: 01484 221000

14: Exclusion of the Public

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

15. YPO Strategic Investment 239 - 280

Private appendix in relation to agenda item 13

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
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: Cabinet
Date: 3rd December 2019
Title of report: Community Asset Transfer of Milnsbridge Village Hall, Armitage Road, Milnsbridge, Huddersfield, HD3 4JN

Purpose of report

This report sets out the proposal to transfer the land and buildings that currently make up Milnsbridge Village Hall, Armitage Road, Huddersfield, HD3 4JN to Milnsbridge Village Hall (Charitable Incorporated Organisation; Number: 1172735)

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 12.11.2019
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 12.11.2019
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 11.11.2019
Cabinet member portfolio	Councillor Graham Turner (Corporate)

Electoral wards affected: Golcar

Ward councillors consulted: Cllr Richard Murgatroyd, Cllr Christine Iredale, Cllr Andrew Marchington

Public or private: Public

GDPR - Has GDPR been considered? Yes, GDPR has been considered. The information in this report does not identify any individuals.

1. Summary

- 1.1 Community Asset Transfer is the transfer of ownership and/or management of public land and buildings from the Council to a community organisation. Assets are transferred at 'less than market value' in order to achieve social, economic or environmental benefit.
- 1.2 Milnsbridge Village Hall ("the Hall") is located on Armitage Road, Milnsbridge, Huddersfield. The freehold is owned by the Council. Milnsbridge Community Trust, a registered charity up until August 2017, have managed and maintained the Hall under a 35 year lease at a nominal rent of £5.00 per annum. The lease expired in 2011 and the tenant is currently holding over. Under the terms of the lease the Council have responsibility to keep the exterior of the demised premises (except the glass) and the walls, floors and main timbers in tenable repair.
- 1.3 The facility was opened in 1977 as a centre to be used for community purposes. Plan Reference 16-0048, which is attached in Appendix A, shows the boundary of the site indicated by a red line.
- 1.4. The Hall offers a useful community space suitable for events for up to 100 people. It currently accommodates a community book lending scheme, a crafting and play space, parent and toddler groups, a knit and natter group and a Friendship Group. It can accommodate physical activities such as dancing, yoga, pilates, kurling and dog training, and is available for hire for private bookings and parties.
- 1.5 As part of the Asset Transfer process the group have adopted a new constitution and have become a Charitable Incorporated Organisation (CIO) registered with the Charity Commission. Milnsbridge Community Trust was removed from the Charity Commission website on 7th August 2017 and their funds transferred to the newly incorporated CIO – Milnsbridge Village Hall ('the Organisation').
- 1.6 The Organisation have put forward proposals for an asset transfer of the Hall. It is proposed that the asset is transferred to the Organisation.

2. Information required to take a decision

Asset transfer

- 2.1 The Council's Community Asset Transfer Policy was revised in April 2017. The Policy continues to support groups to transfer assets from the Council at nil consideration in order to further local social, economic and environmental objectives. A copy of the Community Asset Transfer Policy is attached in Appendix B.

- 2.2 The Policy allows for assets to be transferred either through a long-term lease or a freehold transfer. Both options will normally be subject to covenants that restrict the use of the asset to community use. The Policy allows an element of commercial use if this is considered necessary for a successful business model. Commercial use of the asset will normally be restricted to a maximum of 30%.
- 2.3 Trustees of the Organisation have met with Council officers with a view to taking a community asset transfer of the Hall.
- 2.4 The Organisation have submitted a robust application and business plan in line with the requirements of the Community Asset Transfer Policy. The business plan includes details of financial planning, the Organisation's policies, specific information on service users and the current and proposed use of the Hall. The application and business plan were assessed by officers in Corporate Landlord, the Communities and Engagement Team and Locality (a third-party organisation working in partnership with the Council to support groups going through the asset transfer process).

The application was assessed using the Asset Transfer assessment tool which assesses 5 areas including a financial assessment, impact on community, risk, the asset and the strength of the Organisation. This assessment was designed in line with the Hallmarks of an Effective Charity which is written and supported by the Charity Commission.

- 2.5 The Organisation's Business Plan includes short and long-term development options. The immediate focus will be on maintaining the building to its current standards allowing it to function safely for existing and potential new users. They have obtained indicative costs for remedial works and made provision for these within their budget projections. The business plan sets out proposed modernisation works including a kitchen refurbishment scheme, window and timber fascia replacement and installation of cavity wall insulation. The Organisation also intend exploring options to make the building more accessible to users.

Costs

- 2.6 Milnsbridge Village Hall is a timber framed and clad building dating back to WW2. The building is in a reasonable state of repair; however, a previous Condition Survey Report identifies works totalling an estimated £46,747. This figure includes mechanical services of £1,309, electrical services of £5,235 and external works to walls, windows and doors of £38,025.
- 2.7 The transfer will provide a revenue saving to the Council of the running costs of the building. Based on 2018/19 expenditure the saving would be £2,276.04.
- 2.8 The Organisation are aware that the building will need replacing in the longer term and a feasibility study for replacement will become a priority once the Community

Asset Transfer is complete. In order to finance replacement costs the Organisation have outlined a proposal to apply for external funding from the Lottery's Reaching Communities Programme and the Power to Change Community Business Fund with match funding from complementary grants such as, Asda Foundation, Garfield Weston, Jewson Building Better Communities and Screwfix Foundation.

Options

2.9 The Council has the following options:-

a) Refuse the request for an asset transfer

The Community Asset Transfer Policy supports the Council's ambitions allowing local people and communities greater control over local assets and the services delivered from them.

Refusal of the Asset Transfer would restrict the Organisation's ability to secure grant funding to improve the facility and in turn potentially affect the long-term viability of the Hall and the services delivered from it.

For these reasons' officers are of the opinion that this is not the recommended option.

b) Transfer the Hall either freehold or leasehold with restrictive covenants for community use with an exception of up to 30% commercial use in line with other Community Asset Transfers and in line with the Community Asset Transfer Policy

The freehold of the Hall can be transferred; however, officers are of the opinion that this is not appropriate. Whilst transfers can contain covenants to ensure that the Hall is restricted to community use and remains available to the community, a freehold transfer limits the Council's ability to intervene in circumstances where the Organisation failed to fulfil their obligations.

Officers are of the opinion the grant of a long leasehold for a period up to 125 years in accordance with the Community Asset Transfer Policy is appropriate. The grant of a long leasehold gives the Organisation the security needed to satisfy grant funder requirements. The lease will include a restrictive covenant that the Hall is used for community use with provision, if required, for the Organisation to sub-let up to 30% of the Hall for commercial use to support the running and long-term sustainability of the facility.

Officers are of the opinion that the lease should be on the basis of a peppercorn rent for the full term, with the Organisation being responsible for the full repair and insuring of the Hall.

The lease will reserve rights for the Council to use the Hall for the purpose of an Electoral Polling Station.

The grant of a long lease provides the Council with remedies in the event that there is a breach of the terms of the lease.

c) Transfer the Hall without restrictive covenants in place

Whilst this approach has not been previously adopted by the Council, it is recognised that, subject to Cabinet approval, the Community Asset Transfer Policy does allow the transfer of assets without restrictive covenants. There is however a risk that the Hall could be lost as a community facility were covenants not included in the transfer. Officers are of the opinion that this should not be the recommended option on the grounds that the future use of the Hall as a community facility could be lost to the local community.

2.10 Valuation

Unrestricted Value

The unrestricted value is the best price reasonably obtainable for the property and should be expressed in capital terms. It is the market value of the land as currently defined by the RICS Valuation – Global Standards 2017 – VPS 4, except that it should take into account any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest (a "special purchaser"). When assessing unrestricted value, the valuer must ignore the reduction in value caused by any voluntary condition imposed by the authority. In other words, unrestricted value is the amount that would be paid for the property if the voluntary condition were not imposed (or it is the value of the property subject to a lease without the restriction).

The unrestricted value of Milnsbridge Village Hall is: £80,000

Restricted Value

The restricted value is the market value of the property having regard to the terms of the proposed transaction. It is defined in the same way as unrestricted value except that it should take into account the effect on value of any voluntary condition(s).

The restricted value of Milnsbridge Village Hall is: £ Nil

Voluntary Conditions

A voluntary condition is any term or condition of the proposed transaction which the authority chooses to impose. It does not include any term or condition which the authority is obliged to impose, (for example, as a matter of statute), or which runs with the land. Nor does it include any term or condition relating to a matter which is a discretionary rather than a statutory duty of the authority.

The value of voluntary conditions in the proposed transaction is: £ Nil

Amount of discount given by the Council

The difference between the unrestricted value of the land to be disposed of and the consideration accepted (the restricted value plus value of any voluntary conditions).

The amount of discount in the proposed transaction is: £80,000.

The Local Government Act 1972 General Disposal Consent (2003) means that specific consent of the Secretary of State is not required for the disposal of any interest in land/buildings at less than best consideration which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental wellbeing of its area.

Following their assessment Officers of the Council are confident that the transfer of the Hall to the Organisation is likely to promote the social well-being of the Milnsbridge area.

3 Implications for the Council

3.1 Working with People

The proposals for the asset transfer of the Hall have been developed in conjunction with the Organisation. Community asset transfers involve supporting community initiative, helping community organisations to solve their own problems. Community consultation is a key part of the asset transfer process, ensuring that the asset meets the needs of the community. Ward Members are consulted as part of the Cabinet reporting process and given opportunity to make representations on behalf of the community.

3.2 Working with Partners

Partnership working is crucial to the success and sustainability of community asset transfers within Kirklees. Officers work collaboratively with the applicant group, Council services and Locality, a national charity, in the development of asset transfer proposals. Locality is a national charity working with community organisations at a local level to ensure that they are strong and successful.

Groups are actively encouraged and provided with necessary support to ensure that partnership opportunities are fully explored.

3.3 Place Based Working

The Community Asset Transfer Policy underpins Place Based Working, providing an opportunity for a more efficient and effective use of buildings and land currently owned by the Council. It gives local people and community's greater control over local assets and the services delivered from them. It provides new opportunities to

develop and improve land and buildings for local social, economic and environmental benefit.

The transfer of assets allows Council resources to be directed to core essential services.

3.4 **Improving outcomes for children**

Community assets play a crucial role in the delivery of services to all members of the community, including young people.

The transfer of community assets can maximise their use and provide a place for children, their families, communities and services to work together to provide positive childhood experiences.

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

Council costs for the facility in 2018/19 were £2,276.04. The grant of a long lease of the Hall will provide an equivalent revenue saving to the Council.

4 **Consultees and their opinions**

Ward member comments

Cllr Christine Iredale

I am really pleased to have this go to cabinet I would hope for it to be agreed after such a long while. The committee have worked really hard and it is a credit to all of them. It is well used by all sections of the community.

Cllr Richard Murgatroyd

I'd support the transfer and am confident that the group currently running the Hall will continue to make a success of the venture. They have proved imaginative and resourceful, encouraging community use in a wide variety of ways. At the same time the management of the Hall has been very professional and well organised. The upkeep of the building and grounds is first rate and has involved support from people throughout Milnsbridge. All together an exemplary community led initiative.

Communities & Strategic VSC Support comments

Andrew Dolman – Third Sector Manager

For the reasons given in the report; people having control over local assets; communities doing more for themselves; our new relationship with the third sector we are happy for the report to be accepted.

5 Next steps and timelines

- 5.1 Subject to Cabinet approval the Service Director - Economy and Skills to complete negotiations, agree Heads of Terms and instruct the Service Director - Legal, Governance and Commissioning to complete the lease and any associated documentation with the Organisation.

6 Officer recommendations and reasons

It is recommended that:

- 6.1 Authority be delegated to the Service Director - Economy and Skills to negotiate and agree terms for the grant of a 125 year lease of Milnsbridge Village Hall to Milnsbridge Village Hall CIO, for the reasons set out in the body of the report.
- 6.2 Authority be delegated to the Service Director - Legal, Governance and Commissioning to enter into and execute all necessary documentation in connection with the grant of a 125 year lease of Milnsbridge Village Hall to Milnsbridge Village Hall CIO.

7 Cabinet portfolio holder's recommendations

I welcome this asset transfer, the current group has been running this village hall for a number of years very successfully.

This is a much valued and well used community asset, and its transfer to the local community, will allow it to develop and continue to provide a community space which will support a large number of local organisations for the residents of Milnsbridge and surrounding area.

This is the latest in a series of successful asset transfers that has allowed community's to take ownership of council owned buildings, this allows residents to develop the assets and ensures that the buildings are meeting the needs of local people.

Asset transfers are a corner stone of the council's policy of doing with and not to.

I therefore recommend that Cabinet support the officer recommendations set out above and that:

Authority be delegated to the Service Director - Economy and Skills to negotiate and agree terms for the grant of a 125 year lease of Milnsbridge Village Hall to Milnsbridge Village Hall CIO, for the reasons set out in the body of the report.

Authority be delegated to the Service Director - Legal, Governance and

Commissioning to enter into and execute all necessary documentation in connection with the grant of a 125 year lease of Milnsbridge Village Hall to Milnsbridge Village Hall CIO.

8 Contact officer

Mark Varley (Asset Strategy Officer)

mark.varley@kirklees.gov.uk

(01484) 221000

Giles Chappell (Asset Strategy Officer)

giles.chappell@kirklees.gov.uk

(01484) 221000

9 Background Papers and History of Decisions

Appendix A – Red Line Boundary plan (Ref. 16-0048)

Appendix B – Community Asset Transfer Policy 2017

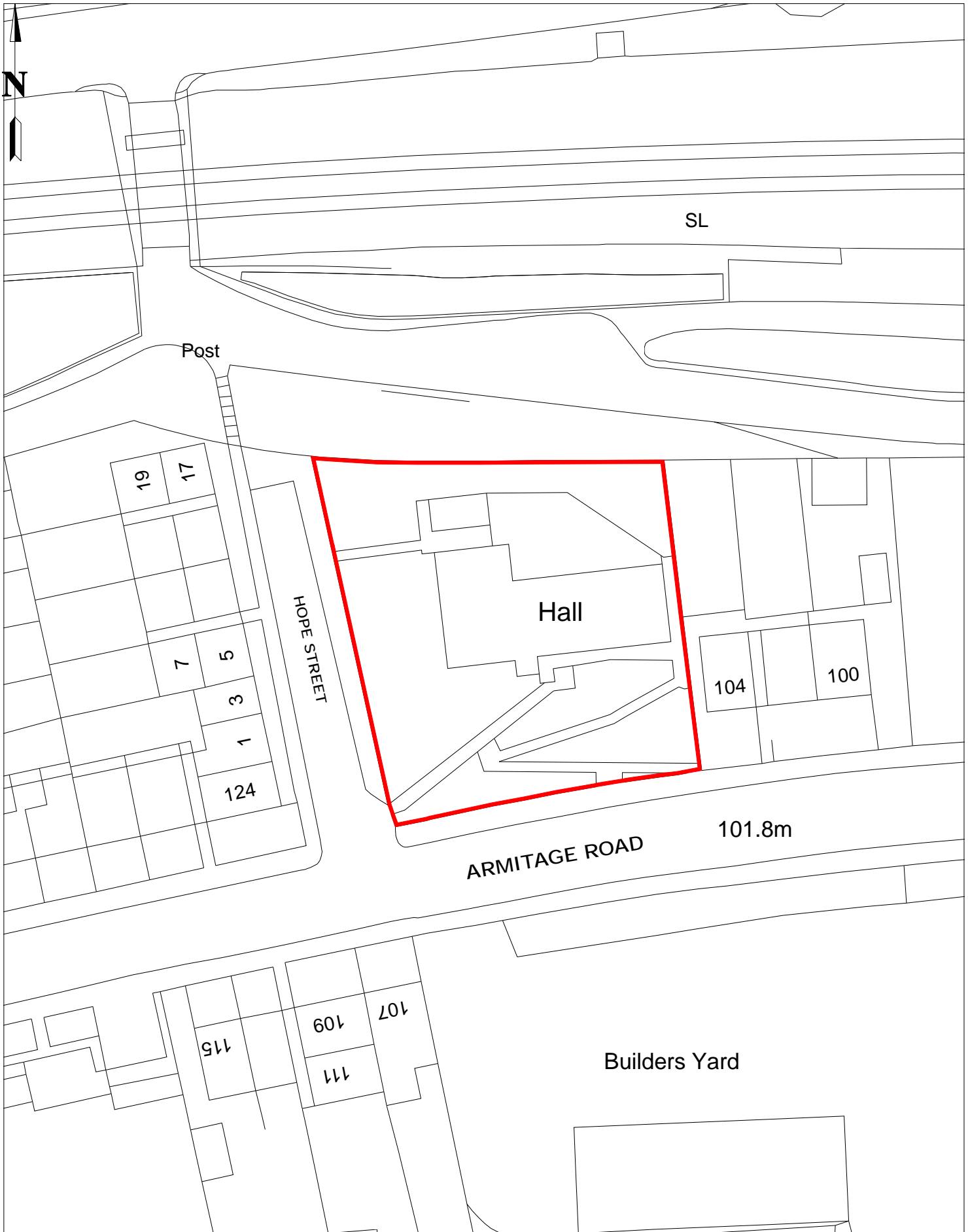
10 Service Director responsible

Angela Blake (Service Director - Economy and Skills)

angela.blake@kirklees.gov.uk

(01484) 221000

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STRATEGIC ASSETS

Plan No: 16-0048
 Scale: 500
 Required by:

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Community Asset Transfer Policy

March 2017

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Contact Details

Corporate Landlord

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corporate.landlord@kirklees.gov.uk

Introduction

Kirklees Council adopted an Asset Advancement Policy in 2013, the policy enabled Community Organisations to Asset Transfer Council Assets to allow for the continuity of the asset and have a positive impact on the local and wider community.

This 2017 policy builds upon and supersedes the original policy and is now named Community Asset Transfer Policy.

The policy supports Kirklees Council's vision for New Council by:

- Connecting ideas, people and resources across boundaries of all kinds, supporting communities to harness and build their strengths
- Creating trust and synergy between institutions, businesses and citizens in Kirklees

The policy sets out how Community Asset Transfers will work within Kirklees Council, it outlines which assets the Council would consider for transfer and the type of transfer that will be offered. Community Asset Transfer is not an automatic right like some of the recent legislation i.e. Community Right to Bid (Assets of Community Value) but is a policy outlined by Central Government to guide Local Authorities on the use of their assets.

Whilst the Council is committed to the principle of releasing public assets to Community Organisations, the assets made available for Community Asset Transfer will be at the discretion of the Council and not all Council assets will be available. Moreover, the Council reserves the right to withdraw from the Community Asset Transfer process at any stage should suitable progress not be maintained.

Background

Kirklees Council has a long history of empowering communities in managing community assets. The Quirk Review (Community Management and Ownership of Public Assets) of 2007 brought about a fundamental change in the way that Local Authorities viewed ownership of Assets within their areas.

Community Asset Transfer involves transferring the ownership and/or management of land or buildings from a statutory body to a Community Organisation at less than best/nil consideration – that is, at less than its full market value – in order to further local social, economic and/or environmental objectives. The transfer can be either leasehold or freehold.

Transferring an asset to a Community Organisation on long leasehold or freehold transfer can unlock community enterprise, encourage volunteer commitment, help utilise local intelligence, and allow these organisations to attract the necessary capital investment to create a thriving community.

Benefits to the People of Kirklees

There can be many benefits derived through community ownership of a public asset transferred to them, usually an increase in opportunities for the community and better, more responsive services that engage with and empower local people. Additional benefits include increased local pride and ownership. This can attract new investment, reinvigorate the local economy, deliver significant positive outcomes for communities empowering them to become more self-sufficient, promote independence and help to create and maintain sustainable thriving centres. Social Value is about using the resources e.g. assets we have more strategically, to produce a wider benefit than would otherwise have been achieved from a typical disposal.

Benefits to the Community Organisation

Transferring the ownership of a public asset to a Community Organisation can strengthen the organisations' confidence and community ties. Having an asset on an organisation's balance sheet helps attract finance and

gives the organisation a strong base for sustainability. It can also raise the profile of the organisation and improve credibility with local people and stakeholders. The organisation may have access to external grants (for building refurbishment or to support staff training and development) that are not available to the Council. Ownership of a physical asset can also provide sustainable income generation opportunities and help organisations achieve greater financial stability and escape short term grant dependency.

Benefits to the Council

Community Asset transfer links to the Councils journey towards New Council and supports the Councils vision of supporting communities to do more for themselves and each other. It promotes economic resilience on a localised basis and aligns to the Councils objective of focusing only on things that the Council can do and enables the Council to achieve its Asset Reduction Ambitions.

Definitions

A Community Asset Transfer for the purpose of this policy is defined as:

- The transference of ownership or management of a council owned building or area of land to a Community Organisation by means of either a long term lease or freehold transfer to the interested Community Organisation at less than best consideration, to further local social, economic and/or environmental objectives.
- Short term leases (25 years or below), at less than best consideration, to further local social, economic and/or environmental objectives are not considered within this policy.

A Community Organisation for the purpose of this report can be one of the following:

- Voluntary and Community Organisations who are representative of the community, are asset locked (so the asset cannot be disposed of except to another community/charity organisation), have aims and objectives of the voluntary and community sector, have the capacity to manage a community space and provide social value and contribute to Council priorities.
- Town and Parish Councils
- Schools

The suitability of a Community Organisation and its governance arrangements will be assessed as part of the Assessment of Application Form and Business Case stage.

Who Can Apply

Community Organisation as outlined above can apply for a Community Asset Transfer.

The Council may prioritise expressions of interest from organisations such as Town and Parish Councils because of the advantages of their current governance arrangements and community representation i.e. democratically elected.

Expressions of interest from single interest groups e.g. where a groups membership is not open to all in the community to join and/or all members of the community are not able to access the community asset, will not be accepted but the Council will work with the group to develop a more inclusive organisation.

Please Note: Expressions of interest from Social Enterprises with share capital, commercial or privately owned organisations will not be accepted.

What Assets will the Council Consider for Community Asset Transfer?

The assets made available for Community Asset Transfer will be at the discretion of the Council but may include the following:

- Community Buildings
- Public Halls
- Park Land
- Woodland
- Public Service Buildings – e.g. Libraries, Children's Centres, Museums

The types of assets the Council may not consider for Community Asset Transfer include, but are not limited to:

- Sites identified in the Local Plan for uses such as Employment and Housing
- Strategic Assets such as Office Accommodation Hubs and Town Halls

The Basis of Transfer

For the purpose of this policy, a Community Asset Transfer has two forms:

- Freehold Transfer – a freehold transfer of an asset would mean the entire ownership of an asset would transfer from the Council to the Community Organisation. Normally, covenants (restrictions) will ensure that it cannot be used for any other purpose than community use (and the ancillary business use that is permitted as described below)
- Long Term Lease - a leasehold transfer will give the Community Organisation the right to use the asset property for the duration of the lease. A lease can run for any period, but for the purposes of this policy typically, a 99 or 125 year lease will be issued. This option may be considered if, for example, the asset and/or site is shared, Council or otherwise, and if the Council feels that restrictive covenants may not provide sufficient protection for the future use of an Asset.

The terms for each transfer will be negotiated on its own merits. The Council would normally transfer the asset for nil consideration; however, the Community Organisation will be wholly responsible for the asset unless it's situated on a shared site, in which case a lease with a service charge arrangement may be more appropriate.

When an asset is transferred with a Council Service operating from it e.g. library or children's centre service, the Council will not pay a hosting fee i.e. rent or service charge for the continued use of the asset. The allocation of space for such services within an asset can be negotiated to ensure the viability of the organisations future plans and to align with the Councils objectives.

The Council recognises that in some cases there is a potential need for an element of commercial use within a community asset in order for a successful business model. Each business case will be assessed individually and a report brought forward to Cabinet for consideration.

All disposals of land and buildings need to comply with European Commission's State Aid Rules whilst applicable, however, in most cases the State Aid Rules will not be applicable.

Application Process and Support

There are 2 possible triggers that can start the Community Asset Transfer process:

1. Community Initiated Transfer – where the Council receives a direct approach for an asset from a Community Organisation.
2. Council Initiated Transfer – where through a review of a service or identification of surplus assets, the Council decides that its preferred delivery model includes the transfer of assets to a Community Organisation and will therefore invite expressions of interest from third parties.

Both triggers will require an initial expression of interest and an outline business case to be completed.

Following a successful assessment of the expression of interest and if the asset is available for transfer the organisation will be notified and asked to bring forward an application and final business case. Support will be offered and tailored to suit the Community Organisations needs where development of the organisation and/or final business case is required e.g. Officer support to develop the business case and governance as required, and a grant of up to £5,000 to assist groups with pre-feasibility and/or legal costs.

At application and final business case stage a grant of up to 15% of the average of the previous two years Council revenue running costs (typically building costs, but not staffing, service delivery or capital investment costs) can be applied for via the Final Business Case.

At the same stage if the Community Organisation expect to apply for capital grant funding from an external organisation which requires matched funding e.g. lottery funding, the Community Organisation can apply to the Council for a loan facility to cover part or all of the match funding up to a maximum of £100,000

It would be an expectation that the grant or loan would be built into the Final Business Case and therefore will be assessed in preparation for a report being taken to Cabinet and if approved will be processed following the Cabinet decision and upon legal completion of the Asset Transfer.

Expression of Interest and Outline Business Case, Application Form and Process Flow Chart are available on the Council Website.

Whilst the Council will normally prioritise expressions of interest from organisations such as Town and Parish Councils because of the advantages of their governance arrangements and community representation i.e. democratically elected, support from the Council e.g. loan facility and grants will not normally be offered because of the alternative options open to Town and Parish Councils e.g. ability to raise precept, which aren't available to other Community Organisations.

Similarly, applications from schools may be prioritised, however due to school funding arrangements financial support from the Council e.g. loan facility and grants will not normally be offered.

Assessment of Application Form and Final Business Case

An assessment of the application form and final business case will be undertaken by the Council and Partner/s. The assessment looks at 3 main areas:

- The Organisation and Impact on the Community
- The Asset
- Business Planning, Risk and Financial Assessment

The Asset Transfer Self-Assessment tool will be published on the Council website.

Decision Making Process

Following a successful assessment of the organisations application form and final business case, the request for Community Asset Transfer under the criteria within **The Basis of the Transfer** will be taken to Cabinet for consideration.

Kirklees have developed a Community Asset Transfer Process Flow Chart, (Appendix A) to enable Community Organisations to understand the overall process as well as the Decision Making Process.

Please Note: The Council is committed to the successful transfer of assets to a Community Organisation. In the event of two or more organisations expressing an interest in the same asset, the organisations will be encouraged to work together and submit a joint application, however, if one or more organisation will not agree to a joint application and none of the applicants are preferred partners, a report will be presented at Cabinet where a decision will be made.

Additional Support and Information

Additional information relating to Community Asset Transfer is available from the following sites:

Locality

<http://locality.org.uk/our-work/assets/>

Locality enables members to use assets to bring long term social, economic and environmental improvement to their local neighbourhoods.

They have the ability to offer assistance and guidance in Community Asset Transfer and have experience across the UK. The web information includes case studies, 2 of which are Kirklees Assets.

Funding

One benefit of Community Asset Transfer for a Community Organisation is the ability to draw down funding that is not available to the Council. The Open 4 Funding Kirklees webpage <http://www.open4funding.info/kirklees/> provides access to a comprehensive database of funding opportunities including government, lottery and other funding streams within Kirklees.

Community Asset Transfer Process Flow Chart



The above flow chart shows a basic process for an asset transfer.

Support is offered by the Council at all stages of the process to enable to work through each stage in more depth.

The process is complex and timescales are difficult to estimate as each transfer has its own issues to overcome and terms to agree. Realistic timescales for a transfer from start to completion could be 10-12 months, though, if there are complex legal issues it can take longer.



Name of meeting: Cabinet

Date: 3rd December 2019

Title of report: Corporate Financial Monitoring Report, Quarter 2, 2019-20

Purpose of the Report

To receive information on financial monitoring for General Fund Revenue, Housing Revenue Account (HRA) and Capital Plan, as at Quarter 2 (month 6), 2019-20.

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 <u>Council's Forward Plan (key decisions and private reports)</u>?	Key decision - Yes
The Decision - Is it eligible for “call in” by Scrutiny?	Yes
Date signed off by Strategic Director & name	Rachel Spencer Henshall – 25/11/2019
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 25/11/2019
Is it also signed off by the Service Director – Legal, Governance & Commissioning?	Julie Muscroft – 25/11/2019
Cabinet member portfolio - Corporate	Give name of Portfolio Holders Cllr Graham Turner

Electoral wards affected: None Ward
Councillors Consulted: None

Public or private: Public

GDPR: This report contains no information that falls within the scope of General Data Protection Regulations.

1. Summary

1.1 General Fund

1.1.1 The Council’s revised General Fund controllable (net) revenue budget for 2019-20 is **£291.5m**. The budget includes planned (net) revenue savings in-year of £10.9m.

- 1.1.2 The revised budget includes a number of planned transfers from reserves during the year, with the most significant being £3.2m from the revenue grants reserve which includes £0.8m from the Public Health reserve.
- 1.1.3 Quarter 2 forecasts reflect strong progress to delivering overall spending plans within available resources. Quarter 1 monitoring reported a relatively modest forecast overspend of £2m (equivalent to just 0.7%), and as at Quarter 2, this has reduced by a further £1.1m to a reported forecast £0.9m overspend. It is expected that this downward trend will continue and that by current year end, overall spending plans will come in within budget. The forecast overspend at Quarter 2 of £0.9m is against a revised budget at Quarter 2 of £291.5m; equivalent to 0.3%. This includes the following:
- i) forecast delivery of £7.2m planned savings against the target £10.9m ; equivalent to 66%.
 - ii) proposed transfer and roll forward of unbudgeted forecast in-year high needs pressure of £4.9m, through the Dedicated Schools Grant (DSG) funding account, within allowable Government rules;
 - ii) forecast £2.8m net underspends elsewhere.

A detailed breakdown of the planned savings can be found at Appendix 5.

- 1.1.4 The forecast revenue outturn as at Quarter 2 is summarised at Appendix 1 and also in Table 1 below.

Table 1 - Overview of 2019-20 general fund forecast revenue outturn position as at Quarter 2

	Revised Budget	Outturn Forecast	Variance
	£000	£000	£000
Children & Families	80,586	80,540	(46)
Adults & Health	102,019	102,882	863
Economy & Infrastructure	40,717	44,042	3,325
Corporate Services	33,810	34,319	509
Central Budgets	34,450	30,651	(3,799)
Grand Total	291,582	292,434	852

- 1.1.5 As noted at paragraph 1.1.3, it is expected that Strategic Directors continue to ensure as far as possible that management actions are taken between now and year end to manage down the £0.9m forecast overspend, to deliver an overall balanced position for the Council for 2019-20. Headline variances are described in more detail in sections 1.2 to 1.5 below and a summary of all key variances can also be found at Appendix 4.

1.2 Children & Families

Learning – High Needs

- 1.2.1 The Dedicated Schools Grant (DSG) High Needs funding allocation for 2019-20 is £37.0m. The forecast in-year pressure on High Needs spend in excess of the DSG funding allocation is £11.2m (equivalent to 30.26%). This pressure has been part offset from the planned release of Central Budget Minimum Revenue Provision (MRP) budget of £5m in-year and from the Social Care grant of £1.3m. The recent Budget Strategy Update Report to Cabinet and Council

reaffirmed the current Medium Term Financial Plan (MTFP) strategy to continue to release MRP over-provision budget over the medium term, but on a reducing basis.

- 1.2.2 Government's 2017 review of the National Funding Formula (NFF) acknowledged that Kirklees was underfunded in relation to existing high needs support from birth through to age 25, and identified a £7m high needs funding increase requirement (equivalent to 21% uplift against the existing high needs allocation). However, maximum annual increases have been capped at 3%, which translates to around to £1m uplift per year from 2018-19, over a seven year period. The MTFP strategy referenced in paragraph 1.2.1 above is intended to compensate for the fact that the full £7m funding requirement is only being released gradually by Government, over the 7 year period. It also takes into account a supplementary extra £250m national high needs funding announcement by Government late in 2018-19; £125m in 2018-19 and £125m 2019-20. Kirklees share of this is £1m per annum.
- 1.2.3 Net of the planned release of £5m MRP over-provision in-year and £1.3m of Social Care grant, there is still a balance of £4.9m forecast unfunded in-year pressure. Of this, £0.9m relates to additional funding required to address structural funding pressures within the Council's Special Schools provision.
- 1.2.4 The remaining £4m High Needs pressure relates to a forecast increase in the overall number of children with Education, Health and Care Plans (EHCP's) and increased levels of top up funding for children already with an EHCP.
- 1.2.5 There has already been a 44% rise in the number of EHCP's within Kirklees in the last four years (2015-2019) since the 2014 Children and Families Act was implemented (47% nationally). The rising demand and cost pressures show no sign of slowing down, with continued growth of EHCP numbers expected in future years (over 10% in each of the last three years nationally).
- 1.2.6 It is proposed at Quarter 2 that the projected unfunded High Needs pressure of £4.9m is carried forward on the balance sheet as a funding deficit against Dedicated School Grant (DSG). This is allowable under current Department for Education (DfE) DSG grant conditions. Should the deficit rolled forward comprise greater than 1% of the Council's total DSG allocation, the DfE will require the Council to agree a plan to return the DSG account to a balanced position within a specified time period (up to a maximum of three financial years). Kirklees received an overall DSG allocation of £362.65m for financial year 2019-20 so a deficit of £4.9m equates to 1.35%.
- 1.2.7 To put the above approach into context, most recently the Association of Local Authority Treasurers wrote to the Secretary of State for Education on 28th June 2019 outlining the issues facing the 152 Councils with statutory education responsibilities, in managing this additional demand, and asking Government for a further injection of funding into the system alongside a review of the Children and Families Act. Based on a survey response of 88 Authorities, the letter sets out an indicative estimate that by 2019-20, 88% of the authorities will be in a deficit high needs funding position, and that for 70% of these authorities, the accumulated deficit will be equivalent to 11% of their annual high needs allocation, and predicted to increase year on year with no additional funding from Government.
- 1.2.8 The proposals set out in paragraph 1.2.7 above would also result in an equivalent Kirklees DSG £4.9m forecast deficit carried forward equivalent to 13.3% of the Council's annual high needs funding allocation.
- 1.2.9 Government has acknowledged the extensive sectoral lobbying on this issue through Spending Review 2019 (SR2019) with a significant uplift in High Needs funding for 2020/21 of over £700m nationally. Details of this funding were released by the Department for Education (DfE) on 11th October as part of the updated policy paper on National Funding Formula for schools and high needs. The additional funding is derived through the rebalancing of weightings with the

component parts of the High Needs block formula; the impact of these changes for Kirklees in 2020-21 has been calculated as approximately £6m, based on the most recent available pupil numbers.

- 1.2.10 At the same time, the DfE also launched a formal consultation covering the requirements upon local authorities when the DSG is in deficit. The proposed changes reaffirm the Government's intention that DSG deficit should not be covered in future from general funds but that over time they should be recovered from DSG income. The proposals state that the local authority must carry forward the whole of any DSG overspend to the schools budget in future years. If implemented, the change to the conditions will take effect from the end of the current financial year and with this, the proposed £5m MRP offset and the £1.3m Social Care grant currently applied to the High Needs overspend would have to be reversed, leaving a £11.2m deficit on the DSG balance sheet. The consultation does however provide for a mechanism by which the Council could, by exception, apply to the Secretary of State for permission to use General Fund monies to fund the deficit. The details around such exceptions are vague in terms of the specific circumstances in which it would be allowed and we will seek to clarify our understanding through the consultation process.
- 1.2.11 High Needs is an area of significant and growing pressure on Council budgets nationally and officers will continue to review and update current and future year forecasts through 2019-20, informed by local and national intelligence. It is anticipated that medium term, growth pressures may be mitigated at least in part through other measures included in the Kirklees-wide High needs Strategic review, with the Council currently working on the implementation of an action plan with key education partners across the district. Medium term, the approved capital budget plans for 2019-24 include £25m to support increased District high needs specialist placement sufficiency.

Learning and Early Support

- 1.2.12 There is a forecast pressure of £0.7m on Post -16 Home to School Transport due to an increase in the number of pupils with Education Health and Care Plans (EHCP's) requiring transport. Currently there are 245 children with EHCP's using this service which is an increase of 48 from the previous year and 91 from 4 years ago. This pressure also links in to other schools transport pressures highlighted in paragraph 1.4.2 further below, and the Council is currently exploring a range of alternate approaches, working with pupils, parents, schools sector and providers, to deliver more innovative and tailored transport options while reducing overall cost pressures. An additional £1.1m has been built into base budgets going forwards as part of the recent Budget Strategy Update report to address the estimated residual ongoing pressure in this area.

Child Protection and Family Support

- 1.2.13 There are Social Care pressures of £0.9m within Child Protection and Family Support, which is funding preventative services that are successfully reducing demand. This has resulted in a projected underspend of £0.9m on demand led placement costs; with planned moves agreed to reduce External Residential Placement (ERPs) from 37 to 23 during the year and an underspend of £0.6m on staffing.

1.3 Adults and Health

- 1.3.1 Within Adults and Health there is a planned saving on independent sector home care of £0.5m, and this is anticipated to be achievable, in part due to strengths based approaches having an impact. However there is a further projected £1.5m home care underspend; mainly due to current capacity challenges in the Independent Sector Home Care market which is resulting in some re-direct of anticipated Home Care spend to self-directed support, at £1.9m.
- 1.3.2 Home care capacity measures have been implemented part-year to support providers, at an

estimated cost of £400k. This is offset by compensating funding from Better Care fund; achieved through continued flexible deployment of funding allocations in conjunction with the CCG (Clinical Commissioning Group).

- 1.3.3 The other main projected variance in Adults relates to employee costs at £1.2m. A Programme is currently being shaped around the means of achieving the 19-20 savings targets. This will involve further developing understanding around demand and growth predictions, levels of productivity and the workforce shape required to best deliver pathways. It will also enable an intelligence led approach to vacancy management.
- 1.3.4 Adults budgets include income from a number of specific adult social care grants such as Winter Pressures at £1.9m, Social Care grant at £1.2m and the Improved Better Care Fund (iBCF) totalling £15.4m. There is also funding allocated through the Better Care Fund (BCF) pooled with Health, with the Council share about £17.2m. This (along with the iBCF, and Winter Pressures grant) has national reporting conditions and joint health sign off agreements.
- 1.3.5 SR2019 announcement confirmed that all existing Social Care specific grants outlined above will roll into 2020/21 baselines. In the main, this was already assumed in the existing MTFP. An overall national increase in social care funding of £1.5bn in 2020/21 was also announced in order to 'stabilise the system'; described by the Chancellor as a down payment for more extensive reforms to 'fix' adult social care in the autumn through the much delayed release of the Adult funding green paper. Of this, £1bn funding will be allocated to Councils as a specific Social Care grant in 2020/21, which Councils have discretion to allocate either to Children's or Adults Social Care. Officers estimated a funding allocation for Kirklees in the region of £8m based on recent funding distributions, and this sum was built into the Budget Strategy Update report accordingly. Kirklees' share of the new Social Care funding has since been announced in the technical consultation paper on the 20/21 Local Government Finance Settlement at £7.85m.

1.4 Economy and Infrastructure

- 1.4.1 Within Environment there is a projected overall income shortfall of £1.1m in Car Parking. As part of 2019-20 budget, car parking charges were frozen, and have been for a number of years. This means that the income targets within the budget cannot be achieved. Parking studies have been carried out, taking into account the Council's town centre and climate change ambition, and as a result, an additional £600k has been built into updated budget plans for 2020-21 as part of the recent Budget Strategy Update Report to reflect a more realistic level of income going forward
- 1.4.3 Also within Environment there is a projected overspend of £0.7m on Schools Transport; in the main linked to special educational needs demand (links also to the Learning-High Needs Section 1.2 of the report earlier), and a £0.4m short-term pressure in Bereavement due to a revised income shortfall projection relating to the Cremator Replacement project.
- 1.4.4 There is a £0.3m projected overspend within Growth & Housing relating to declining income across Markets, linked to the Huddersfield Blueprint plans.
- 1.4.5 In order to get break clauses installed for associated proposed capital projects, new tenant leases will need to be signed for both Dewsbury and Huddersfield Markets on 1st January 2020. This involves a 40% rent reduction in Dewsbury, equating to approximately £120k per annum, and 50% in Huddersfield equating to approximately £160k per annum. This pressure has been recognised in the Budget Strategy Update Report with an additional base budget allocated to Markets from 2020/21 onwards, reflecting the full year effect of this income decline. The part year effect has been accounted for within current financial monitoring.

1.5 Corporate Strategy, Commissioning and Public Health

- 1.5.1 Within Finance, there is a projected £0.6m overspend in benefit Payments relating to homelessness. Since the introduction of the Homelessness Reduction Act in April 2018 the number of people eligible for, and being provided with, temporary accommodation in Kirklees has increased by 13%. This, along with a shortage of suitable and affordable accommodation, has resulted in temporary accommodation properties being fully utilised, which has increased the use of more expensive Bed and Breakfast (B&B) accommodation and the length of time people remain in B&B. This is far from ideal for families and individuals and also has implications for housing benefit subsidy loss. Plans to reduce the use of B&B are being explored including the provision of alternative types of temporary accommodation.
- 1.5.2 The revised budget for Public Health includes a planned transfer of £823k from the Public Health reserve in-year, approved as part of the Annual Budget report in February 2019. This resource is being used to allow continued investment in substance misuse and sexual health activities that would otherwise have been subject to savings in 2019-20.

1.6 Central Budgets

- 1.6.1 Approved Central Budgets for 2019-20 include the set aside of £2.7m minimum revenue provision (MRP) over-allocation budget, as in-year contingency. This report reflects the intended release of this contingency over- provision at Quarter 2, to part mitigate the balance of £3.7m, or 34%, of the planned £10.9m savings unlikely to be achieved by current year end (see also Appendix 5).
- 1.6.2 Further underspends within Central budgets at Quarter 2 include £0.6m from Yorkshire Purchasing Organisation (YPO) dividend income and £0.5m relating to inflation budgets not required in-year.

1.7 General Fund Reserves

- 1.7.1 The reserves position at Appendix 2 reflects the Council's reserves strategy and approach reported and approved at Budget Council on 13 February 2019 and subsequently updated as part of the 2018-19 Outturn report to Cabinet and Council in June and July 2019 respectively.
- 1.7.2 General fund reserves and balances are estimated to reduce through 2019-20 by £5.4m; from £112.5m at the start of the year to £107.1m as at 31 March 2020. The movement is made up of the Quarter 2 forecast overspend of £0.9m together with planned drawdowns in the year of £4.5m; the most significant being £3.2m from the Revenue Grants reserve, which includes £0.8m from Public Health, and £0.5m from the Rollover reserve.
- 1.7.3 The forecast reserves as at 31st March 2020, includes £9.4m relating to statutory schools reserves (which cannot be re-directed for non-school uses), leaving £10.0m general balances and £87.7m earmarked reserves.
- 1.7.4 Total forecast usable reserves at 31st March 2020, net of Public Health and statutory School reserves, is equivalent to 34% of the original 2019-20 net revenue budget of £287.1m. This represents an increase of 6% in this particular indicator, over the past 12 months, from 28%. For comparator purposes, the median percentage across the 26 metropolitan Councils on this particular indicator was 36% as at 31 March 2018.
- 1.7.5 The significance of this indicator is that it features as part of CIPFA's suite of 'financial resilience' performance indicators being developed to support officers, members and other stakeholders as an independent and objective suite of indicators that measure the relative financial sustainability and resilience of Councils, given extensive and ongoing national coverage and concern about financial sustainability across the local government sector.

- 1.7.6 Whilst forecast financial resilience reserves as at 31st March 2020 is £36.3m, which is net of the forecast Quarter 2 overspend and therefore £0.9m below the minimum financial reserves requirement recommendation by the Chief Financial Officer at least to the start of 2021-22. This recommendation was set out in the recent Budget Strategy Update report to Cabinet and Council, informed by the Council's corporate risk register. As reported earlier in this report it is expected that Strategic Directors continue to ensure as far as possible that management actions are taken between now and year end to manage down the £0.9m forecast overspend, to deliver an overall balanced position for the Council for 2019-20.
- 1.7.7 Regular monitoring and review of corporate reserves will be continue to be undertaken as part of the standard monitoring cycle through the remainder of the financial year.
- 1.7.8 Work is ongoing with regards to profiling the commitments against the Strategic Investment reserve which currently stand at £5.35m across the 2019-24 period. Current projections estimate around £1.8m per annum of expenditure for the period from 2019-20 to 2021-22 These include managing the medium term revenue impact associated with the strategic acquisitions of key assets in support of the Council's broader Blueprint agenda for the major transformation of our key Town Centres and include specifically the purchase of the Piazza, support for Dewsbury Riverside and the town centre masterplan.
- 1.7.9 Commitments against the Strategic Investment reserve will be monitored on an ongoing basis and the level of the reserve will be reviewed going forward with a potential for further resources to be provided to ensure continued support for the Council's strategic agenda.
- 1.7.10 Kirklees had been allocated £315k funding from Government to help Councils with preparations for the UK's planned withdrawal from the EU; £105k in 2018-19 and a further £210k in 2019-20. This is being held within earmarked reserves in the first instance. Any costs incurred relating to planning, for example for increasing capacity and resilience, will be monitored and funding drawn down from the reserve to cover these costs in due course. Another potential impact on service budgets is the slow release build-up of costs through changes in prices/shortages in supply etc. These costs will also be monitored as required.

1.8 Collection Fund

- 1.8.1 The Collection Fund accounts separately for council tax and business rates income and payments. At Quarter 2, there is a projected in year surplus of £1.6m; £1m with respect to Council Tax and £0.6m from Business Rates.
- 1.8.2 The projected £1m in-year surplus from council tax in part reflects a service review of student property exemptions resulting from student accommodation along with a review of collection rates and the in-year effect of new properties becoming chargeable.
- 1.8.3 The forecast Business Rates surplus relates to an anticipated reduced appeals provision requirement. This is due to a continuation of historical appeals being settled or withdrawn, alongside the new more stringent appeals system implemented from April 2017 onwards. Officers will continue to review and update appeals provision assumptions throughout the remainder of the financial year.
- 1.8.4 Taking into account the opening balance and repayments to the general fund in year, the above in-year projections result in a forecast surplus of £0.6m at 31st March 2020 for council tax; equivalent to 0.3% of Kirklees annual council tax requirement of £180m, and a forecast surplus of £2.4m for business rate, equivalent to 2.6% of planned income of £92m. These forecasts will be reviewed through the remainder of the year and will be factored in to the budget round. See also the collection fund summary at Table 2 below.

Table 2 – Collection Fund Summary

Collection Fund forecast (Council Share)	Council Tax	Business Rates	Total
	£000	£000	£000
(Surplus)/Deficit at 1st April 2019	1,621	(8,700)	(7,079)
Re-payments to/(from) General Fund 19-20	(1,179)	6,923	5,744
In year Financial Performance	(1,000)	(600)	(1,600)
(Surplus)/Deficit at 31st March 2020	(558)	(2,377)	(2,935)

North and West Yorkshire Business Rates Pool

- 1.8.5 The new North and West Yorkshire 75% Pilot arrangement began on 1st April 2019. At this stage, projected income to be retained by the pool at year end is estimated to be in the region of £7.9m. At the Joint Committee meeting on 7th October 2019, commitments of £5.79m were approved against this income, with the balance of retained income at £2.11m agreed to be apportioned between pool members based on business rates growth and population.
- 1.8.6 For the meeting, pool members were asked to submit bids explaining how they would spend their allocation to fund the pool's strategic aims locally. Kirklees' bid set out plans to use the council's estimated £199k allocation to part fund the revenue resource requirements relating to the development of Huddersfield's Cultural Quarter. This was approved in principle at the Joint Committee meeting, however it should be noted that if the pool's retained income at year end is lower than estimated, the differential would have to be paid back into the pool by individual members.
- 1.8.7 Existing 75% pilots will cease at current year end, but councils could apply to Government to be part of a 50% pool in 2020/21. The closing date was 25th October 2019 and as the pool lead, Leeds City Council submitted an application on behalf of a proposed new North and West Yorkshire 50% Pool; made up of the 2019-20 pool members, with the exception of Selby. Results of the bidding process are expected to be released as part of the Provisional Settlement announcement, expected late 2019.

1.9 Housing Revenue Account

- 1.9.1 The Council's Housing Revenue Account (HRA) accounts for all Council housing related revenue expenditure and income in a separate statutory (ring-fenced) account. The forecast revenue outturn at Quarter 2 is a surplus of £0.2m against an annual turnover budget of £92.0m in 2019-20; equivalent to just 0.3%. The surplus includes a planned re-payment to the HRA by Kirklees Neighbourhood Housing of £1.1m fee underspend rolled forward from 2018-19.
- 1.9.2 Forecast HRA reserves at 31 March 2020, net of set asides for business risks and investment needs and a minimum working balance, is £60.6m. A summary of the HRA outturn and reserves position can be found at Appendix 3. Key variances are highlighted as part of Appendix 4.

1.10 Capital

- 1.10.1 The Council's revised capital budget for 2019-20 is £105.6m. The forecast capital outturn at Quarter 2 is £102.6m; forecast £3m variance.
- 1.10.2 The quarter 2 position is summarised in Table 3 below, categorised by Council primary outcomes as set out in the Corporate Plan, which illustrates how the Council's investment proposals align with the Council's ambitions for its residents. Each primary outcome is further structured between strategic priorities, baseline work programmes and one-off projects.

Table 3 – Forecast Capital Outturn 2019-20 at Quarter 2

By Category	Revised Budget £000	Actuals to Date £000	Annual Forecast £000	Variance £000
Achieve & Aspire	12,737	4,004	12,737	0
Best Start	10	0	10	0
Independent	1,713	64	1,713	0
Sustainable Economy	55,768	18,645	54,766	(1,002)
Well	3,338	589	3,157	(181)
Safe & Cohesive	25	0	25	0
Clean & Green	1,789	556	1,704	(85)
Efficient & Effective	4,396	987	4,396	0
General Fund	79,776	24,845	78,508	(1,268)
Independent –Strategic Priorities	6,790	1,445	5,101	(1,689)
Independent - Baseline	19,024	4,021	19,024	0
Housing Revenue Account	25,814	5,466	24,125	(1,689)
Total Capital Plan	105,590	30,311	102,633	(2,957)

- 1.10.3 A more detailed breakdown of the capital outturn position including a breakdown of the budget adjustments incorporating the re-profiling exercise outcome is provided at Appendix 6, along with key variances highlighted.
- 1.10.4 Capital budgets have been reviewed under Financial Procedure Rules 3.10-3.15, in terms of re-profiling slippage into future years. In total £10.7m (£9.2m borrowing slippage, £1.6m grant slippage, (£0.1m) HRA reserves brought forward) has been re-profiled into the next financial year as shown in Appendix 7. Additional grants and section 106 monies of £1.5m have also been added to the capital plan, resulting in a net impact of £9.2m reduction in the 2019/20 budget since quarter 1 (Appendix 6).
- 1.10.5 Officers will continue to review capital budget profiles in year, including any more detailed recommendations for potential re-profiling of scheme budgets between years (allowable under Financial Procedure Rules 3.10-3.15), as part of Quarter 3 financial monitoring. Any such recommendations would reflect the growing complexities and challenges over the next 5 years in delivering to this scale of ambition.
- 1.10.6 Future capital plan updates will also be presented periodically to Council as part of the annual budget strategy update and annual budget approval reports to Cabinet and Council as a matter of course, as part of the annual planning cycle.
- 1.10.7 The overall capital funding position will also be updated for Quarter 3 monitoring, based on the actual spending to that point. It should be noted that early indicators of actual expenditure as at Quarter 2 are £3.4m ahead of last year (£30.3m for 2019-20 compared to £26.9m in 2018-19), which highlights the progress to date in delivering the capital plan.

- 1.10.8 Approval is requested for urgent works identified at Highfields to allow internal changes to meet specific client accommodation requirements for those with profound needs which will permit the Adults service to continue with current and pending placements needs. Works are estimated at £30k and it is intended this is funded from the 'Pump Prime & Commissioning Specialist Accommodation' budget line.
- 1.10.9 The Financial Outturn Report on 18th June 2019, approved £150k for additional Bereavement works. Tender prices are higher than anticipated and approval is now requested to meet the additional £20k from the flexible capital receipts activity line.

2 Information required to take a decision

- 2.1 The Appendices accompanying this report provide a more detailed breakdown of the Quarter 2 financial monitoring position, as follows:
- i) Appendix 1 sets out by service area, the forecast general fund revenue outturn position in 2019-20;
 - ii) Appendix 2 summarises the forecast general fund reserves and balances movements in-year,
 - iii) Appendix 3 summarises the forecast HRA financial position including movements in HRA reserves in-year;
 - iv) Appendix 4 highlights the more significant general fund and HRA variances across service areas;
 - v) Appendix 5 shows forecast performance against planned revenue savings at Quarter 2.
 - vi) Appendix 6 sets out by Outcome area the forecast capital outturn position in 2019-20 and the reasons for the more significant forecast capital variances across strategic priority and baseline capital schemes.

3 Implications for the Council

- 3.1 The report provides summary information on current and forecast financial performance against annual Council revenue and capital budgets, as at Quarter 2. These budgets support the overall delivery of the following Council objectives and Priorities within available resources:
- i) Early Intervention and Prevention (EIP)
 - ii) Economic Resilience (ER)
 - iii) Improving Outcomes for Children
 - iv) Reducing demand of services

3.2 Working with People

3.3 Working with Partners

3.4 Place Based working

3.5 Improving Outcomes for Children

3.6 Financial, Legal & Other Implications

- 3.6.1 The financial climate facing local government remains challenging; in particular with regard to

Councils like Kirklees that have statutory education and social care responsibilities. The number of people who require support continues to increase and the complexity of services provided to vulnerable children and adults require higher levels of resourcing, while the cost of services continues to increase.

- 3.6.2 A one-year Spending Round (SR2019) was announced on 4th September 2019, setting out proposals for Government departmental spend over the 2020/21 financial year. Government noted that the announcement was '*fast tracked*' ahead of official Office of Budget Responsibility (OBR) independent fiscal forecasts which inform the Autumn Budget statement.
- 3.6.3 Government intends to deliver a multi-year Spending Review in 2020 which "...will take into account the nature of Brexit and set out further plans for long-term reform" (HM Treasury Spending Round 2019). HM Treasury commentary here re-affirms the unpredictability regarding the outcome of the next spending review beyond SR2019, and in light of this, national funding forecast implications built into the Budget Strategy Update beyond 2020/21, remained relatively prudent.
- 3.6.4 Government also confirmed through SR2019, a delay in the implementation of a national Council 75% Business Rates Retention Scheme, incorporating a re-basing of Council funding through a National Fair Funding Review, to April 2021.
- 3.6.5 Existing approved budget plans for 2019-22 include further target savings proposals of £6.2m over the 2020-22 period. However, given the uncertainties outlined above, there is significant volatility in future years funding forecasts from 2021-22 onwards, and the Council at least needs to ensure that it achieves overall delivery of its existing planned savings over the 2019-22 period, including corrective action or alternative proposals.
- 3.6.6 Quarter 2 monitoring forecasts indicate the delivery in year of £7.2m net savings compared to planned savings of £10.9m; equivalent to 66% against target savings and an overall £0.9m projected overspend. Note that these forecasts are net of High Needs unfunded pressures now assumed to be rolled forwards on the balance sheet as a deficit against DSG.
- 3.6.7 The remaining £0.9m overspend at Quarter 2 reflects timing/non-deliverability issues in relation to a number of in-year planned savings offset in part by the release of £2.7m MRP in Central Budgets. A review of current savings deliverability was incorporated into the Budget Strategy Update report to Cabinet and Council along with the unfunded pressures highlighted at both Quarter 1 and Quarter 2.
- 3.6.8 It is expected that Strategic Directors ensure as far as possible that management actions are taken between now and year end to manage down the remaining net overspend position to a nearer overall break-even position.
- 3.6.9 The Council's refreshed reserves strategy approved in the 2019-22 budget plans and since reaffirmed in Outturn and Rollover report to Cabinet and council in June and July 2019, are directed at strengthening organisational flexibility and financial resilience over the medium to longer term in account of the continued funding uncertainty for Councils post 2020. Any projected overspend would in the first instance effectively be transferred to reserves at year end and offset by financial resilience reserves, as indicated at Appendix 2.
- 3.6.10 The collection fund financial performance reflected at Quarter 2 suggests that in the region of £2.9m can be repaid to the general fund in 2020-21. Officers will keep this under review for the remainder of the current budget round for incorporation, as appropriate, into the Annual Budget Report due to Cabinet and Council in January and February 2020 respectively.
- 3.6.11 Council officers are currently undertaking a review of the 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 through the remainder of the current budget round.

4 Consultees and their opinions

This report has been prepared by the Service Director Finance, in consultation with the Executive Team.

5 Next Steps

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

6 Cabinet portfolio holders recommendations

The portfolio holder agrees with the recommendations set out in this report.

7 Officer recommendations and reasons

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

General Fund

- 7.1 approve the roll forward of the £4.9m High Needs overspend through the DSG mechanism for the reasons set out in the narrative of this report ;
- 7.2 note the 2019-20 forecast revenue overspend of £0.9m as at quarter 2; net of the proposal set out at 7.1 above;
- 7.3 note the expectation that Strategic Directors work to identify opportunities for spending plans to be collectively brought back in line within the Council's overall budget by year end;
- 7.4 note the new leases for Huddersfield and Dewsbury Markets to allow break clauses to be installed as set out in paragraph 1.4.4;
- 7.5 note the forecast year end position on corporate reserves and balances;

Collection Fund

- 7.6 note the forecast position on the Collection Fund as at Quarter 2;
- 7.7 approve proposals for the use of LCR Business Rates Pool surplus;

HRA

- 7.8 note the Quarter 2 forecast HRA surplus at £0.2m and forecast year-end reserves position of £60.6m;

Capital

- 7.9 note the Quarter 2 forecast capital monitoring position for 2019-20;
- 7.10 approve the capital works to be undertaken at Highfields as outlined in paragraph 1.10.8.
- 7.11 approve the reprofiling across years of the capital plan as outlined in paragraph 1.10.3.
- 7.12 note the intention to further review capital budget profiles in year, as part of Quarter 3 financial monitoring.

8 Contact Officer

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Sarah Hill, Finance Manager
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9 Background papers and History of Decisions

Budget Strategy Update Report 2020-23
Quarter 1 Financial Monitoring report
Outturn and Rollover Report 2018-19
Early Closedown Review 2018-19
Annual budget report 2019-22
Budget Strategy Update Report 2019-22
Annual budget report 2018-20

10 Service Director responsible

Eamonn Croston, Service Director Finance.

Appendix 1

Corporate Revenue Budget Monitoring 2019/20 – Month 6									
	Year To Date			Annual					
Strategic Director portfolio responsibilities	Controllable Budget (Net)	Actuals	Variance	Controllable Budget (Net)	Planned use of reserves	Revised Budget	Forecast	Variance	Change in Variance
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£000
Child Protection & Family Support	29,446	27,506	(1,940)	58,380	29	58,409	57,382	(1,027)	(519)
Learning & Early Support & Schools	19,368	22,450	3,082	21,504	673	22,177	23,158	981	39
Sub Total (Children & Families)	48,814	49,956	1,142	79,884	702	80,586	80,540	(46)	(480)
Adults Social Care Operation	31,338	32,544	1,206	33,492	293	33,785	32,192	(1,593)	(1,351)
Commissioning, Quality and Performance	34,620	34,416	(204)	60,327	3	60,330	62,826	2,496	1,207
Integration, Access & Community Plus	2,800	2,954	154	7,904	-	7,904	7,864	(40)	30
Sub Total (Adults & Health)	68,758	69,914	1,156	101,723	296	102,019	102,882	863	(114)
Growth & Housing	2,153	2,358	205	5,377	806	6,183	6,388	205	183
Economy & Skills	5,773	5,951	178	7,914	285	8,199	8,377	178	196
Environment	(760)	2,090	2,850	24,125	14	24,139	27,046	2,907	144
E&I Management	1,293	1,328	35	2,196	-	2,196	2,231	35	34
Sub Total (Economy & Infrastructure)	8,459	11,727	3,268	39,612	1,105	40,717	44,042	3,325	557
Strategy, Innovation & Planning	7,219	7,380	161	13,525	34	13,559	13,498	(61)	18
Public Health & People	2,225	1,785	(440)	3,266	1,414	4,680	4,625	(55)	(28)
Governance & Commissioning	2,625	2,628	3	6,108	139	6,247	6,250	3	(52)
Finance	27,587	28,209	622	8,407	917	9,324	9,946	622	622
Sub Total (Corporate Strategy, Commissioning & Public Health)	39,656	40,002	346	31,306	2,504	33,810	34,319	509	560
Central	9,332	9,332	-	34,555	(105)	34,450	30,651	(3,799)	(1,699)
General Fund Total	175,019	180,931	5,912	287,080	4,502	291,582	292,434	852	(1,176)

General Fund Earmarked Reserves

	As at 1st April 2019	Reserves Review 2019/20 Annual Budget Report	Revised Balance	Planned drawdown in-year	Planned contribution in-year	Unplanned use of Reserves (forecast variance)	Forecasted Reserves position as at 31st March 2020
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Statutory (School Reserves)	(9,744)		(9,744)	287	-	-	(9,457)
Earmarked							
Financial Resilience Reserves	(32,746)	(4,400)	(37,146)	-	-	852	(36,294)
Earmarked (Other)							
Rollover	(2,161)	-	(2,161)	476	(189)	-	(1,874)
Revenue Grants (various)	(15,014)	21	(14,993)	3,241	-	-	(11,752)
Stronger Families Grant	(1,817)	-	(1,817)	-	-	-	(1,817)
Insurance	(1,900)	-	(1,900)	-	-	-	(1,900)
Other	(3,912)	(120)	(4,032)	193	-	-	(3,839)
Ward Based Activity	(1,067)	(160)	(1,227)	116	-	-	(1,111)
Social Care Reserve	(2,496)	-	(2,496)	-	-	-	(2,496)
Property and Other Loans	(3,000)	-	(3,000)	-	-	-	(3,000)
Adverse Weather	(4,000)	1,000	(3,000)	-	-	-	(3,000)
Strategic Investment support	(5,400)	-	(5,400)	105	-	-	(5,295)
Waste Management	(11,000)	-	(11,000)	-	-	-	(11,000)
Mental Health		(1,400)	(1,400)	-	-	-	(1,400)
Business Rates		(2,000)	(2,000)	-	-	-	(2,000)
One Venue Development Plan	(500)	-	(500)	-	-	-	(500)
Elections		(500)	(500)	84	-	-	(416)
Total - Earmarked Other	(52,267)	(3,159)	(55,426)	4,215	(189)	-	(51,400)
Sub-total Earmarked Reserves	(85,013)	(7,559)	(92,572)	4,215	(189)	852	(87,694)
General Balances	(10,215)	-	(10,215)	-	189	-	(10,026)
Grand Total	(104,972)	(7,559)	(112,531)	4,502	-	852	(107,177)

HOUSING REVENUE ACCOUNT 2019/20 - MONTH 6

	Year to Date			Annual			Change In Variance
	Controllable Budget (Net)	Actuals	Variance	Revised Budget	Forecast	Variance	
	£'000	£'000	£'000	£'000	£'000	£'000	
Repairs & Maintenance	12,362	12,563	201	23,549	23,549	0	0
Housing Management	17,929	18,627	698	34,187	34,414	227	85
Other Expenditure	540	493	(47)	27,568	27,596	28	(38)
Total Expenditure	30,831	31,683	852	85,304	85,559	255	47
Rent & Other Income	(43,817)	(42,750)	1,067	(91,999)	(91,301)	698	(7)
Revenue Contribution to Capital Funding	0	0	0	6,695	6,695	0	0
Planned transfer to HRA Reserves	0	(1,200)	(1,200)	0	(1,200)	(1,200)	0
Total	(12,986)	(12,267)	719	0	(247)	(247)	40

HRA RESERVES

	Balance at 31 March 2019	Approved Movement in Reserves	Balance at 31 March 2020
	£'000	£'000	£'000
Set aside for business risks	(4,000)		(4,000)
Forecast in Year Surplus/Deficit		(247)	(247)
Set aside to meet investment needs (as per HRA Business Plan)	(54,858)		(54,858)
Working balance	(1,500)		(1,500)
Total	(60,358)	(247)	(60,605)

Key Highlights – Child Protection & Family Support

Appendix 4

Activity Level	Description	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Various	Accelerated progression/ Reinstate savings re agency usage	11,734	(548)	(668)	Substantive vacancy/ turnover savings
Various	Social Care volume inflation	20,988	(718)	(894)	Estimated underspending on demand led placement costs due to improvements in service delivery, review of high cost placements and reduced numbers of Looked After Children
Various	Other social care pressures	10,461	393	927	Estimated overspending linked primarily to service investment and delivery as part of the service improvement plan and Ofsted inspection recommendations. Also, overspending on YOT Remand and persons from abroad without UK citizenship and no recourse for public funds

Key Highlights – Learning & Early Support & Schools

Activity Level	Description	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Post 16 Services	Post-16 Transport	508	251	713	Overspending on Post-16 Home to School Transport budget relating to High Needs budget
Early Support Service	Review of Early Support	5,716	(317)	(380)	One off temporary saving due to vacant posts over the period April to September
Statutory Responsibility for Education system		497	234	258	Overspending on Employee costs

Key Highlights – Adults Social Care Operation

Appendix 4 (continued)

Activity Level	Description	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Assessment & Care Management	Staffing re-alignment	4,389	802	552	Multiple transformation work-streams on-going resulting in slippage in achieving savings.
Self-Directed Support – Older People	Reduced spend on independent sector home care & Apply proportional spend on direct payments.	9,489	(428)	448	Lack of capacity in the Independent Sector Home Care market is resulting in lower home care spend, and alternate spend on direct payments.
Independent Sector Residential. & Nursing – Older People	Reduction of OP Placements	20,100	(165)	(559)	Lower than anticipated activity
Independent Sector Residential. & Nursing – Physical Disabilities	Reduction of PD placements	3,003	158	335	Higher than anticipated unit costs
Contracted Services	Review of contracts	1,634	31	343	Work ongoing to identify means of achieving savings.
Self Directed Support		18	36	(1,589)	Lack of capacity in the Independent Sector Home Care market is resulting in lower home care spend, and alternate spend on direct payments.

Activity Level	Description	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Self-Directed Support	Apply proportional spend on direct payments	15,702	1	412	Higher Commissioned Services activity and higher Direct Payment unit costs than anticipated. Lower health income than anticipated
Contracted Services (independent sector daycare)	Review of contracts	3,303	385	272	Work on-going to identify means of achieving savings.
Independent Sector Residential. & Nursing- Learning Disabilities	Reduction of LD Placements	21,039	(905)	(333)	Lower than anticipated activity, partially offset by higher than anticipated unit costs.
Independent Sector Residential. & Nursing- Mental Health	Reduction of MH Placements	5,334	(312)	429	Higher than anticipated activity and unit costs.
Assessment & Care Management		2,913	282	440	Mainly agency spend
Self directed support		896	-111	1,117	Lack of capacity in the Independent Sector Home Care market is resulting in lower spend. Higher Commissioned Services activity and higher Direct Payment unit costs than anticipated. Lower health income than anticipated.

Key Highlights – Environment

Appendix 4 (continued)

Activity Level	Description	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Car Parking		(4,831)	1,127	1,127	Ongoing income shortfall on parking charges, due to no price increase and some loss of land.
Bereavement Services		(901)	389	389	Planned closures for cremator replacement works. Estimated shortfall for the year £433k (Dewsbury works only, Huddersfield now due to start April 2020)
Public Protection		4,582	648	704	Schools transport budget savings in previous years not achieved due to high volumes of clients linked to high needs. Service offer being reviewed.

Key Highlights – Growth & Housing

Activity Level	Description	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Markets	Closure of two markets & increased income	(552)	304	304	Declining Income across all Markets - Part of Huddersfield Blueprint plans

Key Highlights - Finance

Activity Level	Description	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Benefit Payments		(81)	637	637	Homeless subsidy costs, reduced clawback income.

Key Highlights – Central

Appendix 4 (continued)

Activity Level	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Treasury Management	12,068	-	(2,700)	Release of MRP overprovision
Inflation	479	-	(479)	Surplus inflation
General contingencies	(2,699)	-	(620)	Yorkshire Purchasing Organisation (YPO) dividend

Key Highlights - HRA

Activity Level	Annual Budget £'000	Variance to Date £'000	Variance for the year £'000	Comments
Income	(91,999)	1,067	(247)	Income forecast lower than budget for rechargeable repairs, Leaseholder income, Rents and Service Charges

Planned Savings Table

Appendix 5

Reference	Service Activity	Headline Proposal	Forecast Saving	Planned Saving	Variance Month 6
			£000	£000	£000
EX CP3	Management and Regulatory	Planned reduction in Legal Disbursement charges	-387	-175	-212
EX CP4	Service Wide	Planned reduction in the use of Agency Social Workers	-531	-636	105
TOTAL CHILD PROTECTION AND FAMILY SUPPORT			-918	-811	-107
EX LE4	Education services for vulnerable children	Part of a broader strategic review of services to vulnerable children	3	-84	87
EX LE5	Early Learning	Review support to early learning (sufficiency and development	3	-300	303
TOTAL LEARNING & EARLY SUPPORT			6	-384	390
EX IN1	Access Strategy & Delivery – Library and Information Centres	Re-shape Library and Information Service	-277	-300	23
EX OC7	Access, Strategy & Delivery – Access to Services	New ways of working; customer service centres/Kirklees Direct	-130	-100	-30
EX OC8	Access Strategy & Delivery – Library and Information Centres	Organisation wide – cross-cutting savings from Place based working	-331	-300	-31
TOTAL INTEGRATION, ACCESS & COMMUNITY HUB			-738	-700	-38
EX AS1 / 2 / 10 / 12 / 13	Assessment and Care Management	Staff Realignment within Adult Social Care	-169	-740	571
EX AS3	Demand Led Services	Reduce spend on independent sector home care and apply proportional spend on direct payment	-988	-988	0
EX AS4/5	Independent Sector Residential & Nursing Placements	Reduction of older people and physical disability placements	-611	-387	-224
EX AS6	Day care and Contracted Services	Review all existing contracts	210	-133	343
EX AS7	Day care and Contracted Services	– Older People’s Independent Sector Day Services	-50	-50	0
EX AS8	Other demand led services	Community equipment	-33	-33	0
EX AS 9	Care Phones & Assistive Technology	Care Phones – Increased Income	0	-20	20
New AS1	Care Phones & Assistive Technology	Additional savings	0	-250	250
New AS2	Other demand led services	Change in bad debt provision requirement	-200	-200	0
TOTAL ADULT SOCIAL CARE OPERATION			-1,841	-2,801	960
EX CQ1	Demand led services	Apply proportionate spend on direct payments	0	-412	412
EX CQ2	Independent sector residential and nursing placements	Reduction in high cost learning disability placements	-756	-423	-333
EX CQ3	Independent sector residential and nursing placements	Mental Health Placements	362	-67	429
EX CQ4	Day care and contracted services	Review of all existing contracts	38	-234	272
TOTAL COMMISSIONING, QUALITY & PERFORMANCE			-356	-1,136	780
NEW CR2	Management & Regulatory	Increase income collection efficiency thereby reducing bad debt requirement	-4	-50	46
NEW CR3	Management & Regulatory	Increased contribution from HRA/KNH for housing management service	-1,500	-1,500	0
TOTAL ECONOMY & INFRASTRUCTURE MANAGEMENT			-1,504	-1,550	46

Reference	Service Activity	Headline Proposal	Forecast Saving	Planned Saving	Variance Month 6
			£000	£000	£000
EX CR6	Corporate Landlord	New ways of working	-200	-300	100
TOTAL ECONOMY & SKILLS			-200	-300	100
EX CR1	Transport Services	Smarter practices/efficiencies	-108	-103	-5
EX CR2	Bereavement Services	Additional income potential, 20%, through smarter marketing/product offer	10	-50	60
EX CR3	Parks & Open Spaces	Increased cost recovery on services from KNH	-25	-25	0
EX CR7	Parking	Bus lane enforcement	0	-750	750
NEW CR1	Management & Regulatory	Income generation initiatives ; 10% booking fee – town hall tickets	-43	-50	7
EX CR4	Schools Facilities Management – Catering/Assets	Meal price increase/reduced subsidy on living wage	-8	-55	47
EX CR5	Schools Facilities Management - Cleaning	Realignment to current performance	-50	-25	-25
TOTAL ENVIRONMENT			-224	-1,058	834
NEW ER1	Management & Regulatory	Reduction in the events budget	-101	-100	-1
EX ER3	Strategic Investment - Planning	Increase in Planning Fees	-47	-120	73
EX ER4	Markets	Closure of Heckmondwike & Holmfirth markets and other increase income	264	-40	304
TOTAL GROWTH & HOUSING			116	-260	376
EX CS3	Finance and Accountancy	Efficiency Savings	-180	-201	21
EX CS5	Welfare and Exchequer	More automation on back office services	-71	-50	-21
TOTAL FINANCE			-251	-251	0
EX CS2	Legal Services	Further savings to be identified	81	-122	203
TOTAL GOVERNANCE & COMMISSINING			81	-122	203
EX CS6	HD-One Financial & HR Transactional Services	Income generation	-100	-100	0
NEW CS1	Management & Regulatory	Strategy & Commissioning review	-250	-250	0
EX PI1	Sexual Health	Incorporating additional schemes into integrated sexual health services main contract	27	-100	127
EX PI3 / 4 / 5	Obesity, Physical Activity, Healthy Child	Incorporating additional schemes into healthy child programme	-132	-103	-29
EX PI2	Substance Misuse	Reducing payments in primary care and ongoing contract efficiencies	-26	-100	74
TOTAL PUBLIC HEALTH & PEOPLE			-481	-653	172
EX CS1	Transformation team	Organisation wide – cross-cutting reduction in sickness absence	-859	-859	0
TOTAL STRATEGY, INNOVATION & PLANNING			-859	-859	0
TOTAL GENERAL FUND PLANNED BUDGET SAVINGS			-7,169	-10,885	3,716

	Qtr 1 Budget	Budget Adjustment incl Re- profiling	Qtr 2 Revised Budget	Actuals to Date	Forecast	Variance	Variance	Change in Variance
	£'000	£'000	£'000	£'000	£'000	£'000	%	£'000
General Fund								
Achieve & Aspire	16,031	(3,294)	12,737	4,004	12,737	0	0	1,399
Best Start	200	(190)	10	0	10	0	0	0
Independent	2,673	(960)	1,713	64	1,713	0	0	0
Sustainable Economy	59,746	(3,978)	55,768	18,645	54,766	(1002)	(2)	(1,002)
Well	4,029	(691)	3,338	589	3,157	(181)	(5)	(181)
Safe & Cohesive	180	(155)	25	0	25	0	0	0
Clean and Green	1,789	0	1,789	556	1,704	(85)	(5)	(85)
Efficient & Effective	4,456	(60)	4,396	987	4,396	0	0	0
GENERAL FUND TOTAL	89,104	(9,328)	79,776	24,845	78,508	(1,268)	(2)	131
Housing Revenue Account								
Strategic Priorities	6,790	0	6,790	1,445	5,101	(1,689)	(25)	(1,689)
Baseline	18,892	132	19,024	4,021	19,024	0	(0)	0
HOUSING REVENUE TOTAL	25,682	132	25,814	5,466	24,125	(1,689)	(7)	(1,689)
CAPITAL PLAN TOTAL	114,786	(9,196)	105,590	30,311	102,633	(2,957)	(3)	(1,558)

Capital Monitoring Key Highlights – Sustainable Economy

Appendix 6

Activity Level	Annual Budget £'000	Variance for the year £'000	Comments
Strategic Priorities			
Town Centre Action Plans	7,591	(525)	Underspend is in relation to Dewsbury Town Centre Action Plan - current forecast underspends are on Northgate Public Realm and Heritage Action Zone but may spend as schemes develop.
One Off Projects			
Housing Regeneration	544	(238)	S106 monies with no developed schemes yet
Sustainable Economy Total	12,878	(1,071)	

Capital Monitoring Key Highlights – Well

Activity Level	Annual Budget £'000	Variance for the year £'000	Comments
Baseline			
Play Strategy	2,622	(181)	Section 106 schemes have commenced but unlikely to fully spend this financial year
Well Total	2,622	(181)	

Activity Level	Annual Budget £'000	Variance for the year £'000	Comments
HRA Strategic Priorities			
New Build Phase - Ashbrow	990	(690)	Keepmoat have taken some time to agree revised legal documents with the Council and submit a revised planning application. The Planning application is not due to be determined until the end of October, therefore a start on site it not likely until early 2020. The spend has therefore been reduced accordingly.
Remodelling / High Rise	500	(500)	Approval process for the proposed option appraisals currently being developed.
KNH New IT System	500	(500)	Delays in signing of contract
HRA Strategic Priorities Total	1,990	(1,690)	
HRA TOTAL	1,990	(1,690)	

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000	£'000	£'000
General Fund						
Achieve & Aspire						
<i>Strategic Priorities:</i>						
New Pupil Places	(300)	(700)	(500)	720	235	545
Delivery of Autistic Spectrum Disorder School	(500)	(1,650)	1,800	350	0	0
District Sufficiency - SEND	(999)	(5,001)	(3,750)	2,000	7,250	500
Libraries & Public Buildings	(350)	350	0	0	0	0
<i>One-Off Projects:</i>						
SEND Provision	(710)	710	0	0	0	0
Commissioning Option Appraisals (SEN)	(435)	435	0	0	0	0
Achieve & Aspire Total	(3,294)	(5,856)	(2,450)	3,070	7,485	1,045
Best Start						
<i>Strategic Priorities:</i>						
3x New Build Residential Children's Units	(190)	(310)	(100)	400	200	0
Best Start Total	(190)	(310)	(100)	400	200	0
Independent						
<i>Strategic Priorities:</i>						
Pump Prime & Commissioning Specialist Accommodation	(200)	200	0	0	0	0
Commissioning Option Appraisals to facilitate outcomes of Specialist Accommodation Strategy	(210)	210	0	0	0	0
Day Services Support for Vulnerable Adults	(550)	550	0	0	0	0
Independent Total	(960)	960	0	0	0	0
Sustainable Economy						
<i>Strategic Priorities:</i>						
West Yorkshire plus Transport Schemes	(591)	591	0	0	0	0
Town Centre Action Plans	3,414	(3,414)	0	0	0	0
Loans – Development Finance	(6,000)	6,000	0	0	0	0
<i>Baseline:</i>						
Corporate Landlord	(1,500)	1,500	0	0	0	0
Sustainable Economy Total	(4,677)	4,677	0	0	0	0

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000	£'000	£'000
Well						
<i>Baseline:</i>						
Play Strategy	(1,600)	1,600	0	0	0	0
Well Total	(1,600)	1,600	0	0	0	0
Safe & Cohesive						
<i>Strategic Priorities:</i>						
Youth Offending Team	(155)	155	0	0	0	0
Safe & Cohesive Total	(155)	155	0	0	0	0
Clean and Green	0	0	0	0	0	0
Efficient & Effective	0	0	0	0	0	0
GENERAL FUND TOTAL	(10,876)	1,226	(2,550)	3,470	7,685	1,045
Housing Revenue Account						
<i>Baseline:</i>						
Estate Improvements	3,664	(3,664)	0	0	0	0
Compliance	(3,532)	3,532	0	0	0	0
HOUSING REVENUE ACCOUNT TOTAL	132	(132)	0	0	0	0
TOTAL CAPITAL PLAN RE-PROFILED	(10,744)	1,094	(2,550)	3,470	7,685	1,045
Funding:						
Borrowing – General Fund	(9,275)	625	(2,050)	2,750	7,450	500
Grants – General Fund	(1,601)	601	(500)	720	235	545
HRA Revenue Contribution/Major Repairs Reserve	132	(132)	0	0	0	0
TOTAL FUNDING RE-PROFILED	(10,744)	1,094	(2,550)	3,470	7,685	1,045

Agenda Item 7

2019-20 Financial Monitoring Report, Quarter 2 - Addendum

This addendum relates to a supplementary officer proposal as part of the Quarter 2 financial monitoring report for Cabinet to approve an in-year capital virement of £1.897m from the flexible capital receipts strategy activity line to Spenborough Valley Leisure Centre activity line.

Overall scheme costs relating to Spenborough Valley Leisure Centre have been reviewed, and in light of the recent tendering exercise for the construction phase of the project, officers are now able to provide firmer estimated overall costs, at £16.897m, compared to the £15m originally allocated to the scheme in 2015/16, and which subsequently rolled forward over successive capital plans.

There is a forecast in-year underspend on the flexible capital receipts strategy line which is largely due to contingencies set aside to cover capitalisation of revenue related transformation costs, not now required. This has created sufficient headroom to enable the virement.

Council financial procedure rules 3.10 allow Cabinet delegated authority to transfer resources between any project or programme area up to a maximum of £2,000,000 in any financial year. The virement proposal above falls within this threshold.

Cabinet approval of the virement at this stage will enable the construction phase to commence as soon as possible.

Addendum Recommendation

That Cabinet approve the proposed in-year capital virement of £1.897m from flexible capital receipts strategy activity to Spenborough Valley Leisure Centre activity to enable the construction phase of the scheme to commence as soon as possible.

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Name and date of meeting: Cabinet 3 December 2019

Title of report: Half Yearly Monitoring report on Treasury Management activities 2019/20

Purpose of report

The Council has adopted the CIPFA Code of Practice on Treasury Management. It is a requirement of the Code that regular reports be submitted to Members detailing treasury management operational activity. This report is the mid-year for 2019/20 covering the period 1 April to 30 September 2019.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Key Decision: Yes Private Report/Private Appendix: N/A
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by Strategic Director and name	Rachel Spencer-Henshall – 21 November 2019
Date signed off by Service Director (Finance)	Eamonn Croston – 7 November 2019
Is it also signed off by the Service Director Legal Governance and Monitoring?	Julie Muscroft – 7 November 2019
Cabinet member portfolio	Corporate Graham Turner

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or Private: Public

GDPR: This report contains no information that falls within the scope of General Data Protection Regulations.

1 Summary

1.1 The report gives assurance that the Council’s treasury management function is being managed prudently and pro-actively. External investments averaged £34.9 million during the period at an average rate of 1.12%. Investments have ranged from a peak of £42.7m in May and a low of £22.5m in September.

- 1.2 Balances were invested in line with the approved treasury management strategy (see Appendix 1), in instant access accounts or short-term deposits.
- 1.3 The treasury management revenue budget is £22.2m. There is a forecast underspend of £2.7m against this, in-year. This is covered in more detail at paragraph 2.16 later in this report.
- 1.4 In-year treasury management performance is in line with the treasury management prudential indicators set for the year (see appendix 4).
- 1.5 The Financial Outturn and Rollover Report 2018/19 presented to Council on 17 July 2019 included officer intentions to review current treasury management investment policy and consider options for future investment opportunities. In order to increase investment returns, alternative investment options were considered. There was member approval to add the Local Authorities Pooled Investment Fund (LAPF) as an approved Council Investment in the 2019-20 Treasury Management Strategy approved as part of the budget on 13 February 2019 with a potential investment of up to £10m during 2019-20.
- 1.6 The Council made an initial Investment in LAPF of £5m in May 2019, with a view to consideration for a further investment tranche later in the year. Splitting the total investment in to two batches would potentially reduce the timing risk of the investment, the intention is to invest the balance of £5m at the end of November 2019.

2 Information required to take a decision

- 2.1 The treasury management strategy for 2019/20 was approved by Council on 13 February 2019. The over-riding policy continues to be one of ensuring the security of the Council's balances. The Council aims to invest externally balances of around £30 million, largely for the purpose of managing day-to-day cash flow requirements, with any remaining balances invested "internally", offsetting borrowing requirements.
- 2.2 The investment strategy is designed to minimise risk, with investments being made primarily in instant access accounts or short-term deposits, with the major British owned banks and building societies, or Money Market Funds. Diversification amongst counterparties is key.

Economic Context

- 2.3 The following economic update has been provided via our external advisors Arlingclose (paragraphs 2.4 to 2.7 below in italics):
- 2.4 *UK Consumer Price Inflation (CPIH) fell to 1.7% year/year in August 2019 from 2.0% in July, weaker than the consensus forecast of 1.9% and below the Bank of England's target. The most recent labour market data for the three months to July 2019 showed the unemployment rate edged back down to 3.8% while the employment rate remained at 76.1%, the joint highest since records began in*

1971. Nominal annual wage growth measured by the 3-month average excluding bonuses was 3.8% and 4.0% including bonuses. Adjusting for inflation, real wages were up 1.9% excluding bonuses and 2.1% including.

- 2.5 *Politics, both home and abroad, continued to be a big driver of financial markets over the last quarter.*
- 2.6 *The Bank of England maintained Bank Rate at 0.75% and in its August Inflation Report noted the deterioration in global activity and sentiment and confirmed that monetary policy decisions related to Brexit could be in either direction depending on whether or not a deal is ultimately reached by 31st October.*
- 2.7 *Gilt yields remained volatile over the period on the back of ongoing economic and political uncertainty. From a yield of 0.63% at the end of June, the 5-year benchmark gilt yield fell to 0.32% by the end of September. There were falls in the 10-year and 20-year gilts over the same period, with the former dropping from 0.83% to 0.55% and the latter falling from 1.35% to 0.88%. 1-month, 3-month and 12-month LIBID (London Interbank Bid) rates averaged 0.65%, 0.75% and 1.00% respectively over the period. Recent activity in the bond markets and PWLB interest rates highlight that weaker economic growth remains a global risk.*

Investment Performance

- 2.8 The Council invested an average balance of £34.9 million externally during the period (£43.1 million in the first six months of 2018/19), generating £127k in investment income over the period (£120k in 2018/19) and £68k of dividend income from the investment in the LAPF. Appendix 7 shows a comparative average net monthly balances invested over the last 3 years.
- 2.9 Balances were invested in instant access accounts, short term deposits and the LAPF. Appendix 1 shows where investments were held at the start of April, the end of June and September by counterparty, by sector and by country.
- 2.10 The Council's average investment rate for the period was 1.12%. This is higher than the average in the same period in 2018/19 of 0.56%. This is mainly due to the higher returns on investment in the LAPF. Returns on liquid cash balances were 0.85% and 4.07% on the LAPF (after deducting charges). The actual dividend yield quoted from the fund on Net Asset Value was 4.35% at the end of September for the last 12 months, and the fund size was £1,173.1m.
- 2.11 As per Appendix 3, provided by Arlingclose, when comparing internal investments the Council performed well against other Local Authorities at the end of September 2019. In order to gain better rates of return, the majority of Local Authorities performing better have further external investments in specific commercial property portfolios or a more diverse portfolio.

Borrowing Performance

- 2.12 Long-term loans at the end September totalled £384.5 million (£394.5 million 31 March 2019) and short-term loans £1.0 million – (£0.9 million 31 March 2019). There has been no new long term borrowing so far this year. The mid-year liability benchmark highlights that there isn't an expectation of any new additional long term borrowing this year and the Prudential Code states that Authorities should not borrow in advance of need.
- 2.13 Fixed rate loans account for 79.8% of total long-term debt giving the Council stability in its interest costs. The maturity profile for fixed rate long-term loans is shown in Appendix 2 and shows that no more than 10% of fixed rate debt is due to be repaid in any one year. This is good practice as it reduces the Council's exposure to a substantial borrowing requirement in future years when interest rates might be at a relatively high level.
- 2.14 The Council had a £10.0m Range LOBO with Barclays at the beginning of the year paying interest of 4.1%. This has since been converted to a fixed rate of 3.75% in July 2019 which will result in savings of £35k per annum.
- 2.15 Appendix 5 sets out in year repayments on long term borrowing and also further re-payments for the next 6 months.

Revenue Budget Monitoring

- 2.16 The treasury management revenue budget is £22.2m. The change in Minimum Revenue Provision (MRP) policy allowed for a planned release of £13.5m MRP budget over-provision in 2019/20 as part of the Council approved budgets, including an approved earmarking of £5m to part offset high needs service pressures, £1.4m transfer to reserves to support Place based mental health measures, and a further £4.4m transferred to financial resilience reserves. The remaining £2.7m overprovision 'contingency' has subsequently been released in-year as reported through quarterly financial monitoring to Cabinet, to offset in-year pressures. The revised MRP policy is to provide for MRP on the basis of the asset life to which external borrowing is incurred rather than the older version of a 4% reducing balance of the Capital Financing Requirement (CFR). The MRP calculation is used to determine the amount of revenue resources that need to be set aside annually by the Council to meet its debt obligations.

Prudential Indicators

- 2.17 The Council is able to undertake borrowing without central government approval under a code of practice called the Prudential Code. Under this Code, certain indicators have to be set at the beginning of the financial year as part of the treasury management strategy.
- 2.18 The purpose of the indicators is to contain the treasury function within certain limits, thereby reducing the risk or likelihood of an adverse movement in interest rates or borrowing decision impacting negatively on the Council's overall financial position. Appendix 4 provides a schedule of the indicators set for treasury management and the latest position.

- 2.23 The Council currently looks to maximise internal borrowing due to the relatively low rates of investment income available within the scope of the Treasury Management Strategy.
- 2.24 There was a 1% increase in PWLB rates overnight on the 9th October 2019. This is likely a result of exceptionally high levels of long term borrowing sector wide over recent months, which was getting close to the statutory PWLB limit of £95bn. As HM Treasury had no appetite to extend the limit, they chose to control demand by increasing rates, thereby preserving the facility. As a result, by way of an example, a 30 year maturity loan on 8th October was 1.96% which increased to 2.97% the following day. PWLB borrowing does however remain available, with most rates at or below 3%, which isn't particularly expensive in historical terms (appendix 7 shows current and historic PWLB rates). Short term borrowing rates however remain relatively low. Short term local to local funding is available slightly higher than current bank rate, at around 0.84%.

Future Treasury Management Strategy

- 2.25 The Financial Outturn and Rollover Report 2018/19 reported to Council on 17 July 2019 included officer intentions to review current treasury management investment policy and consider options for future investment opportunities that could make additional returns for the Council such as the LAPF.
- 2.26 The LAPF currently generates a dividend yield on Net Asset Value of 4.35% for the past 12 months (based on Septembers most recent quarter) which is a far greater return than the current Council short-term investments due to the nature of the latter being more liquid and having greater security. However due to the diversification of the Local Authorities Property Fund portfolio, this still offers relatively more security than if the Council were to invest within individual commercial properties.
- 2.27 Based on current yields, the anticipated annual investment income from £5m – £10m investment could be in the range £225k - £450k ongoing. However there are annual management charges that are payable to reflect the fact that the fund is actively managed. These costs are 0.65% and are deducted from dividend payments.
- 2.28 The nature of this type of investment is such that it has to be seen as a much longer term investment to mitigate against any short-term market volatility or risk. Any initial net yield gains would be offset to some extent by these transaction costs.
- 2.29 The Fund has previously offered both stable yields and capital gains over the last 10 years. However, it must be noted that this is heavily dependent on property prices and if there were to be a property crash the Council would incur a capital loss on any investment
- 2.30 The Accounting Code of Practice around Financial Instruments for local government would ordinarily mean that any movement in the fair value of the overall capital asset portfolio in the LAPF from year to year (positive or negative),

would have a real impact on the Council's annual Comprehensive Income and Expenditure Statement and therefore would impact on the Council Tax payer.

- 2.31 However there is currently a statutory override to this requirement specifically in relation to the LAPF, albeit the override would be for 3 years only (to 1 April 2021). Councils are lobbying for the override to be made permanent. Therefore the potential for this change and the impact this could potentially have on the Council needs to be considered when investing further in such a fund. The Council has anyway set aside a specific reserve (property and other loans reserve) which in part will operate as a smoothing reserve to manage any short term adverse impacts of the type described in paragraph 2.30.
- 2.32 The recently updated Prudential Code and Treasury Management Guidance which the Council formally adopted for 2019/20, notes that any investment in such funds (or individual commercial activity) should be proportionate to the requirements of the Council and should not be considered as a means to generate income without considering the potential impact if those investments were to generate a lower than expected return.
- 2.33 The Treasury Management Code of Practice ensures management practices are in place for non-treasury management activity in addition to the existing 12 Treasury Management Practices (TMPs). This is identified at the end of this report (Appendix 6).
- 2.34 The updated CIPFA Prudential and Treasury Management Codes also call for more robust management of commercial activity and capital borrowing, acknowledging the increasing trend over more recent years for Councils to investments in commercial properties, funded by borrowing, with the key driver of this activity appearing to be the generation of revenue. The prudential code takes the same position as the statutory guidance, and it is clear that authorities must not borrow more than or in advance of their needs purely to profit from the investment of the extra sums borrowed. Investment in the CCLA Property Fund would not fall in to this category as it will not be funded by new borrowing, it would be utilising current day to day cash balances.
- 2.35 Following the 1% increase in PWLB borrowing rates (as noted above in paragraph 2.24), Arlingclose suggest that PWLB rates are now relatively expensive (albeit reset to the rates they were 12 months previous) compared to alternative longer term funding sources, where Councils are considering longer term borrowing. While this Council's current approach is to continue to borrow short term, this will be subject to ongoing review in consultation with Arlingclose, as to when it may be more appropriate to borrow longer term. Alongside this, will be consideration of potential other funding sources that may be more advantageous than prevailing PWLB rates.

Risk and Compliance issues

- 2.36 In line with the investment strategy, the Council has not placed any direct investments with companies as defined by the Carbon Underground 200.

3 Implications for the Council

- 3.1 Treasury management budget forecast will continue to be reported as part of the overall quarterly financial monitoring reporting cycle to Cabinet, through the remainder of the year.

4 Consultees and their opinions

This report was considered and endorsed at Corporate Governance and Audit Committee on 15 November 2019 and will be submitted to Cabinet for consideration on 3 December 2019. Arlingclose, the treasury management advisors to the Council, have provided the economic context commentary contained in this report.

5 Next steps

For Full Council to approve the recommendations of this report.

6 Officer recommendations and reasons

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

- 6.1 Note the half-year treasury management performance in 2019/20 as set out in the report.

7 Contact officer

James Anderson	Head of Accountancy Service	01484 221000
Rachel Firth	Finance Manager	01484 221000

8 Background Papers and History of Decisions

CIPFA's Prudential Code for Capital Finance in Local Authorities.
CIPFA's Code of Practice on Treasury Management in the Public Services.
CIPFA's Treasury Management in the Public Services – Guidance notes
The treasury management strategy report for 2019/20 - Council 13 February 2019
Council Budget Strategy Update Report 2020-23 – Council 16 October 2019
Annual Report on Treasury Management 2018-19 - Annual Financial Outturn and Rollover Report 2018-19; Council 17 July 2019

9 Service Director responsible

Eamon Croston 01484 221000

Kirklees Council Investments 2019-20												
Counterparty	Approved Strategy Limit £m	Approved Strategy Credit Rating	Credit Rating Sept 2019*	1 April 2019 (opening)			30 June 2019			30 September 2019		
				£m	Interest Rate	Type of Investment	£m	Interest Rate	Type of Investment	£m	Interest Rate	Type of Investment
Specified Investments												
CCLA Property Fund	10.0	-	-				5.0	-	***	5.0	-	***
Thurrock Council	10.0	-	-	5.0	0.94%	1 month						
Suffolk County Council	10.0	-	-	5.0	0.95%	2 months						
Santander Bank	10.0	F1	F1/A+	2.0	0.85%	35 Day Notice	2.0	0.85%	35 Day Notice			
Handelsbanken Bank	10.0	F1	F1+/AA									
Aberdeen Standard MMF**	10.0	AAA-A	AAA	9.9	0.78%	MMF	10.0	0.76%	MMF	10.0	0.74%	MMF
Aviva MMF**	10.0	Aaa-A2	Aaa*	10.0	0.79%	MMF	10.0	0.75%	MMF	7.2	0.72%	MMF
Deutsche MMF**	10.0	AAA-A	AAA	0.0	0.71%	MMF	10.0	0.74%	MMF	10.0	0.72%	MMF
Goldman Sachs MMF**	10.0	AAA-A	AAA	7.2	0.71%	MMF	1.0	0.69%	MMF	0.0	0.67%	MMF
				39.1			38.0			32.2		
Sector analysis												
Property Fund	10.0						5.0	13%		5.0	16%	
Bank	10.0 each			2.0	5%		2.0	5%				
MMF**	40.0			27.1	69%		31.0	82%		27.2	84%	
Local Authorities/Cent Govt	Unlimited			10.0	26%							
				39.1	100%		38.0	100%		32.2	100%	
Country analysis												
UK				12.0	31%		7.0	18%		5.0	16%	
MMF**				27.1	69%		31.0	82%		27.2	84%	
				39.1	100%		38.0	100%		32.2	100%	

*Fitch short/long term ratings, except Aviva MMF (Moody rating). See next page for key. The use of Fitch ratings is illustrative – the Council assesses counterparty suitability using all 3 credit rating agencies, where applicable, and other information on credit quality.

**MMF – Money Market Fund. These funds are domiciled in Ireland for tax reasons, but the funds are made up of numerous diverse investments with highly rated banks and other institutions. The credit risk is therefore spread over numerous countries, including the UK. The exception to this is the Aviva Government Liquidity Fund which invests directly in UK government securities and in short-term deposits secured on those securities.

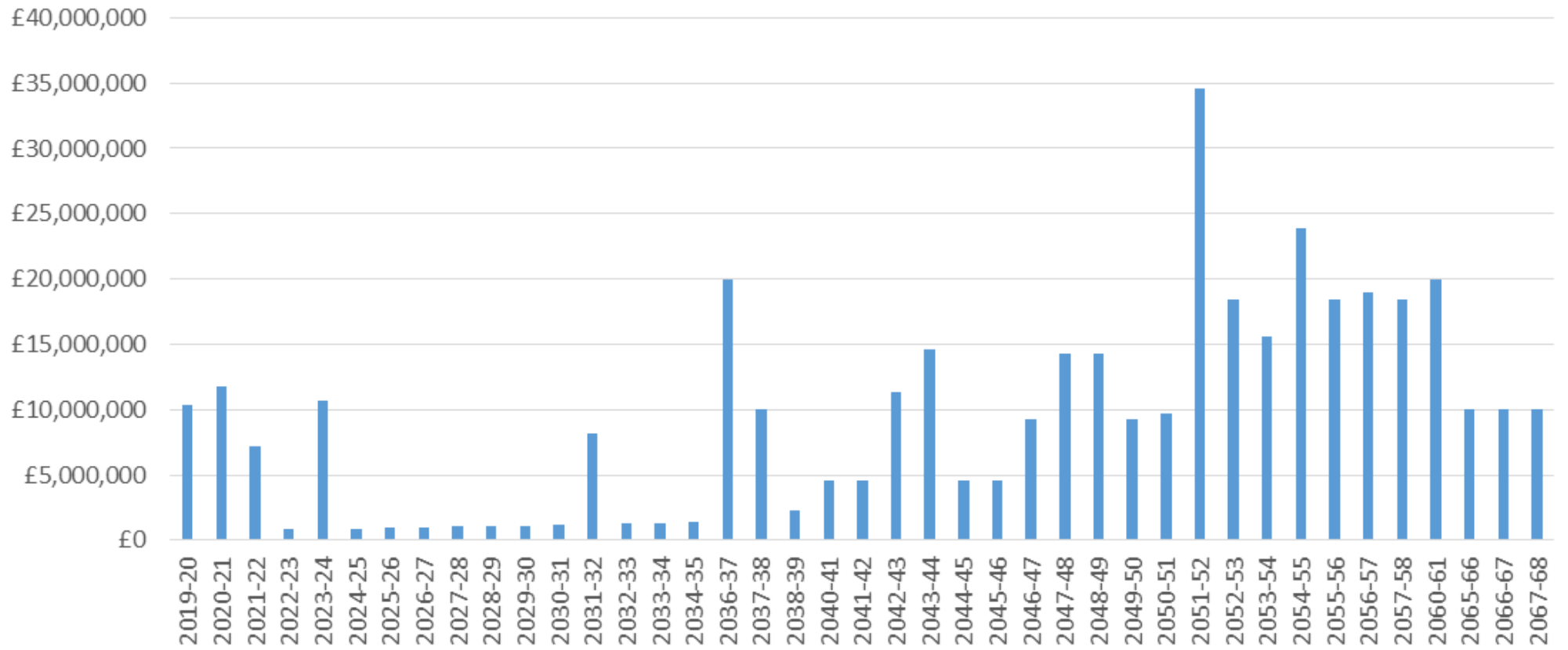
***Specialised property fund available for Local Authority investors.

Key – Fitch’s credit ratings:

Appendix 1 Continued

		Long	Short
Investment Grade	Extremely Strong	AAA	F1+
	Very Strong	AA+	
		AA	
		AA-	
	Strong	A+	F1
		A	
		A-	
	Adequate	BBB+	F2
		BBB	F3
BBB-			
Speculative Grade	Speculative	BB+	B
		BB	
		BB-	
	Very Speculative	B+	
		B	
		B-	
	Vulnerable	CCC+	C
		CCC	
		CCC-	
		CC	
C			
Defaulting	D	D	

Debt Maturity - By Year

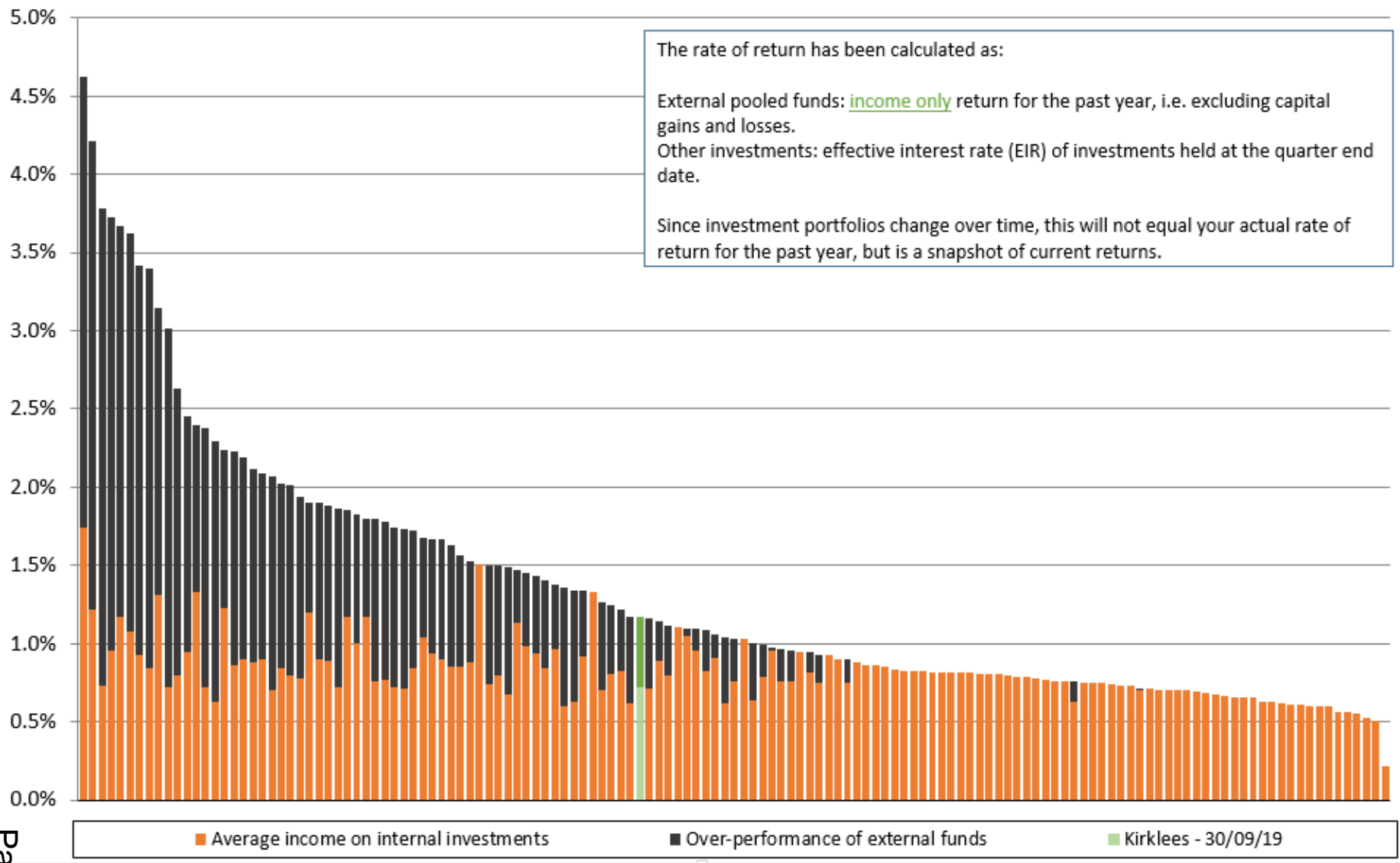


Income Only Return on Total Investments (Internal plus External Funds)

The rate of return has been calculated as:

- External pooled funds: income only return for the past year, i.e. excluding capital gains and losses.
- Other investments: effective interest rate (EIR) of investments held at the quarter end date.

Since investment portfolios change over time, this will not equal your actual rate of return for the past year, but is a snapshot of current returns.



Treasury Management Prudential Indicators

Interest Rate Exposures

While fixed rate borrowing can contribute significantly to reducing the uncertainty surrounding future interest rate scenarios, the pursuit of optimum performance justifies retaining a degree of flexibility through the use of variable interest rates on at least part of the treasury management portfolio. The Prudential Code requires the setting of upper limits for both variable rate and fixed interest rate exposure:

	Limit Set 2019 - 20	Estimated Actual* 2019 - 20
Interest at fixed rates as a percentage of net interest payments	60% - 100%	86%
Interest at variable rates as a percentage of net interest payments	0% - 40%	14%

*The estimated actual is within the limits set.

Maturity Structure of Borrowing

This indicator is designed to prevent the Council having large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates.

Amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate	Limit Set 2019 - 20	Est'd Actual 2019 - 20
Under 12 months	0% - 20%	2%
12 months to 2 years	0% - 20%	4%
2 years to 5 years	0% - 60%	6%
5 years to 10 years	0% - 80%	2%
More than 10 years	20% - 100%	86%

The limits on the proportion of fixed rate debt were adhered to.

Total principal sums invested for periods longer than 364 days

The Council will not invest sums for periods longer than 364 days.

Long-term loans repaid during the period 01/04/19 to 30/09/19

	Amount £000s	Rate %	Date repaid
PWLB (476012) - Maturity	4,613	8.50	10 June 19
FMS Wertmanagement (Depfa) - LOBO	5,000	5.98	5 August 19
PWLB (496956) - Annuity	353	4.58	30 Sept 19
Total	9,966		

Long-term loans to be repaid during the period 01/10/19 to 31/03/2020

	Amount £000s	Rate %	Date to be repaid
PWLB (496956) - Annuity	361	4.58	30 Mar 20
Total	361		

TREASURY MANAGEMENT PRACTICES

The following Treasury Management Practices (TMPs) set out the manner in which the Council aims to achieve its treasury management policies and objectives, and how it will manage and control those activities.

1. TMP 1 Risk management

The Chief Finance Officer will design, implement and monitor all arrangements for the identification, management and control of treasury management risk, will report at least annually on the adequacy/suitability thereof, and will report, as a matter of urgency, the circumstances of any actual or likely difficulty in achieving the organisation's objectives in this respect, all in accordance with the procedures set out in TMP6 Reporting requirements and management information arrangements. In respect of each of the following risks, the arrangements which seek to ensure compliance with these objectives are set out in the schedule to this document.

(i) Credit and counterparty risk management

The Council regards a prime objective of its treasury management activities to be the security of the principal sums it invests. Accordingly, it will ensure that its counterparty lists and limits reflect a prudent attitude towards organisations with which funds may be deposited, and will limit its investment activities to the instruments, methods and techniques referred to in TMP4 Approved Instruments, methods and techniques and listed in the schedule to this document. It also recognises the need to have, and will therefore maintain, a formal counterparty policy in respect of those organisations from which it may borrow, or with whom it may enter into other financing arrangements.

(ii) Liquidity risk management

The Council will ensure it has adequate though not excessive cash resources, borrowing arrangements, overdraft or standby facilities to enable it at all times to have the level of funds available to which are necessary for the achievement of its business/service objectives. The Council will only borrow in advance of need where there is a clear business case for doing so and will only do so for the current capital programme or to finance future debt maturities.

(iii) Interest rate risk management

The Council will manage its exposure to fluctuations in interest rates with a view to containing its net interest costs, or securing its interest revenues, in accordance with the amounts provided in its budgetary arrangements.

It will achieve these objectives by the prudent use of its approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of interest rates. The above are subject at all times to the consideration and, if required, approval of any policy or budgetary implications.

(iv) Exchange rate risk management

The Council will manage its exposure to fluctuations in exchange rates so as to minimise any detrimental impact on its budgeted income/expenditure levels.

(v) Refinancing risk management

The Council will ensure that its borrowing, private financing and partnership arrangements are negotiated, structured and documented, and the maturity profile of the monies so raised are managed, with a view to obtaining offer terms for renewal or refinancing, if required, which are competitive and as favourable to the organisation as can reasonably be achieved in the light of market conditions prevailing at the time.

It will actively manage its relationships with its counterparties in these transactions in such a manner as to secure this objective, and will avoid over-reliance on any one source of funding if this might jeopardise achievement of the above.

(vi) Legal and regulatory risk management

The Council will ensure that all of its treasury management activities comply with its statutory powers and regulatory requirements. It will demonstrate such compliance, if required to do so, to all parties with whom it deals in such activities. In framing its credit and counterparty policy under TMP1(i) Credit and counterparty risk management, it will ensure that there is evidence of counterparties' powers, authority and compliance in respect of the transactions they may effect with the Council.

The Council recognises that future legislative or regulatory changes may impact on its treasury management activities and, so far as it is reasonably able to do so, will seek to minimise the risk of these impacting adversely on the organisation.

(vii) Fraud, error and corruption, and contingency management

The Council will ensure that it has identified the circumstances which may expose it to the risk of loss through fraud, error, corruption or other eventualities in its treasury management dealings. Accordingly, it will employ suitable systems and procedures, and will maintain effective contingency management arrangements, to these ends.

(viii) Market risk management

The Council will seek to ensure that its stated treasury management policies and objectives will not be compromised by adverse market fluctuations in the value of the principal sums it invests, and will accordingly seek to protect itself from the effects of such fluctuations.

2. **TMP2 Performance measurement**

The Council is committed to the pursuit of value for money in its treasury management activities, and to the use of performance methodology in support of that aim, within the framework set out in its Treasury Management Policy Statement.

Accordingly, the treasury management function will be the subject of ongoing analysis of the value it adds in support of the Council's stated business or service objectives. It will be the subject of regular examination of alternative methods of service delivery and of other potential improvements. The performance of the treasury management function will be measured using the criteria set out in the schedule to this document.

3. **TMP3 Decision-making and analysis**

The Council will maintain full records of its treasury management decisions, and of the processes and practices applied in reaching those decisions, both for the purposes of learning from the past, and for demonstrating that reasonable steps were taken to ensure that all issues relevant to those decisions were taken into account at the time. The issues to be addressed and processes and practices to be pursued in reaching decisions are detailed in the schedule to this document.

4. **TMP4 Approved instruments, methods and techniques**

The Council will undertake its treasury management activities by employing only those instruments, methods and techniques detailed in the schedule to this document, and within the limits and parameters defined in TMP1 Risk management.

Where the Council intends to use derivative instruments for the management of risks, these will be limited to those set out in its annual treasury strategy. The Council will seek proper advice when entering into arrangements to use such products.

5. **TMP5 Organisation, clarity and segregation of responsibilities, and dealing arrangements**

The Council considers it essential, for the purposes of the effective control and monitoring of its treasury management activities, and for the reduction of the risk of fraud or error, and for the pursuit of optimum performance, that these activities are structured and managed in a fully integrated manner, and that there is at all times a clarity of treasury management responsibilities.

The principles on which this will be based is a clear distinction between those charged with setting treasury management policies and those charged with implementing and controlling these policies, particularly with regard to the execution and transmission of funds, the recording and administering of treasury management decisions, and the audit and review of the treasury management function.

If and when the Council intends, as a result of lack of resources or other circumstances, to depart from these principles, the Chief Finance Officer will ensure that the reasons are properly reported in accordance with TMP6 Reporting requirements and management information arrangements, and the implications properly considered and evaluated.

The Chief Finance Officer will ensure that there are clear written statements of the responsibilities for each post engaged in treasury management, and the arrangement for absence cover. The present arrangements are detailed in the schedule to this document.

The Chief Finance Officer will ensure there is proper documentation for all deals and transactions, and that procedures exist for the effective transmission of funds. The present arrangements are detailed in the schedule to this document.

The delegation to the Chief Finance Officer in respect of treasury management is set out in the schedule to this document. The Chief Finance Officer will fulfil all such responsibilities in accordance with the Council's policy statement and TMPs and, as a CIPFA member, the Standard of Professional Practice on Treasury Management.

6. TMP6 Reporting requirements and management information arrangements

The Council will ensure that regular reports are prepared and considered on the implementation of its treasury management policies; on the effects of decisions taken and the transactions executed in pursuit of those policies; on the implications of changes, particularly budgetary, resulting from regulatory, economic, market or other factors affecting its treasury management activities; and on the performance of the treasury management function.

As a minimum, the Council will receive:

- an annual report on the strategy and plan to be pursued in the coming year
- a mid-year review
- an annual report on the performance of the treasury management function, on the effects of the decisions taken and the transactions executed in the past year, and on any circumstances of non-compliance with the organisation's Treasury Management Policy Statement and TMPs.

The present arrangements and the form of these reports are detailed in the schedule to this document.

7. TMP7 Budgeting, accounting and audit arrangements

The Chief Finance Officer will prepare, and the Council will approve and, if necessary, from time to time amend, an annual budget for treasury management, which will bring together all of the costs involved in running the treasury management function, together with associated income. The matters to be included in the budget will at a minimum be those required by statute or regulation, together with such information as will demonstrate compliance with the TMPs. Budgeting procedures are set out in the schedule to this document. The Chief Finance Officer will exercise effective controls over this budget, and will report any major variations.

The Council will account for its treasury management activities, for decisions made and transactions executed, in accordance with appropriate accounting practices and standards, and with statutory and regulatory requirements in force for the time being. The present form of this function's accounts is set out in the schedule to this document.

The Council will ensure that its auditors, and those charged with regulatory review, have access to all information and papers supporting the activities of the treasury management function as are necessary for the proper fulfilment of their roles, and that such information and papers demonstrate compliance with external and internal policies and approved practices. The information made available under present arrangements is detailed in the schedule to this document.

8. **TMP8 Cash and cash flow management**

Unless statutory or regulatory requirements demand otherwise, all monies in the hands of the Council will be under the control of the Chief Finance Officer and, with the exception of Secondary Schools' bank accounts, will be aggregated for cash flow purposes. Cash flow projections will be prepared on a regular and timely basis, and the Chief Finance Officer will ensure that these are adequate for the purposes of monitoring compliance with TMP1(i) Liquidity risk management. The present arrangements for preparing cash flow projections are set out in the schedule to this document.

9. **TMP9 Money laundering**

The Council is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly, it will ensure that staff involved in treasury management activities are fully aware of their responsibilities with regards this. The present safeguards, including the name of the officer to whom any suspicions should be reported, are detailed in the schedule to this document.

10. **TMP10 Training and qualifications**

The Council recognises the importance of ensuring that all staff involved in the treasury management function are fully equipped to undertake the duties and responsibilities allocated to them. It will therefore seek to appoint individuals who are both capable and experienced and will provide training for staff to enable them to acquire and maintain an appropriate level of expertise, knowledge and skills. The present arrangements are detailed in the schedule to this document.

The Chief Finance Officer will ensure that Members of the committee providing a scrutiny function have access to regular training relevant to their responsibilities.

11. **TMP11 Use of external service providers**

The Council recognises that responsibility for treasury management decisions remains with the organization at all times. However, it also recognises the potential value of employing external providers of treasury management services, in order to acquire access to specialist skills and resources.

When it employs such service providers, it will ensure it does so for reasons which will have been submitted to full evaluation of the costs and benefits. It will also ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review. And it will ensure, where feasible and necessary, that a spread of service providers is used, to avoid over-reliance on one or a small number of companies.

Where services are subject to formal tender or re-tender arrangements, legislative requirements and the Council's Contract Procedure Rules will always be observed. The monitoring of such arrangements rests with the Chief Finance Officer, and details of the current arrangements are set out in the schedule to this document.

12. **TMP12 Corporate governance**

The Council is committed to the pursuit of proper corporate governance throughout its businesses and services, and to establishing the principles and practices by which this can be achieved. Accordingly, the treasury management function and its activities will be undertaken with openness and transparency, honesty, integrity and accountability.

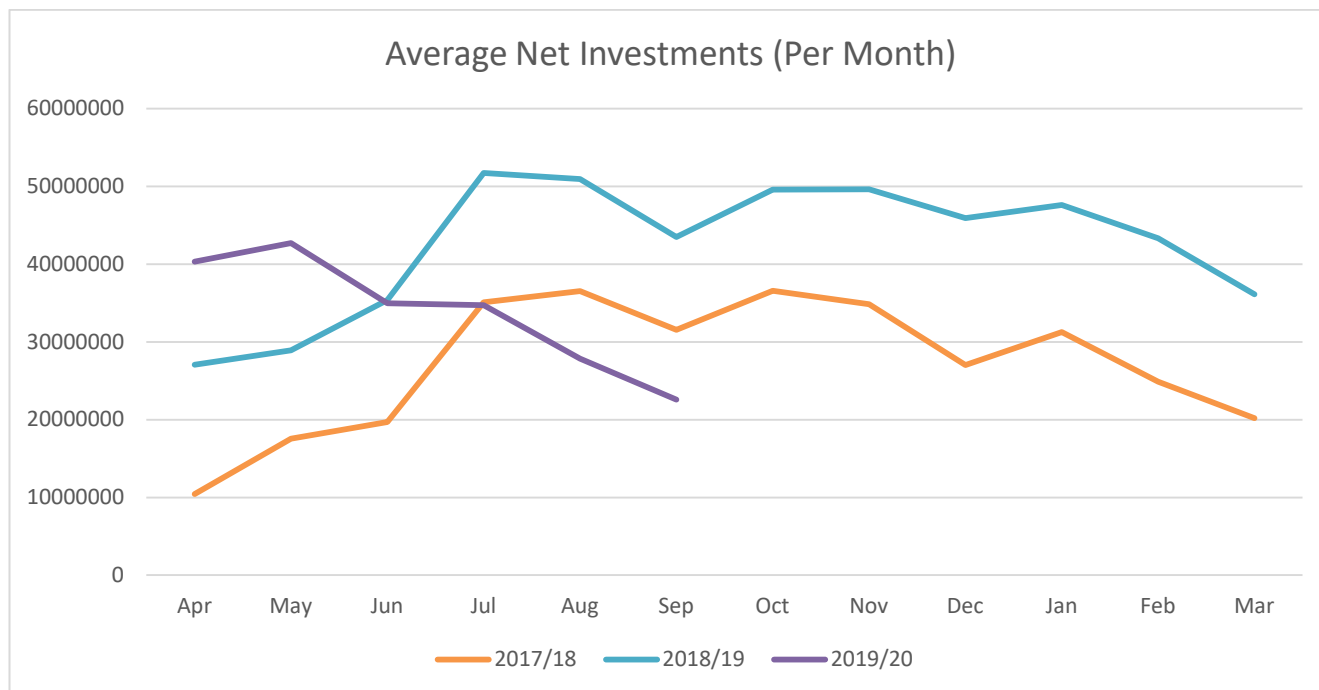
The Council has adopted and has implemented the key principles of the Code. This, together with the other arrangements detailed in the schedule to this document, are considered vital to the achievement of proper corporate governance in treasury management, and the Chief Finance Officer will monitor and, if necessary, report upon the effectiveness of these arrangements.

Management Practices for Non-Treasury Investments

The Council recognises that investment in other financial assets and property primarily for financial return, taken for non-treasury management purposes, requires careful investment management. Such activity includes loans supporting service outcomes, investments in subsidiaries, and investment property portfolios.

The Council will ensure that all investments are covered in the Capital and Investment Strategies, and will set out where appropriate, the Councils risk appetite and specific policies and arrangements for non-treasury investments. It will be recognised that the risk appetite for these activities may differ from that of treasury management.

The Council will maintain a schedule setting out a summary of existing material investments, subsidiaries, joint ventures and liabilities including financial guarantees and the organisations risk exposure.



PWLB Borrowing Rates %								
	31/10/19	09/10/19	08/10/19	29/03/19	29/03/18	31/03/17	31/03/14	31/03/11
Annuity								
15 years	2.50	2.31	1.27	1.93	2.31	1.89	3.62	4.51
30 years	3.00	2.79	1.78	2.44	2.70	2.63	4.36	5.25
50 years	3.20	2.99	1.98	2.58	2.74	2.77	4.51	5.30
Maturity								
15 years	2.96	2.76	1.75	2.39	2.68	2.57	4.27	5.15
30 years	3.18	2.97	1.96	2.57	2.72	2.75	4.53	5.31
50 years	3.05	2.82	1.81	2.43	2.49	2.54	4.49	5.24

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Name of meeting **Cabinet**

Date **3rd December 2019**

Title of report: **Dewsbury Sport Centre -
Family Attraction**

Purpose of report

To seek Cabinet approval to invest up to a maximum of £320,000 in Dewsbury Sports Centre to enable Kirklees Active Leisure to create a new Family Attraction at the facility.

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	Yes
The Decision - Is it eligible for “call in” by Scrutiny?	Yes
Date signed off by Strategic Director & name	Karl Battersby - 25.11.2019
Is it also signed off by the Service Director - Finance	Eamonn Croston - 21.10.2019
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft - 17.10.2019
Cabinet member portfolio	Cllr Peter McBride - 14.10.2019

Electoral wards affected: Dewsbury East

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

Public or private: Public

GDPR - no personal or sensitive data; or other information covered by GDPR is included in this report.

1 Summary

Purpose of the report

- 1.1 This report seeks Cabinet approval to invest up to a maximum of £320,000 to create a new family attraction at Dewsbury Sports Centre. This will create more activity in the town centre, increasing footfall and supporting businesses in the centre of town. It is proposed these funds come from the 'Strategic Regeneration of Town Centres - Dewsbury' part of the approved Capital Plan.

2 Information required to take a decision

Background

The Dewsbury Strategic Development Framework 2018 (SDF)

- 2.1 The Dewsbury SDF 2018 was approved by Cabinet on the 22nd January 2019 and includes the following vision: -

"To be a thriving market town, that is a great place to live, which taps into the potential capacity of its people and maximises the benefits of its role as a key transport and economic location."

- 2.2 The Dewsbury SDF 2018 vision looks 15 years ahead and has three key aims and each has more detailed objectives as generally described below: -

1. Increasing activity in the town

There is a need for more activity into the town centre. This will be addressed, in part, by introducing new uses into the centre, such as the new College facilities and consolidating and improving the existing Market

2. Making the town centre more attractive

The town needs to be a place that looks good and is pleasant to spend time in. People need to feel safe and welcome in the town. Attention will be focussed on making most of the town's heritage assets and ensuring the public realm is in good condition and improved/extended where possible e.g. the Town Park. Working alongside these actions there is a need to ensure that the place feels safe and welcoming for all and that Dewsbury people and potential visitors feel more positive about the town centre.

3. Improving Accessibility

Adopt an integrated approach to sustainable transport in the town centre ensuring, in particular, that it is easy for sustainable modes to get in and around the town centre and that the town is 'open for business'. A key will be to ensure car parking provision is fit for purpose, while balancing this against broader objectives.

- 2.3 The SDF and the related Development Programme identify several key projects and actions to deliver higher levels of activity. There are a number of

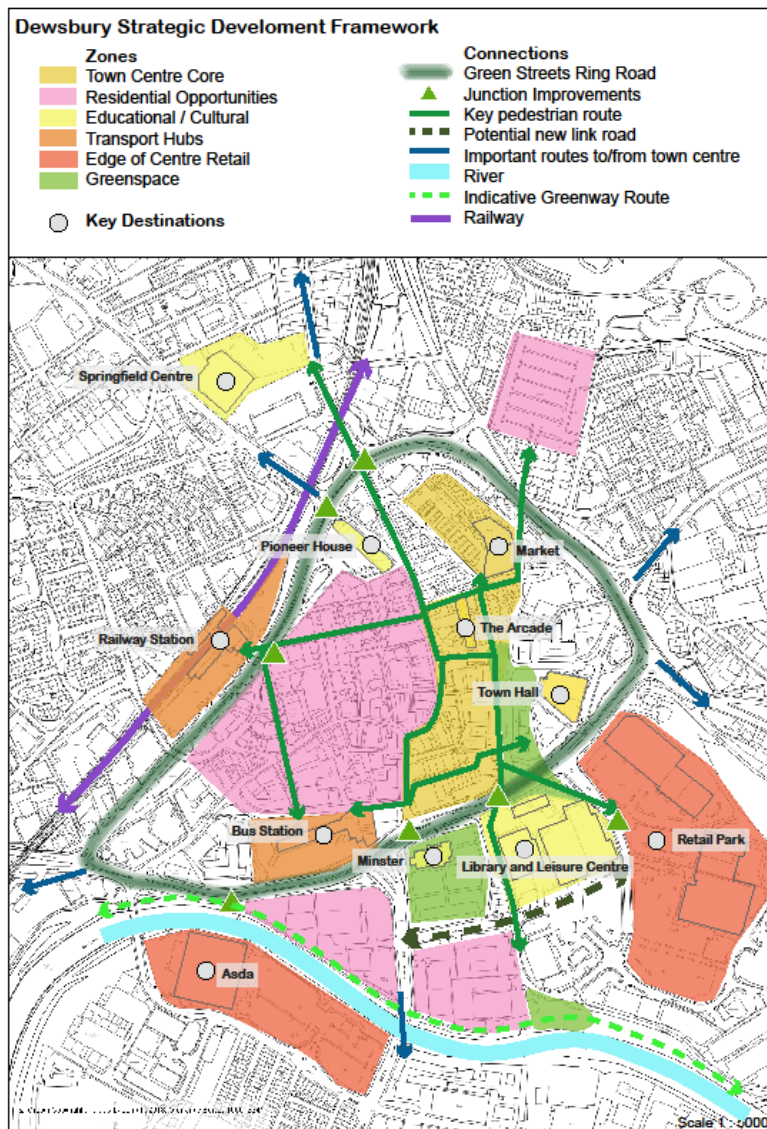
'attractions' in the town centre that currently play an important role in bringing people into the town and creating activity and footfall e.g.:-

- The Market - is a key driver of footfall and as part of the Framework (SDF) it is proposed to significantly improve the current offer and its physical appearance. The report will be coming to Cabinet in 2020 on the proposals.
- Dewsbury Town Hall - this is going through a programme of internal improvements and the plan is to increase the number and range of activities being held there.
- Dewsbury Sports Centre - attracts large numbers of people into the centre of Dewsbury. It is located just to the south of the ring road close to the Library (see Plan One). There is scope to increase numbers of visitors.

In addition, as part of the plans there will be a new attractor: -

- Pioneer building - the Council has worked closely with Kirklees College on the Pioneer project and Phase 2 of the 'Learning Quarter' is due to open in September 2010.

Plan One: Dewsbury Town Centre Strategic Development Framework



2.4 One of the objectives supporting the aim of increasing activity is to develop the evening and leisure economy. Several projects are underway, including supporting new leisure facilities through the THI scheme e.g. Black Bull and work to increase the number and range of events held at Dewsbury Town Hall. Officers have also been working with Kirklees Active Leisure (KAL) to develop a proposal to increase the number of visitors into the Sports Centre and therefore contribute to the wider aims of getting more people to come into town. This report outlines the results of that work and requests Council support for the project by investing in the project.

Dewsbury Sports Centre – Proposal for New Family Attraction

2.5 KAL has successfully developed the YEAH Days Out group of Family Attraction products across Kirklees district, with 6 current products available:

- Splash Park at Huddersfield Leisure Centre;
- Dare-2-Air inflatable theme park at Huddersfield Leisure Centre;
- TAG X at Batley Sports & Tennis Centre;
- Stompers soft play at Batley Sports & Tennis Centre;
- Footgolf at Bradley Park Golf Course; and
- WOW Wipeout, a large pool inflatable system, at Dewsbury Sports Centre.

2.6 These have proved very popular and attractive to both residents of Kirklees and further afield. KAL would like to develop a Family Attraction product at Dewsbury Sports Centre to enhance the current overall Kirklees offer and to enhance the leisure offer that the Dewsbury facility provides. This would encourage more people into Dewsbury town centre and help to raise the positive profile of the town.

2.7 The project will include:

- A new Family Attraction product, potentially to be based upon the successful and very popular Dare-2-Air inflatable theme park at Huddersfield Leisure Centre. This product will be able to be used by a wide demographic, from pre-school through to older people, with a particular focus being for families to take part together and with specific sessions likely to be programmed for older children.
- Enhanced sound, lighting, heating and ventilation to ensure the customer experience in using this product is a positive one;
- A refurbished sports hall flooring, to help retain and increase the sports hall customers.

2.8 The creation of the new attraction is dependent on the provision of improved lift access to the sports hall. The Council is the landlord for the Sports Centre and has already made financial provision of £200,000 in the 'Corporate Landlord' part of the approved capital plan to fund this. The provision of the new lift is an essential part of the project and Council officers are currently in discussion with KAL, as to how best to ensure a suitable lift is installed in time to meet the preferred opening time of the family attraction in summer 2020. In parallel to these discussions more detailed feasibility work is currently

underway. Upon completion of all the necessary investment, KAL will have full operational responsibility for running the Family Attraction.

2.9 The proposal to create a new Family Attraction helps to make the most of one of the town's key assets and addresses a number of weaknesses in the town centre. Benefits of the proposal are summarised below: -

- Increased visitors, c37,500 p.a. to the Sports Centre with potential for more linked trips to the rest of the town centre.
- An additional 2.5 FTE employed on site.
- Improved perception of the town centre as a place to go visit or leisure activity.
- More people involved in active pursuits, giving wider health benefits.
- Increased income to KAL and improved financial performance.

More details are contained in Appendix 1.

2.10 As part of the proposal KAL also propose to rename Dewsbury Sports Centre, Dewsbury Leisure Centre, to much better reflect the wide range of sport/fitness/ activity opportunities available at the site.

2.11 Unfortunately, the anticipated revenue returns from running the new attraction do not justify the estimated establishment costs and risks in delivering the project. KAL will therefore need financial support from the Council. More information is contained in the financial section of this report.

Timescales - Progress to date

2.12 Subject to Cabinet approval and provision of the new lift then ideally KAL would like to be able to launch the new facility for summer 2020. If the lift installation takes place after summer then the opening will occur as soon as possible once the lift is operational. Once the feasibility work on the lift has been completed, then a more detailed programme will be produced to establish the probable opening date.

Evaluation & Monitoring

2.13 As part of any investment the Council will work closely with KAL in the delivery of the new facilities and equipment. Once operational there will be a requirement to provide regular updates on the performance of the new attraction.

Sustainability

2.14 The increased usage of the Sports Centre will contribute to sustainability by making greater use of an existing asset located within a highly accessible location.

3 Implications for the Council

Working with People

- 3.1 The Council will be supporting KAL to provide the new attraction. KAL will be the organisation who will be directly working with people to encourage participation and use of the new attraction.

Working with Partners

- 3.2 KAL are a key partner in managing the sports and leisure facilities in Kirklees and the Council's support of the new attraction will be another example of this.

Place Based Working

- 3.3 The SDF builds upon the substantial community engagement work undertaken in 2010 which shaped the plans proposed at that time. Support for the new family attraction will contribute to delivering this place-based working.

Improving Outcomes for Children

- 3.4 The proposal will provide additional opportunities for the children to participate in a greater range of physical activities; encouraging a wider cross-section of young people to make use of the Sports Centre.

Other Implications

Financial

- 3.5 The capital finances of the proposal are summarised in Table One below.

Equipment (including Inflatable)	109,000
Audio Visual Equipment	45,000
Mechanical & Electrical	50,000
Flooring	24,000
Other works	82,000
Contingency	10,000
SUB TOTAL	£320,000
New Lift (Landlord Works already committed)	£200,000
TOTAL KIRKLEES COUNCIL INVESTMENT	£520,000

- 3.6 The Council has already agreed to install the new lift as part of its landlord obligations and is therefore shown separately in the table above. Cabinet's approval is required for the £320,000 investment. It is proposed that the Council would pay for the £320,000 of investment and KAL would need to find any additional funds if costs should rise above this figure.

- 3.7 Due to the age and condition of Dewsbury Sports Centre the capital costs of creating a new attraction are higher than at a newer facility, as some of the fabric and services need to be upgraded to accommodate the new facility. The rapidly changing nature of consumer leisure habits means that there is a degree of uncertainty about future demand, and therefore income, over the medium term.
- 3.8 The Council financially supports KAL in the provision of leisure facilities across the district. KAL have considered approaching Sport England for support but recent changes to Sport England's priorities and tighter funding criteria mean that this is no longer worth pursuing. If the project is to go ahead then the Council will need to provide the necessary financial support.
- 3.9 The Council and KAL anticipate the attraction will generate increased footfall and therefore some additional revenue streams to KAL as footfall builds up and the expected revenue streams would support the organisation's continued overall financial sustainability going forward.
- 3.10 It is proposed that the £320,000 investment be funded from the capital plan allocation for 'Strategic Regeneration of Town Centres - Dewsbury'. This would leave £10.567 million available to fund other projects that do not yet have a specific capital allocation e.g. Market, Town Park. Further reports detailing these individual projects and the resources required, will be brought to Cabinet in due course.

4 Consultees and their opinions

- 4.1 **Finance** - The Chief Finance Officer's comments are reflected in the financial section above.
- 4.2 **Legal**
- 4.3 Kirklees Active Leisure (KAL) was established on 1 April 2002 to maximise the operational and financial opportunities available from having a separate organisation running leisure assets; rather than the Council directly operating them as occurred up to that time. KAL receives revenue grant support from the Council to operate leisure facilities across Kirklees.
- 4.4 KAL lease Dewsbury Sports Centre from Kirklees Council. The Council own outright the area around the swimming pool but in respect of the Sports Hall it has a long lease from a third party and the freeholder permission will be sought for the proposed works. This permission cannot be unreasonably withheld.

5 Next steps

- 5.1 If Cabinet approve the recommendations, then officers will work closely with KAL to undertake detailed design of the lift and the other works necessary to deliver the new attraction. As part of this work a more detailed programme will be produced. In parallel to the above more detailed work will be undertaken into the best mix of Family Attraction elements that can be provided, with a final decision on this to be made early in 2020.

5.2 The SDF Delivery Programme has a 3–5 year timescale. It is proposed to progress the projects outlined in the Delivery programme and undertake feasibility and development of other projects that will help deliver the SDF aims and objectives.

6 Officer recommendations and reasons

6.1 That Cabinet: -

Approve an investment of up to a maximum of £320,000 for the creation of a new visitor attraction at Dewsbury Sports Centre, as described in this report.

Reason: To create a new attraction in Dewsbury Town Centre that will contribute to achieving the objectives of the Strategic Development Framework.

6.2 Approve that the £320,000 is funded from the approved Capital Plan allocation for 'Strategic Regeneration of Town Centres - Dewsbury.

Reason: Effective financial management.

7 Cabinet portfolio holder recommendation

7.1 The Economy Portfolio Holder, Cllr Peter McBride supports these proposals.

8. Contact officer

Peter Thompson
Economic Resilience Project Manager
01484 221000
peterr.thompson@kirklees.co.uk

9. Background Papers and History of Decisions

Dewsbury Strategic Development Framework (2018)
<http://www.kirklees.gov.uk/beta/regeneration-and-development/dewsbury-renaissance.aspx>

10. Service Director responsible

Naz Parkar - Service Director Housing & Growth
(01484) 221000
naz.parkar@kirklees.gov.uk

APPENDIX ONE: BENEFITS OF THE DEWSBURY SPORTS CENTRE FAMILY ATTRACTION.

The project will –

- Contribute to the North Kirklees Growth Zone objective: “*Dewsbury as the primary economic and service centre, with a town centre that is fully utilised through increased housing and leisure provision...*”, with the project both providing a new leisure product and making the town centre a more attractive place to both visit and live;
- Address a number of the Weaknesses/Opportunities identified within the 2018 Dewsbury Town Centre - Strategic Development Framework (SDF):
 - o Weaknesses:
 - Poor image: the positive development of a new, high quality, accessible leisure activity within the town centre and the subsequent proactive and cross-promotion of this as part of the YEAH Days Out family of products;
 - Not enough to keep people in town: the new product will both bring people into the town centre and encourage them to stay as a key part of an overall enhanced town centre offer
 - Fear of crime/ anti-social behaviour: the new product will encourage managed use by local young people, allowing them to take part in positive exercise opportunities;
 - Perceived lack of positive promotion of Dewsbury: the new product, its promotion and developing positive reputation will significantly contribute to an improved image of the town;
 - Generally low income levels in immediate catchment: as per KAL’s fitness membership offer in Dewsbury (£17.50/month for gym membership), the new Family Attraction product will be priced to ensure accessibility for the local population, with reduced rates for Kirklees Passport holders and the ability to target specific groups through the use of promo codes.
 - o Opportunities:
 - Development of leisure offer: the new product will considerably enhance the leisure offer within the town centre.
- Complement the development of more residential use in the town centre, helping to make Dewsbury town centre a more attractive place to live by providing an enhanced leisure offer, complementing the other good quality facilities already available within the Sports Centre (e.g. fitness suite; fitness classes; sports hall activities; swimming pool).
- In particular, the proposal will contribute towards the 2018 SDF aim of “**Increasing activity**”, where it will enhance 2 particular objectives and 1 of the identified “Key projects”:
 - o Get more people living in the town centre: by providing good quality, local, accessible leisure activity opportunities;
 - o Development of the creative/ cultural offer: there are no leisure products such as that being proposed currently within the

- Dewsbury / North Kirklees area, with the proposed development helping to positively raise Dewsbury's profile.
- Key project: "Events & Leisure" – with the proposed project providing a new, exciting local leisure activity.
- The proposal should also, however, contribute towards the 2 further SDF Aims:
- **Making the town centre more attractive:** The proposed Family Attraction Development will contribute towards the objective of "Improving perceptions" and the key project of "Marketing/ improving perceptions".
 - **Improving accessibility:** whereby increasing the positive leisure offer in the Sports Centre further it should help to form a key link between the major car parks to the south of the Sports Centre and the traditional town centre to the north.
- **Finally, the proposal will positively contribute towards the following SDF outputs and outcomes:**
- **People using the town centre** – higher footfall: KAL will look to actively promote the new product, including with its existing YEAH Days Out customers and fitness members. The increased number of customers to the Sports Centre will also be encouraged to make use of the town centre's other assets;
 - **Employment levels** – it is expected that the new Family Attraction product will employ some 2.5 FTE's, who are likely to be both local and u25;
 - **Perceptions of the town centre** – this will be significantly enhanced with a new leisure product available and also by the positive promotion of the facility via KAL's YEAH Days Out brand.

Name of meeting: Cabinet
Date: 3rd December 2019
Title of report: Approval of a revised Local Development Scheme (the timetable for Planning Policy work)

Purpose of report: To seek approval to publish the updated Local Development Scheme (LDS). The LDS sets out the timetable and brief scope of proposed planning policy documents including development plan documents (Local Plan and Area Action Plans). It also sets out the position relating to the Community Infrastructure Levy, Neighbourhood Planning, Supplementary Planning Documents and other proposed policy guidance.

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. The Local Development Scheme sets out the timetable for preparing the planning policy documents and guidance and as such is likely to have implications for all wards.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision - Yes Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 20.11.2019
Is it also signed off by the Service Director Finance?	Eamonn Croston - 21.11.2019
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft - 25.11.2019
Cabinet member portfolio	Cllr Peter McBride - Regeneration Portfolio Cllr Naheed Mather - Greener Kirklees Portfolio

Electoral wards affected: All

Ward councillors consulted: Cllr Peter McBride, Cllr Naheed Mather

Public or private: Public

Has GDPR been considered? The report does not contain any personal information.

1. Summary

The purpose of this report is to seek approval to update the Council's Local Development Scheme (LDS) (approved by Cabinet on 19th December 2017). The Local Development Scheme sets out the timetable for producing the planning documents that will make up the development plan and briefly sets out the scope of these documents. It also sets out details relating to the Community Infrastructure Levy, Neighbourhood Planning, Supplementary Planning Documents and other planning guidance.

2. Information required to take a decision

The LDS sets out the timetable for producing planning documents that will make up the development plan and associated guidance. The LDS informs interested parties when documents will be produced, the broad remit of documents and when interested parties can expect to get involved. An LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

National Planning Practice Guidance confirms that the LDS must specify and identify (among other matters) the development plan documents which, when prepared, will comprise the development plan for the area. Following the adoption of the Local Plan, this now includes Area Action Plans. The LDS must be made available publicly and kept up-to-date, and Local Planning Authorities should publish the LDS on their website. At the Examination in Public, there is also a legal compliance test for the development plan documents (for the Local Plan and Area Action Plans) where the content of these documents is assessed to measure accordance with the LDS.

Following changes in legislation in 2011 and 2012 (through the Localism Act 2011 and the Town and Country (Local Plan) (England) Regulations 2012) there is no longer a requirement for Local Planning Authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPD's), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. Where these are referenced they are simply for information.

The current LDS (agreed by Cabinet on 19th December 2017) reflects the request of the Local Plan Planning Inspector that the Local Development Scheme should make specific reference to its intention to produce Area Action Plans for Huddersfield and Dewsbury town centres. Reference to these documents remains in this revised Local Development Scheme.

Although legislation regarding the LDS does not require the Council to specify when it will produce Supplementary Planning Documents, the revised LDS includes this information to ensure transparency in terms of when people are likely to have an opportunity to become involved when the council consult on the documents. The revised LDS also notes the Council's ongoing statutory commitments to supporting Neighbourhood Plans, the preparation of additional planning policy guidance and a commitment to annual monitoring which will help to determine the ongoing effectiveness of the Local Plan.

A separate Planning Policy document covering climate change to reflect the Climate Emergency was considered but rather than produce a discrete document, there is the intention to instead ensure consideration of climate change is central to the development of each of the Planning Policy documents set out in the Local Development Scheme. There is one specific reference to climate change guidance which will set out requirements for applicants submitting planning applications to demonstrate how their proposals have considered climate change when devising their proposals.

3. Implications for the Council

The main implication for the Council in agreeing to the revised LDS is to ensure support for existing project management and that sufficient resources are made available for the Planning Policy Group work programme, as far as is reasonable and practicable within overall budget constraints.

- **Working with People**

The Local Development Scheme sets out the timetable for the production of a range of planning policy and guidance documents and the council will undertake public consultation in accordance with the Statement of Community Involvement.

- **Working with Partners**

The council will engage with partners in the formulation of planning policy documents.

- **Place Based Working**

In addition to public consultation, the council will ensure the planning policy documents being produced reflect the characteristics of the areas covered by the proposals.

- **Improving outcomes for children**

The Local Development Scheme sets out documents to be produced for example relating to provision of open space, design of residential proposals and managing the location of new hot food takeaways.

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

- Legal - A Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). Although not a legal risk, the revised LDS will play a role in a Planning Inspector's decision on whether to find certain elements of the Area Action Plans sound in relation to planning land use for retail in town centres.
- Financial - The main implication is to ensure that existing project management arrangements continue to be supported and that sufficient resources are made available for the work programme and new planning policy documents, as far as is reasonable and practicable. The cost of this work can be met in the short term from existing budgets. However, in the medium to long term a future report to Cabinet may be necessary to inform any requirement for resources where there are impacts on the LDS timetable.
- Human resources - There are staffing implications in managing the LDS work programme. In the short term this will be managed within existing staff resources. However, in the medium to long term a future report to Cabinet may be necessary to inform any requirement for resource where there are impacts on the LDS timetable.

4. Consultees and their opinions

There is no requirement to consult on the content of the Local Development Scheme (LDS). The LDS sets out when the council will seek to consult during the preparation of the relevant specified policy documents.

5. Next steps and timelines

Once approved by Cabinet the LDS will be placed on the Council's website and progress towards the timescales will be published annually in the council's Authority Monitoring Report (formerly known as the Annual Monitoring Report).

6. Officer recommendations and reasons

It is recommended that Cabinet approve the revised LDS. The proposed documents listed in the LDS will provide improved clarity for the community, officers, members and developers as we continue to implement the Local Plan. The approved LDS would be published on the council's website.

7. Cabinet Portfolio Holder's recommendations

Councillor Peter McBride was briefed on Monday 11th November 2019 and Councillor Naheed Mather was briefed on Tuesday 12th November 2019. Both are supportive of the revised Local Development Scheme.

8. Contact officer

Steven Wright (Planning Policy and Strategy Group Leader, Planning Policy Group)
steven.wright@kirklees.gov.uk
(01484) 221000

9. Background Papers and History of Decisions

- The existing Local Development Scheme was approved by Cabinet on 19th December 2017
- The proposed revised Local Development Scheme is attached to this Cabinet report.

10. Service Director responsible

Naz Parkar (Service Director for Housing and Growth)
naz.parkar@kirklees.gov.uk
(01484) 221000



Local Development Scheme

December 2019

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1. Introduction

- 1.1 The Local Development Scheme (LDS) is the timetable for producing development plan documents (Local Plan, Area Action Plans), Community Infrastructure Levy, Neighbourhood Planning, Supplementary Planning Documents, other policy guidance and the annual monitoring activity/programme associated with them. The Local Development Scheme sets out when documents will be produced, the brief purpose of those documents and when consultation is likely to happen. A LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 Following changes in Legislation in 2011 and 2012 (through the Localism Act 2011 and new Town and Country (Local Plan) (England) Regulations 2012), there is no longer a requirement for local planning authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPD's), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. However, the Council is aware that this is useful information that should be publicly available. Consequently, a list of those the Council is proposing to prepare and review is included in the LDS as appropriate.
- 1.3 Further information about the planning policy work programme is also made available on the council's [website](#).
- 1.4 The LDS must specify:
- the local development documents which are to be development plan documents;
 - the subject matter and geographical area to which each development plan document is to relate;
 - which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
 - any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee; the timetable for the preparation and revision of the development plan documents; and
 - such other matters as are prescribed
- 1.5 This LDS will be reviewed and updated regularly to maintain a flexible and realistic timetable for document production, ensuring that production programmes are aligned with resources. Progress on delivery of the various planning documents will be tracked through the Authority Monitoring Reports (AMR).
- 1.6 The following sections explain the range of documents currently being prepared and are followed by a timeline (in Section 9) showing the preparation process for each document.
- 1.7 The Local Development Scheme (LDS) and Authority Monitoring Report (AMR) will be published on the [Planning Policy](#) section of the council's website.

2. Kirklees Local Plan

- 2.1 The Local Plan was adopted on 27th February 2019 and is now the development plan for Kirklees.
- 2.2 The [Kirklees Local Plan](#) comprises two main documents to be read together:
- Local Plan: Strategy and Policies: This establishes the vision and strategic objectives for the development of Kirklees up to 2031. It includes a spatial strategy setting out how development will be accommodated across the district as well as the policy framework used to assess planning applications.
 - Local Plan: Allocations and Designations (and Policies Map): This sets out the different land allocations and designations. The Policies Map illustrates the geographical application of policies in the Local Plan.
- 2.3 The National Planning Policy Framework (NPPF) states that Local Plans should be reviewed to assess whether they need updating at least once every five years. When a Local Plan review is proposed a further update to the Local Development Scheme will be required.

3. Community Infrastructure Levy (CIL)

- 3.1 To support the implementation of the Local Plan, the Council is progressing work on a Community Infrastructure Levy (CIL). This is a locally set planning charge which can be used to help deliver infrastructure to support development. The relevant charges in different parts of Kirklees will be set out in a charging schedule.

Community Infrastructure Levy – Charging Schedule

Details	Description
Role and content	The CIL Charging Schedule will set out standard charges that the Council will levy on specified types of development to contribute towards the delivery of essential infrastructure across the district.
Geographical Area	District wide
Progress	The CIL Examination Hearing took place on 16th September 2019. Following the hearing, the Examiner (Ms Katie Child) asked the Council to submit further information in relation to viability. This further information was subject to targeted consultation from 22nd October 2019 to 19th November 2019. Following completion of the consultation, the council expect further correspondence from the Examiner and will continue to update the CIL webpage

- 3.2 Section 9 of this document shows the anticipated timeline towards the adoption of the Community Infrastructure Levy. Further information on the Community Infrastructure Levy process can be found on the Council's [website](#)

4. Area Action Plans (AAP)

- 4.1 Once adopted, Area Action Plans become part of the development plan for Kirklees alongside the Local Plan. The purpose of these Area Action Plans is to provide a detailed planning framework for Huddersfield and Dewsbury town centres which can include the allocation of land for different uses including development and open space. They also examine infrastructure requirements, provide more detailed policies to guide future retail growth and assist in the future development and place shaping of the town centres. During the Local Plan Examination in Public the Inspector requested modifications to refer to the production of Area Action Plans for Huddersfield and Dewsbury town centres to complement the Local Plan policies.

Huddersfield Town Centre Area Action Plan (and Huddersfield Blueprint SPD)

Details	Description
Role and content	<p>The council have recently consulted on the Huddersfield Blueprint. The council intend producing a Supplementary Planning Document (SPD) based on this Huddersfield Blueprint which will provide the initial certainty to enable projects to progress (see section 6 of this document for further details of the SPD).</p> <p>This Area Action Plan will build on the outcomes of the Huddersfield Blueprint SPD and will cover a wider range of issues. It will set out a framework for promoting regeneration, place shaping and managing development within and around the edge of Huddersfield to enable it to fulfil its role in providing shopping, leisure, residential and employment opportunities.</p>
Geographical Area	Huddersfield town centre and significant areas of change beyond the town centre boundary
Progress	See timeline in Section 9

Dewsbury Town Centre Area Action Plan

Details	Description
Role and content	<p>A Strategic Development Framework for Dewsbury town centre sets out a vision for the town centre, supported by a delivery programme including projects and actions over the next 5 years.</p> <p>This Area Action Plan will build on the outcomes of the Strategic Development Framework and will cover a wider range of issues. It will set out a framework for promoting regeneration, place shaping and managing development within and around the edge of these town centres so that they fill their role in providing shopping, leisure, residential and employment opportunities.</p>
Geographical Area	Dewsbury town centre and significant areas of change beyond the town centre boundary
Progress	See timeline in Section 9

5. Neighbourhood Development Plans

- 5.1 Since April 2012, local communities have been able to produce Neighbourhood Plans for their local areas, putting in place planning policies for the future development and growth of the neighbourhood. Similar to a local plan, it can contain a vision, aims, planning policies, proposals for improving an area or providing new facilities, or allocation of key sites for specific kinds of development.
- 5.2 The Localism Act 2011 enables local communities through Neighbourhood Forums to commission Neighbourhood Plans to be prepared in conformity with the Local Plans. Adopted Neighbourhood Plans will form part of the Local Plan against which planning applications will be determined. Neighbourhood Plans will take account of existing local policy and will set out neighbourhood level planning policies.
- 5.3 Neighbourhood plans will be assessed by the Council against higher level plans and Environmental Impact Assessment Regulations, before examination by an independent Inspector, followed by a referendum for residents of the neighbourhood area. Once approved at a referendum the Neighbourhood Plan becomes part of the statutory development plan (the same legal status as the Local Plan). This status gives neighbourhood plans more weight in the planning process than other community documents such as parish plans, community plans and village design statements.
- 5.4 At present the proposed Holme Valley Neighbourhood Plan has reached an advanced stage and was subject to public consultation between 15th July and 15th September 2019 and the Neighbourhood Forum are currently reviewing the consultation response. At this stage there are other potential Neighbourhood Plan proposals at various stages including Kirkheaton, Lepton, Mirfield and Newsome. The council will continue to publish updates on the neighbourhood plans on the council [website](#) as timelines become more established.

6. Supplementary Planning Documents (SPD)

- 6.1 These documents provide further guidance and information relating to one or more specific policies or proposals set out in the Local Plan and they will be a material consideration when determining planning applications. As they are not part of the statutory development plan, the LDS is not required to programme the preparation of SPDs. However, their scope and timetable for production have been included to ensure transparency. The council intend to produce a series of SPDs to provide further guidance on Local Plan policies.
- 6.2 A Highway Design Guide Supplementary Planning Document has been recently adopted (4th November 2019). This SPD aims to promote high standards of highway design that reflect nationally recognised best-practice, and facilitate the delivery of high quality residential, employment and mixed-use developments in Kirklees. It can be viewed on the [Kirklees Planning Policy webpage](#).
- 6.3 The previous Local Development Scheme proposed a Design SPD but to reflect the wide ranging aspects of ensuring quality places the council is instead now proposing a series of SPDs to reflect the focus on creating quality places. As such, the Council has the following plans for Supplementary Planning Documents:

Supplementary Planning Document: Open Space

Details	Description
Role and content	This SPD is being produced to ensure consistency and provide clarity when applying the Local Plan policy covering the provision of new open space. This will provide important certainty for internal and external parties.
Geographical Area	District wide
Progress	See timeline in Section 9

Supplementary Planning Document: Residential Design

Details	Description
Role and content	The Residential Design SPD will establish best practice and set out how Local Plan policy requirements can be met whilst achieving the high quality design and layout of residential proposals.
Geographical Area	District wide
Progress	See timeline in Section 9

Supplementary Planning Document: Affordable Housing and Housing Mix

Details	Description
Role and content	Initially, an update to the Interim Affordable Housing Statement (2016) is being prepared to ensure short-term clarity following the adoption of the Local Plan and bring

Details	Description
	<p>together existing evidence relating to affordable housing needs in Kirklees.</p> <p>An Affordable Housing and Housing Mix SPD will then be prepared include the commissioning of revised evidence relating to housing mix within different areas of Kirklees and the ways in which affordable housing needs can be addressed in future.</p>
Geographical Area	District wide
Progress	See timelines in Section 9

Supplementary Planning Document: Hot Food Takeaways

Details	Description
Role and content	This SPD will explore a range of factors to be considered in relation to proposals for new hot food takeaways including residential amenity, encouraging healthy eating and consideration of the vitality of retail centres.
Geographical Area	District wide
Chain of conformity	The Kirklees Local Plan – Strategy and Policies
Progress	See timeline in Section 9

- 6.4 The council is also producing a Huddersfield Blueprint SPD as referred to in Section 4.

Supplementary Planning Document: Huddersfield Blueprint

Details	Description
Role and content	<p>As set out in section 4, the council have recently consulted on the Huddersfield Blueprint which aims to deliver five key objectives for Huddersfield Town Centre: A vibrant culture, art, leisure and nightlife offer, thriving businesses, a great place to live, improved access and enhanced public spaces. It focused on regenerating six key areas: Station Gateway, St Peter's, Kingsgate and King Street, New Street, the Civic Quarter and a new Cultural Heart in the Queensgate and Piazza area.</p> <p>The council intend to produce a Supplementary Planning Document (SPD) based on this Huddersfield Blueprint which will provide the certainty to enable these initial projects to progress. This will then be followed by an Area Action Plan as set out in Section 4.</p>
Geographical Area	Huddersfield town centre
Progress	See timeline in Section 9

- 6.5 The requirement for additional Supplementary Documents will be considered as the need arises through the implementation of the Local Plan. In addition the council is reviewing existing SPDs and guidance.

7. Statement of Community Involvement

- 7.1 The latest Statement of Community Involvement (SCI) was adopted by the Council on 22nd September 2015. The council is revising the Statement of Community Involvement to update the content including amended references to the data protection legislation and the council's role in Neighbourhood Planning.

Statement of Community Involvement

Details	Description
Role and content	The purpose of this document is to set out how the council will work with local communities and stakeholders to develop planning policy documents such as the Local Plan, Area Action Plans and Supplementary Planning Documents
Geographical Area	District wide
Progress	Anticipated adoption date: 3 rd December

8. Authority Monitoring Report (AMR)

- 8.1 The Planning Policy Group plays a key role in collecting intelligence for the council. The Authority Monitoring Report (AMR) (previously known as the Annual Monitoring Report) monitors the effectiveness of planning policies including those set out in the Local Plan. The report includes indicators such as progress towards the Local Development Scheme, rates of housing development, housing land supply, employment, open space, retail occupancy and flooding. Following the adoption of the Local Plan there are a range of new indicators so that the effectiveness of the Local Plan policies can be assessed. The Authority Monitoring Report is updated annually and made available on the council [website](#)

10. Additional Planning Policy work and other statutory duties

- 10.1 The Planning Policy Group commissions and prepares a significant number of studies, intelligence and research to underpin planning policy formulation and justify the robustness and credibility of planning policies when making planning decisions. The group also has responsibility for providing planning policy advice to assist Development Management in making decisions on planning applications and the team has a number of other statutory duties, aside from preparing the development plan.

Planning Policy Advice and Guidance

- 10.2 In addition to the Planning Policy Group role providing planning policy advice on planning applications, a series of guidance notes will also be prepared to assist Development Management in the implementation of the Local Plan and ensure clarity for developers about the information required to meet the criteria in Local Plan policies. This is likely to include specific guidance relating to the information the council require from developers showing how their proposals have considered climate change and guidance relating to masterplanning, biodiversity net gain and viability appraisals.

Evidence Base

- 10.3 A key feature of the development plan (Local Plan, Area Action Plans) is that their policies and proposals are soundly based on up-to-date and robust evidence. The evidence base not only provided the justification for the Local Plan, but also enables an assessment of the extent to which policies and proposals are being achieved (as set out in Section 8). Evidence gathered as part of future planning policy work will be made available on the council's [website](#). The Planning Policy Group is also responsible for calculating whether there is an ongoing five years supply of deliverable housing land and providing information to inform the government's Housing Delivery Test as well as responding to other monitoring information requests.

Duty to co-operate

- 10.4 Under the Localism Act 2011 local planning authorities are required to “engage constructively, actively and on an ongoing basis” with neighbouring planning authorities and a prescribed list of bodies when preparing development plan and other local development documents concerning matters of “strategic significance” that is matters affecting two or more local planning authorities.
- 10.5 The Council will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts at the Examination stage of development plan documents.
- 10.6 Progress with regards to the Duty to co-operate on Kirklees council's development plan documents and also with regard to the work being carried out by other duty to co-operate bodes is set out in the Authority Monitoring Report.

Environmental Duties

- 10.7 The council has to comply with various environmental legislation and obligations which can have a bearing on the preparation of planning policies. Key statutory duties exist directly in relation to plan making and include the preparation of documentation under Sustainability Appraisal/Strategic Environmental Assessment and Habitat Regulations.

Statutory Registers

- 10.8 The Planning Policy Group is responsible for preparing, maintaining and updating statutory land use registers. At present the Planning Service holds the Custom and Self-Build Register and the Brownfield Land Register.

11. Resource Management

- 11.1 The Planning Policy Group has the responsibility for the preparation and review of the Local Plan, Area Action Plans, Supplementary Planning Documents and other duties listed in this Local Development Scheme. The team is assisted by staff from other teams in the Economy and Infrastructure Directorate. It is therefore important to recognise that future resourcing decisions could impact delivery of these work areas.

- 11.2 Planning policy documents have direct and indirect impacts on other service areas in the council. Other service areas also hold key information for the planning policy evidence base and have particular expertise which is needed to produce justified and effective policy. The policy group is particularly reliant on resources outside of the team, including colleagues involved in the following work areas:

- Development Management (Planning)
- Highways and Transport
- Flooding / drainage
- Education
- Public Health
- Minerals and Waste
- Housing strategy, growth, commissioning and affordable housing
- Employment/skills
- Regeneration and economic development
- Town centres/retail
- Environmental Health
- Green infrastructure, parks and streetscene services
- Legal
- Business Support
- Energy
- Conservation – historic assets
- Environmental protection, air and water quality and noise

EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy: Local Development Scheme	
Directorate: Housing and Growth	Senior Officer responsible for policy/service: Mathias Franklin, Acting Head of Planning and Development
Service: Planning	Lead Officer responsible for EIA: Steven Wright, Planning Policy Group Leader
Specific Service Area/Policy: Local Development Scheme	Date of EIA (Stage 1): 18/11/2019

Brief outline of proposal and the overall aims/purpose of making this change:

The Local Development Scheme sets out the timetable and scope of proposed Planning Policy documents. This includes setting out the timescales for proposed Area Action Plans for Huddersfield and Dewsbury, a range of Supplementary Planning Documents, Neighbourhood Planning, the Community Infrastructure Levy and potential guidance notes to be produced. An Integrated Impact Assessment will be produced during the process of producing these documents where applicable.

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	0	4.8	4.8	0	8	8	No
Environment		4.6	4.6	0	8	8	No

NATURE OF CHANGE

WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	NO
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	NO
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	NO

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...	Level of Impact Please select from drop down
Kirklees employees within this service/directorate? (overall)	Neutral
Kirklees residents living in a specific ward/local area?	Neutral
Please tell us which area/ward will be affected:	All wards
Residents across Kirklees? (i.e. most/all local people)	Neutral
Existing service users ?	Neutral

Each of the following groups?	Please select from drop down	
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>		
...age	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...disability	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...marriage/ civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...race	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sex	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...those in poverty or low-come	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...unpaid carers	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...		Level of Impact	
		Please select from drop down	
Kirklees Council's internal practices ?		Positive	
Lifestyles of those who live and work in Kirklees?		Neutral	
Practices of suppliers to Kirklees council?		Neutral	
Practices of other partners of Kirklees council?		Neutral	
Each of the following environmental themes ? (Please select from the drop down list)			
	People	Partners	Places
...clean air (including Climate Changing Gases)	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Clean and plentiful water	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Wildlife and habitats	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Resilience to harm from environmental hazards	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Sustainability and efficiency of use of resources from nature	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Beauty, heritage and engagement with the natural environment	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Resilience to the effects of climate change	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Production, recycling or disposal of waste	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Exposure to chemicals	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2

HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?

Please select YES or NO

Equality Themes

Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?	Yes
...employees?	No
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	No
...Kirklees residents?	No
...service users?	No
...any protected characteristic groups?	No

Please list your **equalities** evidence/intelligence here [you can include hyperlinks to files/research/websites]:
 The Local Development Scheme sets out the timetable and scope of proposed Planning Policy documents. This includes setting out the timescales for proposed Area Action Plans for Huddersfield and Dewsbury, a range of Supplementary Planning Documents, Neighbourhood Planning, the Community Infrastructure Levy and potential guidance notes to be produced. An Integrated Impact Assessment will be produced during the process of producing these documents where applicable.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal outlined on the different groups of people?	FULLY
To what extent do you feel you have considered your Public Sector Equality Duty?	FULLY

Environmental Themes

Have you taken any specialist advice linked to your proposal?	Yes
...Kirklees Council practices?	No
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	No
...resident and worker lifestyles?	No
...Practices of Supplier to Kirklees Council?	No
...Practices of other Kirklees Council partners?	No

Please list your environmental evidence/intelligence here [you can include hyperlinks to files/research/websites]:

The Local Development Scheme sets out the timetable and scope of proposed Planning Policy documents. This includes setting out the timescales for proposed Area Action Plans for Huddersfield and Dewsbury, a range of Supplementary Planning Documents, Neighbourhood Planning, the Community Infrastructure Levy and potential guidance notes to be produced. An Integrated Impact Assessment will be produced during the process of producing these documents where applicable.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the environmental issues identified?	FULLY

Name of meeting: Cabinet

Date: 3rd December 2019

Title of report: Statement of Community Involvement (SCI)

Purpose of report: To seek approval to publish the revised Statement of Community Involvement (SCI). The SCI sets out how the council will involve communities in planning policy decisions. It sets out a series of guidelines on the scope of community involvement, how and when the council will undertake engagement and consultation, feedback and processes for becoming involved.

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, the Statement of Community Involvement covers the whole of the District.
Key Decision - Is it in the <u>Council's Forward Plan</u> (key decisions and private reports)?	Key Decision - Yes Private Report - No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 20.11.2019
Is it also signed off by the Service Director - Finance?	Eamonn Croston - 21.11.2019
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 25.11.2019
Cabinet member <u>portfolio</u>	Give name of Portfolio Holder/s Cllr Peter McBride consulted at Portfolio holder briefing on 11.11.2019

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? Yes. The report does not contain any personal data. The updated Statement of Community Involvement sets out a revised section on GDPR and the storage of information received in relation to planning policy consultations and is in accordance with the Planning Policy Privacy Notice.

1. Summary

The council's existing Statement of Community involvement SCI was adopted in 2015 and sets out how the council will involve communities in planning policy decisions. It sets out a series of guidelines on the scope of community involvement, how and when the council will undertake engagement and consultation, feedback and processes for becoming involved.

Legislative requirements state that the SCI must be reviewed (and amended where necessary) at least every 5 years. An early review of the SCI has been undertaken to reflect the following:

- Changes to the processes, stages, engagement requirements sets out in legislation.
- GDPR requirements and compliance.
- Government requirements for accessible documents.
- Requirement to contain information on how the council supports Neighbourhood Planning.

Local authorities are encouraged to publish documents forming part of their evidence base as they are completed on their website in an accessible format, rather than waiting until options are published or a local plan is published for representations, to keep communities informed and involved. The use of social media tools and other platforms to communicate with communities is encouraged, where appropriate and documents should be concise, include visual evidence and written in plain English to help ensure that it is easily accessible to local communities, to avoid them becoming disengaged with the process (NPPG paragraph 35).

The main changes include:

- Updated to reflect current regulations and adoption of Local Plan.
- Added Hyperlinks to further information and our current documents.
- Additional information and tables on planning processes 2.21, 2.22, 2.23, 2.27 (see Appendix 1) for more transparency regarding how, why and when planning policy documents are produced and consulted on, and clarity on legal requirements with the aim of aiding understanding of the planning system so that it feels more accessible.
- Explanation of engagement and consultation and how it is used to inform, shape and develop documents.
- New Sections: Neighbourhood Planning, Appendices
- New paragraphs: 1.11, 1.12, 1.13, 2.1-2.2, 2.4, 2.13-2.15, 2.17, 2.18, 2.28, 2.29 (see Appendix 1).

The revised SCI is attached at **Appendix 1**.

2. Information required to take a decision

Local authorities are encouraged to publish documents forming part of their evidence base as they are completed on their website in an accessible format, rather than waiting until options are published or a local plan is published for representations, to keep communities informed and involved. The use of social media tools and other platforms to communicate with communities is encouraged, where appropriate and documents should be concise, include visual evidence and written in plain English to help ensure that it is easily accessible to local communities, to avoid them becoming disengaged with the process (NPPG paragraph 35). The SCI has been updated to reflect this national guidance.

The other main changes include:

- Updated to reflect current regulations and adoption of Local Plan.
- Added Hyperlinks to further information and our current documents.
- Additional information and tables on planning processes 2.21, 2.22, 2.23, 2.27 for more transparency regarding how, why and when planning policy documents are produced and

consulted on, and clarity on legal requirements with the aim of aiding understanding of the planning system so that it feels more accessible.

- Explanation of engagement and consultation and how it is used to inform, shape and develop documents.
- New Sections: Neighbourhood Planning.

3. Implications for the Council

- **Working with People**

The SCI sets out how the council will involve communities in planning policy decisions. It sets out a series of guidelines on the scope of community involvement, how and when the council will undertake engagement and consultation, feedback and processes for becoming involved. This will enable communities and individuals to shape planning policy documents.

- **Working with Partners**

The SCI includes an updated section on how the council will work with Neighbourhood Plan groups/forums to develop Neighbourhood Plans. It sets out the process and the level of support to bring forward community based plans.

- **Place Based Working**

As outlined under working with people and working with partners, the SCI provides a clear and transparent process for engaging with communities which will benefit place based working.

- **Improving outcomes for children**

The SCI does not directly improve outcomes for children. Indirectly by providing a framework for community involvement in the preparation of planning documents allows for individuals/communities to shape specific planning policy documents which can be used (where applicable) to improve outcomes for children.

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

It is a legislative requirement under the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 to have a SCI and for the SCI to be reviewed (and amended where necessary) at least every 5 years.

An integrated impact assessment Stage 1 has been undertaken and is attached at **Appendix 2**. This indicates that a stage 2 assessment is not required.

Consultees and their opinions

Cllr Peter McBride, Portfolio holder has been briefed on the amendments to the SCI and is supportive of this document being presented to Cabinet.

The revised section (section 3 - see Appendix 1) on the relationship between the council and Neighbourhood Plan groups is based on existing service level agreements (SLAs) with designated neighbourhood plan bodies who were involved in their development and have signed up to SLA.

4. Next steps and timelines

Once approved by Cabinet, officers will place the SCI on the council's website.

5. Officer recommendations and reasons

We recommend that Cabinet approve the revised SCI which will provide the community with a clear framework on the types of planning policy documents which will be consulted on and the

support the council will provide in developing neighbourhood plans.

It is timely that this is done at this point in time as officers are presenting the revised Local Development Scheme to Cabinet for approval. This document sets out the work programme and the documents that the council will be engaging and consulting on.

6. Cabinet Portfolio Holder's recommendations

Councillor Peter McBride was briefed on Monday 11th November 2019 and was supportive of the revised Statement of Community Involvement, being presented to Cabinet.

7. Contact officer

Steven Wright
Group Policy Leader
E-mail: steven.wright@kirklees.gov.uk
Tel: (01484) 221000

8. Background Papers and History of Decisions

9. Kirklees Statement of Community Involvement September 2015
<https://www.kirklees.gov.uk/beta/planning-policy/statement-community-involvement.aspx>

Cabinet adopted the SCI on 22nd September 2015

10. Service Director responsible

Karl Battersby
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Section 1 Introduction

- 1.1 This document sets out a series of guidelines on the scope of community involvement, how and when the council will engage and undertake consultation on planning policy documents and how you can become involved. For example, if you have an interest in town centre area action plans, supplementary planning guidance or planning policy guidance which affects our district, this document tells you, how and when you can get involved and how your comments will be used to influence and shape the council's planning policies.
- 1.2 It does not set out involvement in the planning application process, which is detailed in our Development Management Charter.
- 1.3 The document updates the council's existing Statement of Community Involvement (SCI) which was adopted in 2015. This revised document was adopted by Cabinet on 3rd December 2019.

Background and the need for review

- 1.4 National Planning Policy Framework February 2019 paragraph 16 states:
"Plans should: ...be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees"
- 1.5 The document seeks to promote involvement in planning policy at an early stage in order to work towards a consensus and thereby reduce the scope for delay at later stages. By getting involved and having your say in planning decisions you can help to shape the future of your area.
- 1.6 In addition, there are also statutory requirements that the council must meet at each stage of plan preparation.
- 1.7 Who is consulted may vary according to the issue under consideration as it is important to ensure that we reach out to individuals and communities affected by the issues raised. This may require some tailored consultation which could be addressed through for example, specific focus groups alongside the wider consultation.
- 1.8 The production of a SCI is a government requirement introduced by the Planning and Compulsory Purchase Act 2004. Legislative requirements¹ state that the SCI must be reviewed (and amended where necessary) at least every five years. An early review of the SCI has been undertaken to reflect the following:
 - Changes to planning policy processes, stages, engagement requirements set out in legislation;
 - General Data Protection Regulation (GDPR) requirements and compliance;

¹ Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

- Updated information on how the council will support Neighbourhood Planning groups in the district.

- 1.9 National changes have been made which impacts the way we handle your data², and how we produce accessible documents³. We also need to set out how communities can get involved in planning through Neighbourhood Planning, consultation, and other avenues for community-led planning.
- 1.10 This SCI reflects council-wide changes in ways of working as set out in the [Corporate Plan 2018-2020 Refresh](#), working *with* people, not *doing to* or *doing for*. Our engagement and consultation can help develop the council's focus on place based working which is at the heart of what we do.

[Keeping You Informed](#)

- 1.11 This document should be read alongside the following:

The [Local Development Scheme](#) which sets out our timelines for producing new planning documents, and is updated periodically. It also sets out how the production of planning documents is resourced within the council, and other departments that we work with in producing planning policy.

The [Authority Monitoring Report](#) (AMR) which sets out the progress that has been made over the previous year in producing planning documents, and how much development has occurred within Housing and Employment. It must be published at least annually. The latest AMR was published in March 2019.

Neighbourhood Planning Updates – the progress of current designated neighbourhood plans can be found on our website which will help you to know when there are opportunities to get involved. It should be noted that the council is not responsible for the consultation programmes for the neighbourhood plans as that is the responsibility of the Parish/Town Council or Neighbourhood Forum.

- 1.12 The latest updates can be found on the Planning Policy [webpage](#). The above information will help you to know what we are planning to produce and timetables for review. The SCI and the above documents can all be found on the council's website

² (The General Data Protection Regulation (EU) 2016/679 (GDPR))

³ (Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018)

Section 2 Community involvement in planning policy

What do we want to achieve from the SCI

2.1 In setting out clear guidance we aim to:

- Increase public awareness of the planning process and how to get involved;
- Ensure a transparent process based on consideration of a range of options and local priorities and concerns;
- Provide an opportunity to help groups and individuals shape the local plan and make representations on its contents; and
- Help create a sense of ownership on planning issues.

2.2 Production of planning policy documents is governed by statutory requirements not just for the production of the document but for consultation. However, we have a duty to ensure early engagement in document production and we have the ability to use and promote different methods to ensure that we get the best results. This has the added benefit of improving place based working and promoting engagement in a way which best fits the issue and the area being addressed. The purpose of the SCI is to make these processes clearer so it is easier to get involved.

Who will we consult?

Consultees

2.3 This depends on the type of document and the nature of the consultation.

Regulations and government guidance specify the bodies and organisations that we must notify when preparing the Local Plan or Supplementary Planning Documents. The regulations do provide some discretion over whether to notify certain bodies particularly if that document or issue is not likely to be of interest or relevance to it.

2.4 We will aim to consult relevant groups where a proposal will directly affect them. Generally we will seek the views of those who live or work in the district relevant to the document being consulted on such as:

- Residents;
- Adjoining local authorities;
- Parish and town councils;
- Specific consultee bodies – See Appendix 1 - organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. These include neighbouring and parish councils, key service providers, Government departments and non-government organisations;
- General consultee bodies – organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. They include bodies which represent

the interests of different racial, ethnic, religious or national groups, disabled persons and business in the local planning authority's area;

- Interest groups;
- Voluntary organisations;
- Businesses;
- Developers and landowners;
- Marginalised groups - which includes those with protected characteristics under the Equality Act 2010, young people, elderly people, disabled people, and religious and ethnic minority groups;
- 'Seldom heard'. There is some overlap between marginalised groups and those 'seldom heard', who may be disengaged with the planning system. Additional effort should be taken to ensure that consultation is accessible to those who are seldom heard, rather than only those who usually engage with the planning system. Where a 'seldom heard' group is also a group with a protected characteristic, this is an important consideration in line with our duties under the Equality Act (2010). 'Seldom heard' groups includes those who find engaging in planning issues less accessible for practical reasons – such as single parents, carers, those in full time or irregular work, rural communities and those without adequate access to or knowledge of the internet.

Duty to Co-operate

- 2.5 The Localism Act (2011) places a “duty to co-operate” on all local authorities and a number of public bodies which requires on-going, constructive and effective engagement on areas of plan making which may have strategic cross boundary implications. This does not apply to all planning policy documents.
- 2.6 The public bodies are set out in Town and Country Planning (Local Planning) (England) Regulations 2012 as amended by the National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013.
- 2.7 These bodies play a key role in delivering local aspirations, and cooperation between the bodies and local planning authorities is vital to make Local Plans as effective as possible on strategic cross boundary matters. The bodies should make proportionate responses in how they do this and tailor their degree of cooperation to maximise the effectiveness of plans.
- 2.8 The duty to co-operate is in addition to continuing to consult a number of statutory groups such as neighbouring authorities or local or national agencies.

The role of councillors in planning policy

- 2.9 Councillors have an extremely important role to play in the planning process, both as decision makers and as representatives for the views of local people. Councillors will also help you to understand the planning process and assist you to respond to consultations on planning policy documents. They will also communicate your views

to officers and other councillors to ensure that all views are taken into account when determining how the council should proceed.

[How we will consult and communicate:](#)

- 2.10 All consultation, engagement and feedback documents will be placed on the council's website.
- 2.11 Hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings subject to the nature and scope of the consultation. Consultees will be informed of the nature and scope of the consultation and any additional locations prior to the start of the consultation period/event in order to raise public awareness. Details will be available on the website. Where possible summary leaflets will be produced for documents being consulted on.
- 2.12 The council will seek to maximise the use of its own Planning Policy on-line system by using it for consultation and for respondents making comments. This has time and cost savings as all the contacts for the Local Plan and associated documents are contained on the system and the use of the system for inputting and analysing comments makes it quicker and easier to run reports on comments made, especially when undertaking multiple rounds of consultation on a single policy document. The use of the on-line system will be in accordance with GDPR requirements set out below.

[General Data Protection Regulation \(GDPR\)](#)

- 2.13 We will notify contacts on our Planning Policy on-line system where individuals or organisations have opted in to be consulted at the relevant statutory consultation stages for each type of document. Consultees will be encouraged to supply an e-mail contact as this is more time and cost efficient than sending letters and will be encouraged to submit comments electronically where they are able to do so.
- 2.14 You can register as a consultee or an agent on our [Planning Consultations website](#). The information saved on the system will be used in accordance with the Council's registration under the GDPR (2018). This includes personal information such as name, address, phone number and land ownership information. Consultation responses cannot be treated as confidential as this would inhibit Kirklees Council's fulfilment of its duties regarding consultation. It is recommended that consultees operate under a 'presumption of transparency'.
- 2.15 For the purposes of public consultation, the council collect and process information about you in order to fulfil its public duties under Article 6(1) (e) Public Task and Article 6(1) (c) Compliance with a Legal Obligation of the General Data Protection Regulations. You have a qualified right to object to the use of personal information verbally or in writing. For more information on how the Planning Policy Team at Kirklees council collects, uses and shares your information, see our [Privacy Notice](#).

Principles

2.16 We will:

- Produce a [Local Development Scheme](#) which sets out the key documents to be produced, timescales and associated consultation stages;
- Meet and where practicably possible and necessary will exceed the minimum standards for community involvement as set out in legislation;
- Make every effort to avoid consulting over holiday periods. However, where this is not possible due to the project timescales/funding etc. then the council will seek to extend the consultation period.
- Give guidance on the purpose, aims and scope of the consultation so respondents know what they can comment on and how their comments will be taken into account;
- Wherever practicably possible and in accordance with GDPR regulations, co-ordinate consultation internally using the council's corporate consultation systems in order to make cost efficiencies;
- Where consultation is not subject to statutory timescales, give people sufficient time to respond to the consultation;
- Make widespread use of electronic and modern media techniques wherever possible to make consultation more cost-effective, easier and quicker. The use of social media also helps us to better reach 'seldom heard' groups such as young people and rural communities. The [council's website](#), Facebook ([liveinkirklees](#)) and Twitter ([@KirkleesCouncil](#)) will be used to advertise events/stages and host information;
- Ensure that consultation is accessible to all to make it easy for groups or individuals with limited knowledge of the planning policy process to get involved;
- Produce documents that meet accessibility standards and, where possible, make use of plain English. Where we use complex terms these will be explained in a glossary.
- Use consultation methods that are appropriate to the stage of plan making in order to maximise opportunities for involvement, while making sure the resources they require are proportionate and cost-effective;
- Whenever possible, provide feedback to reflect how comments received have been incorporated into the process;
- Where possible ensure that written information can be made available in alternative, accessible formats if requested, such as large print, Braille, audio or translated into another language;
- Evaluate and monitor the effectiveness of consultation.
- Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence or details of events. The questionnaires and leaflets will be available to view online or paper copies

will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre and where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council's website.

Methods

- 2.17 The following methods may be used for consultation and engagement. The methods chosen will be tailored to the specific stage and will be proportionate to the importance of the document. Each method has pros and cons, and stating these will help us to decide the best combination of methods. We will work with our corporate communications team to identify the most effective channels of communication. This may include the use of local media by preparing press releases to circulate to local newspapers and radio stations, or working with newspapers to prepare articles or advertisements to raise awareness and promote issues. In the case of neighbourhood plans, there is a requirement to produce statutory notices when publicising a neighbourhood area boundary or a proposed neighbourhood forum.

We May...	Pro	Con	Things to consider
...share information internally and maximise the use of networks or communication channels used by other services or local community websites where required	This helps us to target consultation more effectively and/or to reach “marginalised groups” or communities;	Targeted consultation may mean a smaller number of responses. Risks associated with keeping several types of personal information about each person to identify groups.	Use to support usual mass communication methods to ensure a wide range of views that are representative. Consider anonymization of sensitive data.
...make use of council publications such as Kirklees Together (where timing allows) to include articles.	Kirklees Together is currently distributed quarterly to households across the district so can reach a large number of residents	May not be read by everyone, may be inaccessible for those with disabilities or for whom English is not a first language	Kirklees together website offers a ‘Kirklees Talking News’ service. A free weekly audio newspaper is available at Kirklees Transcription Service.
...make use of social networking sites in accordance with the council’s policy on social media:	This is increasingly used by Local Authorities to consult with ‘seldom heard’ groups, such as young people.	May be inaccessible for those who are uncomfortable or unfamiliar with social media, or those without a good internet connection. Risk of harassment of members of the public using social media to connect with Kirklees Council	Kirklees council social media policy, secure use of personal data, moderation. Cityfibre roll out and digital inclusion activities such as family digital day will make social media an increasingly accessible option so issues with this method will be less pronounced.
...make use of interactive workshops or discussion groups with key	They were used to great effect at the early engagement stage of the Local Plan with targeted	May be difficult for those in rural communities to attend, can be costly.	Holding workshops in accessible locations, holding workshops in rural communities, using the opportunity

We May...	Pro	Con	Things to consider
stakeholders. This could involve the use of external facilitators.	organisations to debate specific elements of the plan process.		to make use of diverse range of communication methods to appeal to different ages and abilities. An example would be a model making workshop.
...deliver presentations or hold question and answer sessions at meetings of existing groups where resources allow. This could include District Committees. Parish and Town Council meetings, Residents' Associations, Business Groups, interest groups or neighbourhood plan groups and schools/youth parliaments;	Facilitates discussion. Sessions at schools and youth parliaments helps us to reach young people. Kirklees Youth Council has now been running for 10 years and the report 'growing a stronger youth council', was published in October 2019, outlining how Kirklees Council will improve participation in local democracy among young people.	Can be difficult for everyone to be heard if some attendees are able to dominate discussion. Can be intimidating for those who are uncomfortable with confrontation. May be costly.	How such presentations/question and answer sessions can be structured to enable everyone to speak.
...make use of posters, flyers or site notices – these may be used to raise awareness of consultation events or meetings or to make residents aware of proposals	Easy to reach many people with one poster or site notice	May be missed if it is placed in an area that isn't used. For example if there is a development proposal on a derelict site	Use of advertising in several places

We May...	Pro	Con	Things to consider
that could affect their area. These could be displayed in public places or places where there is a high volume of people;			
...hold exhibitions or road shows with unmanned displays or staffed drop-in sessions.	Allows people to take in information in an easy to understand way if used correctly, can be used to reach rural communities	Unstaffed exhibitions may mean that questions can't be asked and answered efficiently, staffed exhibitions are costly	Accessibility of locations and the timing of the event. We will produce summary information and frequently asked questions (FAQ's) to inform consultation stages and provide the scope of the event;
...hold meetings with elected members – members will be kept informed of progress and plans through briefings, workshops and e-mail.	Elected members can communicate with their communities and have the means and experience to advocate for them.	Indirect form of communication.	Use with a range of other methods.

What documents will we consult on?

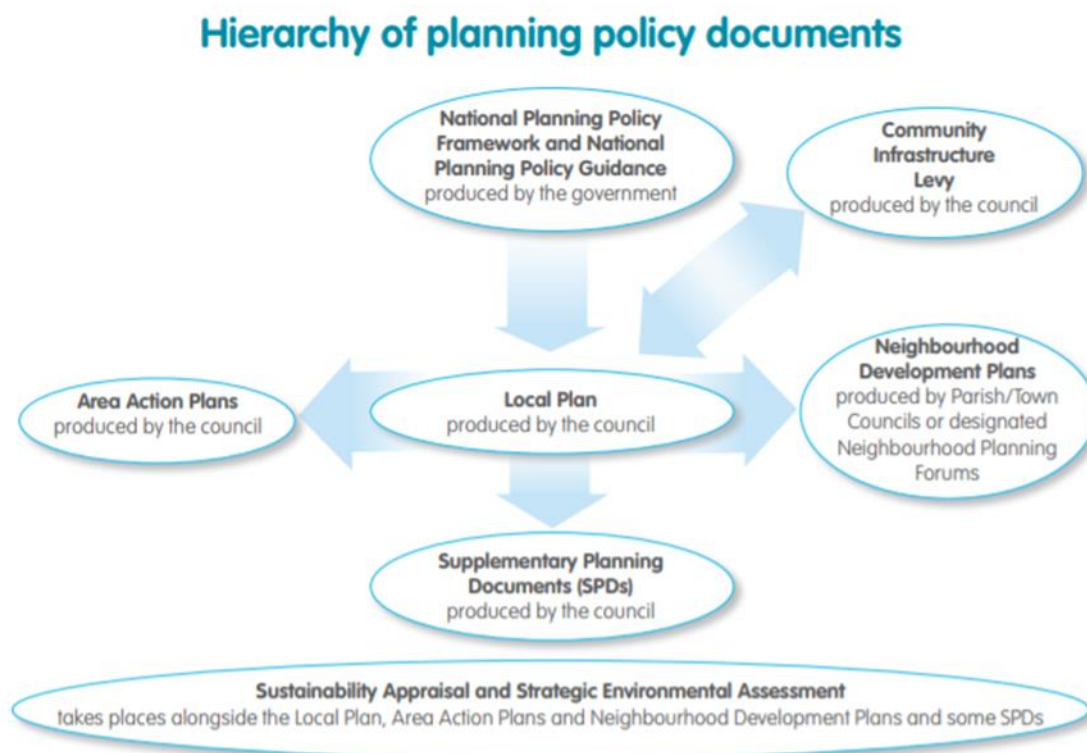


Figure 1 Relationships of planning policy documents

Figure 1 Hierarchy of planning policy documents taken from http://consult.kirklees.gov.uk/events/34328/images/highresRGB/3572784_0_1.pdf

- 2.18 The Kirklees Local Plan is the current main planning policy document for Kirklees. The Local Plan was adopted in February 2019, and replaced the 1999 Kirklees Unitary Development Plan. The Local Plan for Kirklees consists of two documents - Strategy and Policies, which covers all of Kirklees, and Allocations and Designations, which covers specific sites identified for certain types of development and areas of land for protection (including a Policies Map showing the spatial representation of these). We are currently monitoring the Local Plan, but we are also producing other planning policy documents which we will consult on as appropriate. Policies in local plans and its spatial development strategy should be reviewed to assess whether they need updating at least once every five years.
- 2.19 We have set out a timetable for producing planning policy documents. This timetable is known as the [Local Development Scheme \(LDS\)](#) and tells you when documents will be produced and when you can expect to get involved. The LDS contains the key planning policy documents to be consulted on and opportunities for early engagement. This is updated periodically to reflect up to date planning policy priorities. In developing the policy documents, we may also undertake some

consultation which includes targeted workshops on key pieces of evidence. The scope of consultation will vary according to the issues to be debated.

2.20 The following documents are examples of planning policy documents which are/may be identified in the Local Development Scheme for consultation.

Local Plan

Annex A, Stages in a Local Plan

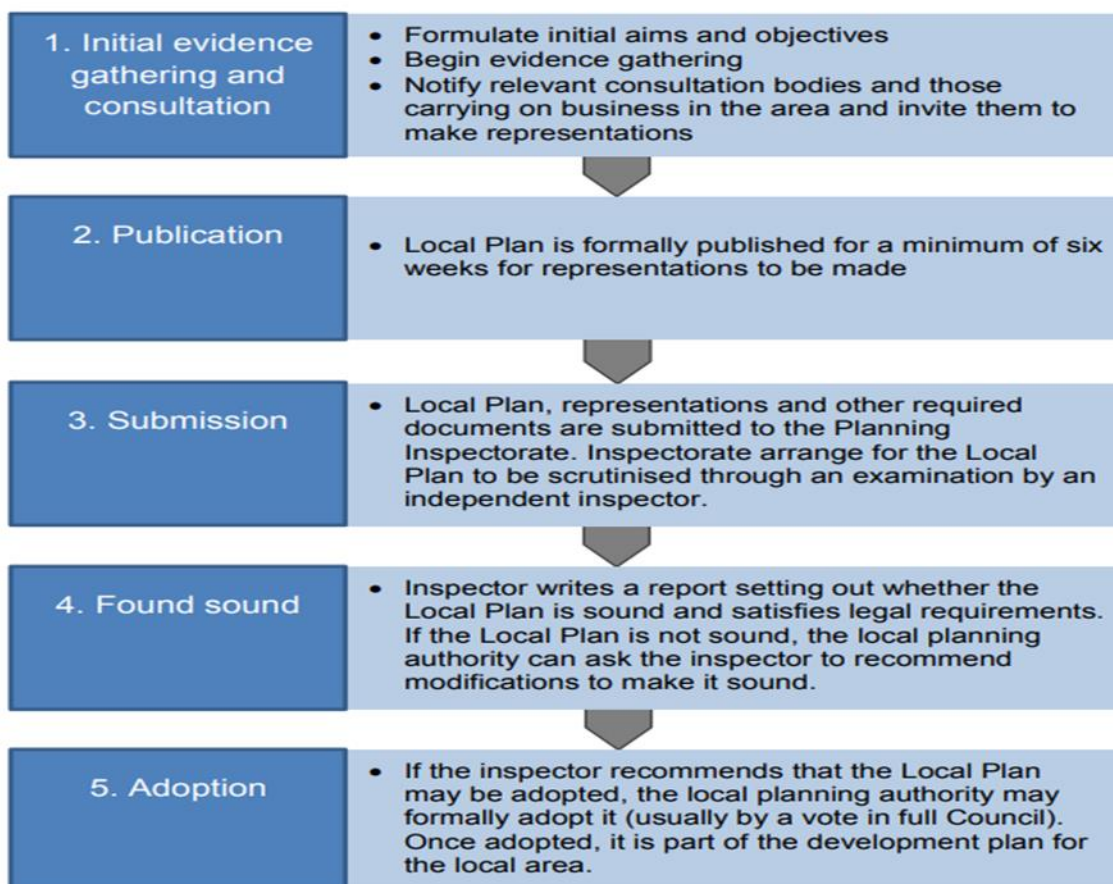


Figure 2 Stages in a Local Plan. Taken from Plain English Guide to the Planning System ©Department for Communities and Local Government 2015

2.21 **We are legally required to consult on a Local Plan.** A Local Plan sets out a vision and a framework for the future development of the area. It will address needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. It is a critical tool in guiding decisions about individual development proposals, since Local Plans (together with any neighbourhood plans that have been made) are the starting point for considering whether applications can be approved. It is important for Local Authorities to put an up to date plan in place to positively guide development decisions. Section 19(1B) -

(1E) of the Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole). A Local Plan can be made up of more than one document, and can potentially be a 'joint' Local Plan if two or more planning authorities agree to produce one together. The current [Local Plan \(2016-2031\)](#) for Kirklees was adopted in February 2019 following the appropriate consultation, and is made up of two documents - strategy and policies, and site allocations. [To see how we consulted on the Local Plan, click here.](#)

Area Action Plans (AAP)

- 2.22 **We are legally required to consult on an Area Action Plan.** An Area Action Plan (AAP) is a Development Plan Document which provides specific planning policy guidance for an area where significant regeneration or investment needs to be managed. A local authority can have a number of AAPs. They often relate to town centre areas and in all cases have a strong focus on delivery and implementation. There are statutory requirements for consultation but depending on the nature and scope of the AAP, we would seek to identify additional opportunities to engage with interested stakeholders in its preparation.

Stage	Actions
Early Engagement on issues and options	Asking for the views of members of the public on the direction of the AAP
Preferred Options	The council identifies and publishes 'preferred options', informed by initial engagement. We will engage with the public again at this stage
Submission Document	A draft of the AAP to be submitted to the Secretary of State to be independently examined
Examination of the Submission Document	An independent Planning Inspector (appointed by the Secretary of State) considers the 'soundness' of the AAP by examining both the document and the associated engagement undertaken and produces a report setting out any changes needed.
Adoption	The Planning Inspector will determine whether the Area Action Plan can become part of planning policy. The decision to adopt the Area Action Plan would be taken by Council

Supplementary Planning Documents (SPD)

- 2.23 **We are legally required to consult on Supplementary Planning Documents.** These documents focus on specific topics or areas in greater detail, providing policy

guidance to support the Local Plan policies. Once produced, an SPD is a ‘material consideration’ in planning matters and can be an important means of ensuring the right development occurs. Examples of SPDs that can be produced are design, affordable housing, and development standards.

The statutory procedural stages for making a Local Plan and Supplementary Planning Documents are different - an SPD must be consulted on, but is not subject to an independent examination in public. Regulations for SPD’s are contained in: Town and Country Planning (Local Planning) (England) Regulations 2012 part 5. You can view our [current adopted SPD’s here](#).

SPD Stage	Actions
Research and initial engagement	Research on the topic or area using national and local data, seeking the views of the public
Consultation Draft	A draft is produced which the Council will seek views on from the public. This consultation will be 4-6 weeks.
Consideration of representations	Consultation responses are collected and a record of any changes recommended is kept internally
Final Draft	Any changes that need to be made are made and the SPD is produced
Adoption	Following an adoption process (cabinet), the SPD would become part of planning policy, and would be a ‘material consideration’ in determining planning applications

[Masterplans, Development Frameworks or Briefs](#)

- 2.24 These documents relate to individual site allocations and set out the specific details required at a planning application stage. There is no statutory process for preparing these documents but we will consult and engage on them to increase awareness of planning issues and involve the community.

[Sustainability Appraisal and Strategic Environmental Assessment](#)

- 2.25 **There are three statutory consultees on Sustainability Appraisal: Environment Agency, Historic England and Natural England.** Sustainability Appraisal is a processes which evaluates the environmental, social and economic impacts of a plan, policy or programme and its reasonable alternatives. A strategic environmental assessment only considers the environmental effects of a plan, so is usually not required if a sustainability appraisal has been completed. Both take place alongside the Local Plan/DPDs and some SPDs and can be found with the relevant document on our

website. The first stage of the sustainability process is to produce a Scoping Report to find out whether a further, more detailed, assessment is required.

Community Infrastructure Levy (CIL)

- 2.26 **There are two main stages of statutory consultation for CIL: preliminary draft charging schedule and the draft charging schedule.** This is a charge that is levied on new development floor space and is intended to contribute towards the provision of infrastructure. This includes district-wide needs such as highway improvements, schools, flood defences, and open space which is not directly related to the development being levied. Community Infrastructure Levy is produced by the council. Local authorities must allocate at least 15% of levy receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. This 15% will be administered by Parish and Town Councils. Communities which draw up a neighbourhood plan or neighbourhood development order and secure the consent of local people in a referendum will benefit from 25% of the levy revenues arising from development taking place in their area. You can view [up to date information about Kirklees CIL here](#).

Neighbourhood Plans

Annex B, Stages in a neighbourhood plan or order

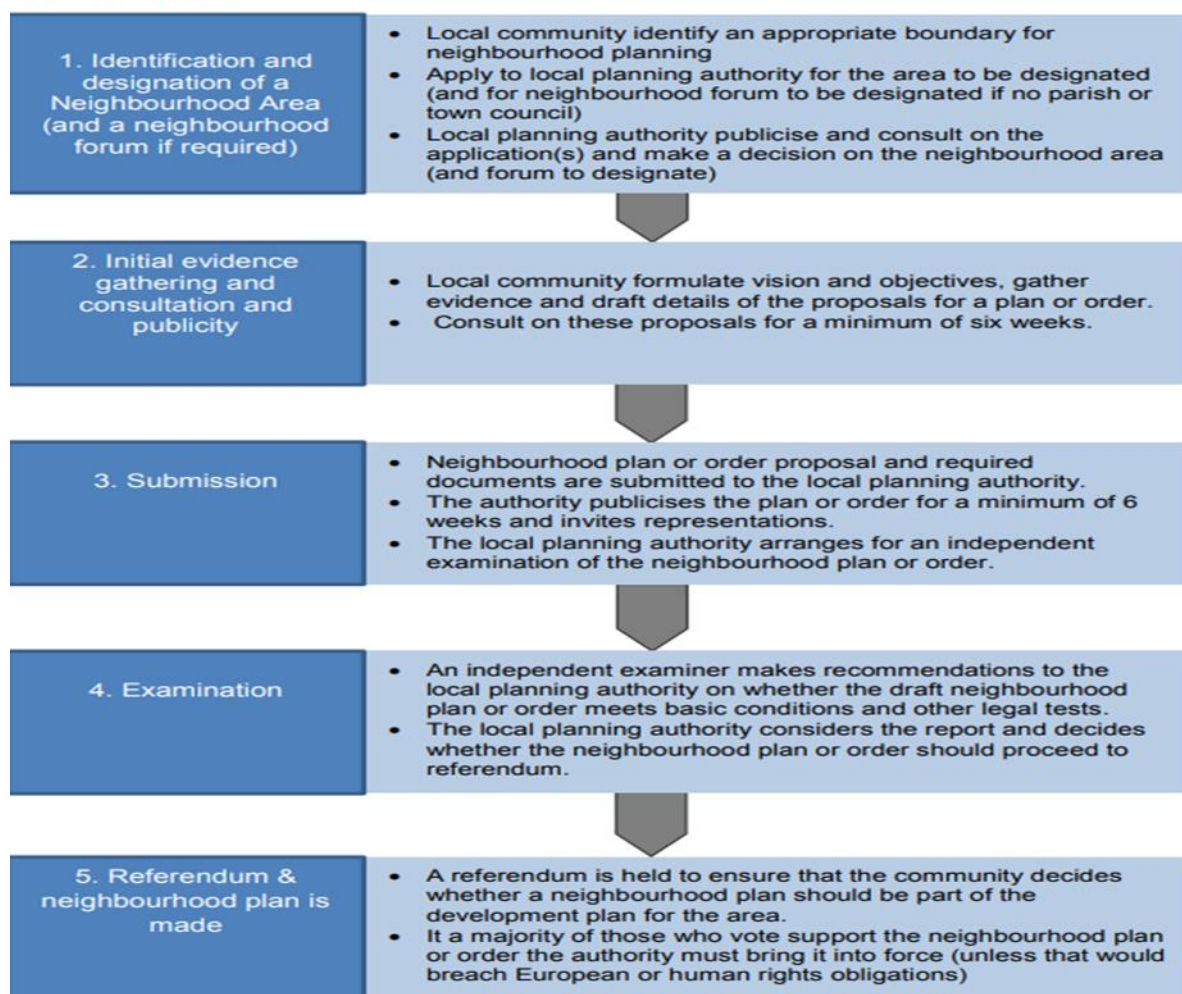


Figure 3 Stages in a Neighbourhood Plan or order. Taken from Plain English Guide to the Planning System. © Department for Communities and Local Government 2015

2.27 Neighbourhood Planning groups must consult on their Neighbourhood Plans and Neighbourhood Plans are subject to a referendum. Neighbourhood plans are produced by the Parish/Town Council or a designated Neighbourhood Planning Forum (where a Parish/Town Council does not exist) to develop a shared vision for their neighbourhood and shape the development and growth within the local area. They are subject to a statutory process and must be in conformity with the strategic policies in the Local Plan and have regard to national planning policy. Following examination by an independent examiner and a favourable vote in a referendum they are adopted by the council and form part of the development plan. As such they have significant weight in determining planning applications. The council has statutory duties to publicise the neighbourhood plan at specified stages. However, it is the role of the neighbourhood plan responsible body to ensure that the plan is representative and shaped by consultation. How and when this is undertaken is

decided by the neighbourhood planning body. More information about how Kirklees Council supports Neighbourhood Plans can be found in Section 3.

When will we consult and what is the process?

- 2.28 Consultation ‘fatigue’ can happen when consultation is repeated too often, or when communities are consulted on too many things at the same time. In order to prevent this, the council uses its own ‘involve’ online system to co-ordinate consultation across the council, and those conducting consultation across the council regularly meet through the Citizen Engagement Reference Group to co-ordinate activities and outcomes.

Process of consultation

Stage of consultation	At what stage of document production	Reason
Early Engagement	Before any detailed work is done	To identify key issues to be dealt with in planning documents, and ideas and aspirations of the community
Consultation	On a draft document – this may need to be done several times, e.g. for modifications	To get input on a draft and identify any issues
Analysis	Once consultation has closed. This will need to be done after any consultation	To identify common themes in responses and make necessary amendments
Final Draft	Once the document is ready. The appropriate consultation will need to have been completed, analysed and responded to	To create a document that is informed by views from the local community and stakeholders, but with the Local Authority having ultimate responsibility. Consultation responses form part of the evidence base to support a planning document. Local Plans must be ‘justified’ with evidence to be considered ‘sound’
Consultation Statement	Must be published alongside DPDs and SPDs	To inform the public on how the document was consulted on and how consultation informed the document
Adoption	The document is approved by the council and now forms part of the planning policy for	To shape how the area looks according to up-to-date evidence and informed by consultation. New policy

Stage of consultation	At what stage of document production	Reason
	the area until it is replaced by new policy.	is needed when existing policy is out-of-date, or circumstances make existing policy inadequate. The process begins again at this point.

Feedback

- 2.29 A feedback report will usually be produced documenting the level and nature of comments made and how comments have been used to inform the next stage of the planning policy document or process. This will be available alongside the relevant document consulted on under the title ‘Consultation Statement’, ‘Statement of Consultation’, or similar. There are some exceptions to the publication of comments – where a comment is abusive, defamatory, obscene or discriminatory it will not be published at all. A consultation statement will also set out how the document has been changed, where necessary, to address issues raised. In the case of the Local Plan, as part of determining the soundness of the plan at Examination, the council needed to provide an audit trail of how views have shaped the document. In some cases, the council may identify specific modifications to a plan which may then be subject to further consultation. Information will be available on the council’s website.

Section 3 Neighbourhood Planning

Introduction – Getting started

- 3.1 Neighbourhood planning is a way for communities to help shape development in their local area. A neighbourhood plan can be produced by a Parish/Town Council, or by a designated neighbourhood forum. There are some requirements for forming a Neighbourhood Forum, which must be at least 21 people and effort must be made to ensure that members are drawn from different places in the area and different sections of the community. [More information on how to form a Neighbourhood Forum can be found here.](#)
- 3.2 Neighbourhood plans once made will form part of the council’s statutory development plan. [See here for current Neighbourhood Plan areas](#) in Kirklees and their current progress

Our relationship with neighbourhood planning groups

- 3.3 When working with Neighbourhood Planning groups, the council will seek to cultivate an open and constructive working relationship in which both parties:

- Work closely at all levels, to develop a neighbourhood plan that is reflective of the communities issues whilst in conformity with the council's Local Plan strategic policies;
- Respect each other's views, and ensure proper understanding of any differences that arise;
- Have a 'no surprises' policy, based on notifying each other, where possible, of significant announcements and developments in policy well in advance;
- Minimise duplication of activity wherever possible;
- Inform other stakeholders about our relationship to reduce any uncertainty.

3.4 The council will ensure it compliances with its duties under the Neighbourhood Planning (General) Regulations 2012.

- Confirm that the draft plan meets the criteria in the Localism Act (Regulation 15) – within 8 weeks following submission to the Council;
- Publicise the submission plan and other relevant documentation (Regulation 16) - within 6 weeks of receiving the submission documents which meet the criteria and;
- Pass on representations to the Independent Examiner within 2 weeks of the close of the consultation period (Regulation 17);
- Appoint a suitable examiner in agreement with the Parish Council or Neighbourhood forum and submit the draft plan, supporting documents to the Independent Examiner Regulation 17) – within 6 weeks of close of pre-submission publicity period;
- Consideration of the recommendations in the Examiners' Report that the draft plan meets the basic conditions and publication of a 'Decision Statement' (Regulation 18/19) – within 5 weeks following the receipt of the inspectors report;
- Make arrangements including the setting of a date for the holding of the referendum – a soon as possible after the publication of the decision statement;
- Making of the plan (Regulation 19/20) within 8 weeks following a positive referendum vote.

3.4 The council will provide the following support and advice in the Neighbourhood Plan process:

- Provide on its website a dedicated [neighbourhood planning web page with guidance notes](#);
- Provide a named officer as first point of contact for advice and technical support;
- Background Data and Evidence.

3.5 At the request of the Neighbourhood Planning Group, the Support Officer will provide and/or direct to the appropriate source:

- The Local Plan Evidence Base and access to the relevant base data;
- Links to relevant research data;
- OS base maps for the area;
- Maps showing constraints data;
- Up to date information on any grant funding available;
- Other appropriate data the council holds;
- Professional advice and assistance.
- Conformity advice with Kirklees Adopted Local Plan and other Kirklees DPDs;
- Comments on emerging draft Plans;
- Digitising of final proposals maps.

3.6 Provide advice and support in relation to:

- Conformity of the plan and whether in their view it meets the basic conditions;
- Suitability of the consultation statement;
- Suitability of any environmental assessment or habitats regulations assessments undertaken;
- Conformity with other legislative requirements;
- OS mapping requirements.

3.7 Note: Kirklees Council is bound by The General Data Protection Regulation (EU) 2016/679 (GDPR) and other relevant legislation in terms of release of information. Provision of information with regard to the Submission Draft Local Plan is restrained to that which is in the public domain at any time.

3.8 The council will not offer advice or assistance in the following areas:

- Writing documents.

- Undertaking survey work.
- Attending every meeting.
- Attending every consultation event.
- Direct financial support.

3.9 In return, we expect Neighbourhood Planning groups to:

- Establish a steering group to develop the Neighbourhood Development Plan with clear terms of reference;
- Arrange an initial meeting to which the named Council support officer can attend and advise the steering group;
- Undertake to work towards preparation of a Neighbourhood Development Plan with a defined project management approach, work programme and timetable to delivery;
- Convene as a group on a regular basis throughout the period of preparation of the Neighbourhood Development Plan and its examination;
- Conduct their own public consultation where necessary;
- Commit adequate resources to the task.
- Provide regular updates on progress against the project plan to the council via the named officer;
- Provide to the council the Draft Submission Plan in electronic format;
- Provide results of primary source data which would be helpful to the Council.

[Making of the Neighbourhood Plan](#)

3.10 As a form of Development Plan Document, Neighbourhood plans are subject to consultation and independent examination and must meet the requirements to be found 'sound'. The council can provide some support on this, but much of the work of a Neighbourhood Plan is the responsibility of the Neighbourhood Planning Group as set out above.

The final stage is to hold a referendum on the neighbourhood plan in the designated neighbourhood area, which the council is responsible for arranging. The plan is made within 8 weeks if more than 50% of voters support the Neighbourhood Plan, except in very special circumstances where the council judges that the Neighbourhood Plan is in breach of certain laws.

[Other Ways to shape development in your area](#)

- 3.11 A Community does not have to produce a Neighbourhood Plan in order to shape development in their area. There are other opportunities for community involvement in planning, like a Neighbourhood Development Order (more information from central government's [Planning Practice Guidance](#)) a Community Right to Build (more information from [Planning Portal](#)), or a Community Right to Bid (more information from [locality](#)).

[Further information](#)

- 4.1 If you have any questions on the information contained in this document, please contact us at:

E-mail: local.development@kirklees.gov.uk

Postal Address:

Planning Policy Group

PO Box B93

Civic Centre 3

Off Market Street

Huddersfield

HD1 2JR

- 4.2 Planning Aid England is an independent advice service run by volunteers who are qualified planners. It is part of the Royal Town Planning Institute and aims to make planning accessible to all. Their online advice service, [planning aid direct, is available here.](#)
- 4.3 [Locality](#) is a charity that provides information and support for local communities on areas including Neighbourhood Planning.

GLOSSARY

Adoption – The stage at which the development plan/Local Plan becomes the legal basis for all future planning decisions in the district?

Development Plan Documents (DPD) – Documents prepared by the local planning authority (including the Local Plan) setting out the main spatial strategy, policies and proposals for the area. These documents will be statutory documents and subject to an independent examination by an Inspector. They will undergo rigorous procedures of community involvement and consultation. DPDs must be consistent with and have regard to national planning policy.

Duty to Cooperate – Created by the Localism Act 2011. It places a legal duty on the Council to engage constructively, actively and on an ongoing basis with certain specified bodies to maximise the effectiveness of Local Plan preparation relating to strategic cross boundary matters.

Examination – The purpose of the Examination is to consider if the development plan is sound. The majority of representations made at Examination will usually be written representations. However, in some instances a Planning Inspector may allow representations to be examined by way of oral hearings, for example round table discussions, informal hearing sessions and formal hearing sessions.

General Consultation Bodies – Organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. They include bodies which represent the interests of different racial, ethnic, religious or national groups, disabled persons and business in the local planning authority's area.

Local Development Document (LDD) – The collective term covering Development Plan Documents and Supplementary Planning Documents.

Local Development Scheme (LDS) – A three year project plan outlining the Councils programme for preparing the Local Plan.

Local Plan – Collective term for the Development Plan Documents that set out the spatial vision and strategy for the District including policies and proposals. The Local Plan is a key part of the development plan.

Marginalised groups – Groups of people or organisations within the community who hold a 'protected characteristic', or are otherwise disadvantaged. They include older people, young people, disabled people, and religious and ethnic minority groups. There is some overlap between marginalised groups and the 'seldom heard', but the two are not fully interchangeable.

National Planning Policy Framework (NPPF) – It sets out the government's national planning requirements, policies and objectives.

Neighbourhood Development Plan (NDP) – A plan for the neighbourhood area which is prepared by an authorised community group. The plan must be in general agreement with the overall plan for the local authority area and can include general planning policies and allocations for new development.

‘Seldom heard’ groups – Sometimes also referred to as ‘hard to reach’ which is used less frequently as it implies that this a shortcoming of these groups rather than an issue with consultors. These are groups who are not engaged with consultation, for various reasons including language, ability or social or geographical barriers. There is some overlap between ‘seldom heard’ groups and marginalised groups but the terms are not fully interchangeable.

Specific Consultation Bodies – Organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. They include neighbouring and parish councils, key service providers, Government departments and non-government organisations.

Stakeholders – A person or organisation with an interest or concern in something.
Statement of Community Involvement (SCI) – Outlines the approach of the council to involving the community in preparing the Local Plan and planning policy documents.

Supplementary Planning Documents (SPD) – Documents that expand on policies and proposals in Development Plan Documents.

Sustainability Appraisal (SA) – An appraisal of the social, economic and environmental implications of a strategy, policies and proposals. The SA seeks to ensure that proposals contribute to the achievement of sustainable development.

Tests of Soundness – The tests outlined in the National Planning Policy Framework that DPDs are judged against.

Appendix 1

Statutory consultees

Barnsley MC Planning and Transportation Service
Bradford MC Department of Transportation, Design
British Telecom
Calderdale and Huddersfield NHS Foundation Trust
Calderdale MBC
Cawthorne Parish Council
City of Wakefield Metropolitan District Council
Denby Dale Parish Council
Dunford Parish Council
Environment Agency
Gunthwaite and Ingbirchworth Parish Council
High Hoyland Parish Council
High Peak Borough Council
Highways Agency
Historic England
Holme Valley Parish Council
Homes and Communities Agency
Kirkburton Parish Council
Leeds City Council (Planning and Development services)
Meltham Town Council
Mid Yorkshire Hospitals NHS Trust
Mirfield Town Council
Mobile Operators Association
National Grid
Natural England
Network Rail

Kirklees Statement of Community Involvement
December 2019

NHS Property Services

North Kirklees Primary Care Trust

Northern Gas Network

Oldham MBC Strategic Planning and information

Peak District National Park Authority

Ripponden Parish Council

Saddleworth Parish Council

Sitlington Parish Council

South West Yorkshire Foundation Trust

The Coal Authority

Tintwistle Parish Council

West Bretton Parish Council

West Yorkshire Police Authority

West Yorkshire Police Estates

West Yorkshire Police Traffic Support

West Yorkshire Strategic Health Authority

Yorkshire Water

Yorkshire Water Services Ltd

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EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy: Statement of Community Involvement	
Directorate: Housing and Growth	Senior Officer responsible for policy/service: Mathias Franklin, Acting Head of Planning and Development
Service: Planning	Lead Officer responsible for EIA: Johanna Scrutton, Principal Planning Officer, Planning Policy Group
Specific Service Area/Policy: Statement of Community Involvement	Date of EIA (Stage 1): 18/11/2019

Brief outline of proposal and the overall aims/purpose of making this change:

The Statement of Community Involvement sets out how the community will be consulted on Planning Policy documents. The previous document was adopted in September 2015. This revised version has been updated with factual changes including reflecting revised legislation set out in the National Planning Policy Framework which requires an explanation of relationship with Neighbourhood Plans, clarification of General Data Protection Regulation and the storage of personal data and clarification of the document types.

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	0	4.8	4.8	0	8	8	No
Environment		4.7	4.7	0	8	8	No

NATURE OF CHANGE

WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	NO
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	NO
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	NO

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...	Level of Impact Please select from drop down
Kirklees employees within this service/directorate? (overall)	Neutral
Kirklees residents living in a specific ward/local area?	Neutral
Please tell us which area/ward will be affected:	All
Residents across Kirklees? (i.e. most/all local people)	Neutral
Existing service users ?	Neutral

Each of the following groups?		Please select from drop down
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>		
...age	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...disability	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...marriage/ civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...race	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sex	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...those in poverty or low-come	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...unpaid carers	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...		Level of Impact	
		Please select from drop down	
Kirklees Council's internal practices ?		Neutral	
Lifestyles of those who live and work in Kirklees?		Neutral	
Practices of suppliers to Kirklees council?		Neutral	
Practices of other partners of Kirklees council?		Neutral	
Each of the following environmental themes ? (Please select from the drop down list)			
	People	Partners	Places
...clean air (including Climate Changing Gases)	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Clean and plentiful water	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Wildlife and habitats	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Resilience to harm from environmental hazards	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Sustainability and efficiency of use of resources from nature	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Beauty, heritage and engagement with the natural environment	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Resilience to the effects of climate change	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Production, recycling or disposal of waste	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Exposure to chemicals	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2

HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?

Please select YES or NO

Equality Themes

Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on... ...employees?	No
...Kirklees residents?	No
...service users?	No
...any protected characteristic groups?	No

Please list your **equalities** evidence/intelligence here [you can include hyperlinks to files/research/websites]:
Specialist advice received from David Bundy. This is a revised version of the Statement of Community Involvement (adopted September 2015) which has been updated to reflect revised legislation set out in National Planning Policy Framework requiring an explanation of relationship with Neighbourhood Plans, clarification of General Data Protection Regulation and the storage of personal data and clarification of the document types.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal outlined on the different groups of people?	FULLY
To what extent do you feel you have considered your Public Sector Equality Duty?	FULLY

Environmental Themes

Have you taken any specialist advice linked to your proposal?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on... ...Kirklees Council practices?	No
...resident and worker lifestyles?	No
...Practices of Supplier to Kirklees Council?	No
...Practices of other Kirklees Council partners?	No

Please list your environmental evidence/intelligence here [you can include hyperlinks to files/research/websites]:
Specialist advice received from David Bundy. This is a revised version of the Statement of Community Involvement (adopted September 2015) which has been updated to reflect revised legislation set out in National Planning Policy Framework requiring an explanation of relationship with Neighbourhood Plans, clarification of General Data Protection Regulation and the storage of personal data and clarification of the document types.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the environmental issues identified?	FULLY

Name of meeting: Cabinet
Date: 3rd December 2019
Title of report: Dewsbury Town Centre - Better Spaces Strategy

Purpose of report

To seek approval of the Dewsbury Town Centre Better Spaces Strategy, its constituent proposals, including a Public Art Plan and approval of funds to implement these projects.

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 If yes give the reason why
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes Expenditure over £250,000 KDN registered on 21st Oct 2019
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 25.11.2019
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 6.11.2019
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 28.10.2019
Cabinet member portfolio	Peter McBride - 11.11.2019

Electoral wards affected: Dewsbury East, Dewsbury West, Dewsbury South.

Briefing planned for 11th November 2019 was cancelled. 9 Ward Councillors sent update on 20th Nov 2019.

Public:

(Have you considered GDPR?) Yes. There are no GDPR implications.

1. Summary

1.1 This report seeks approval of

- A Better Spaces Strategy & Plan for Dewsbury Town Centre
- The associated delivery programme that sets out the timescales for activity that will deliver the overall strategy.
- A number of specific projects that are part of that strategy
- A Dewsbury Public Arts Plan
- The design and feasibility for future projects
- The funding to enable those projects to be implemented
- Delegated authority to enable officers to proceed to implement the schemes.

1.2 It describes 5 projects for which specific approval is required including the progressing work on the Town Park; 23, Northgate, Bond Street, the Library 'forecourt' and a Public Arts Plan.

2. Information required to take a decision

Background

2.1 Cabinet on the 22nd January 2019 approved the Dewsbury Town Centre Strategic Development Framework (SDF) and its associated Delivery Programme. The SDF has 3 key aims related to:-

- Activity
- Attractiveness
- Accessibility.

2.2 The first objective of improving the attractiveness of the town centre is 'improving, creating and extending the public realm'. The first action under the better spaces heading of the Delivery Programme is to produce a comprehensive plan for improving and extending the public realm. The Better Spaces Strategy, attached at Appendix One to this report, sets out this strategy and plan.

2.3 Part of the strategy includes a Public Arts Plan for the town centre. The plan has a wider remit than simply 'public art' objects within the public realm, and it has the potential to make a significant impact on the look and feel of the town centre. (Appendix Two).

2.4 Progress to date

2.5 At the meeting on the 22nd January 2019 Cabinet approved funding for a 'spring clean' programme and several year one projects. The following 'spring clean' elements have been undertaken:-

- Painting of the Gazebos, Market Gates, the Bandstand and ornamental structures within the planting beds have been completed
- The roofs to Queensway and Kingsway Arcades have been refurbished and floors pressure washed
- The planting beds in Longcauseway and Market Place have all been renewed with new planting and kick rails.
- The pedestrian subway has been thoroughly cleaned and painted
- Alleyways on Foundry St have been cleared and deep cleaned.
- Window vinyl's have been applied to 5 empty shop units and buildings
- Road repairs to the 4 worst areas in the town centre have been completed.

- Street furniture – replaced heritage bollards outside the Town Hall and some in Market Place. Six new planters and four refurbished benches placed in Market Place.
- Currently painting heritage lighting and other ‘furniture’ on the Town Hall apron
- 45 new seats for the town centre have been ordered and should be in place for the new year.
- New bins are being trialled and subject to feedback, new ones will be ordered and installed before the new year.

2.6 Some of the items have not progressed as planned and these are described below:-

- Street lights and other illuminated signs – the January 2019 Cabinet approved the repainting of all the street lights in the town centre. A full audit of the street lights revealed that the lights were close to the end of their design life and that it would be more cost effective to replace the existing columns with new ones. Officers are currently preparing specifications in order to procure the new lights. Installation will occur during 2020.
- Footway repairs – the decision to renew all the street lights has meant that it would now be better to do the footway works after the new lights have been installed to avoid digging up newly laid paving.

2.7 Cabinet in January 2019 also approved some new public realm projects and these are at various stages on implementation, as summarised below: -

- Bespoke planters (Market Place) - at the time of writing these were being fabricated and should be in place by early December 2019
- Artist Intervention (wall along the Bus Station boundary to the ring road) - Artist Adrian Riley was appointed following an open tender. Design development and engagement is underway with expected completion February 2020
- Tree Lighting (Bottom of Daisy Hill) – final details of fixing being agreed with supplier and with installation expected December 2019 once autumn leaf fall has taken place.
- Lighting Display (Pedestrian subway) – a concept design has been endorsed and technical design is underway. Completion expected March 2020.
- Power Infrastructure for events (various locations) – this is to be timetabled to correspond with the installation of the new street lights.
- Green Streets Phase 1 (semi mature trees) – locations and design completed and consultation underway with statutory undertakers. Subject to agreeing details, then those that can be progressed, will be planted by April 2020.

2.8 It is now appropriate to consider public realm projects for year two of the programme and beyond.

Year Two Projects

Library ‘Frontage’

2.9 The area in front of the Library has been identified as an area that would benefit from improvement to make it a more usable and more attractive space. An outline design has been produced and subject to Cabinet approval of a budget for the scheme it is proposed to implement a scheme during the financial year 2020/21.

Public Art Plan

2.10 This report seeks endorsement of a Public Art Plan for the town centre see Appendix 2). This document builds upon the Public Art Policy - Making Great Places: Making

Places Great' - Kirklees Public Art Policy approved 2017. The policy outlines the benefits that Public Art can make to the public realm and communities in general.

- 2.11 There is opportunity to deliver at least one piece of public art during 2020/21. Subject to Cabinet funding approval, more detailed work will be undertaken to deliver projects in 2020/21 and 2021/22.

Town Park

- 2.12 The original Strategic Development Framework published in 2010 contained an ambitious plan to create an urban park in the area between Dewsbury Minster and the Dewsbury Town Hall. This concept has been taken forward in the SDF approved by Cabinet in January 2019. The aim is to create an attractive and vibrant open space which should encourage more people to live, work or visit the town centre and spend more time here when they come to visit.
- 2.13 It is proposed to commission work to investigate the and the scope and nature of the potential park and the mitigation measures that will need to be undertaken to facilitate the scheme. This would involve consultation on the options identified. A revenue budget is requested to enable this work to be undertaken.

Pocket Park (site of 23, Northgate)

- 2.14 The work on developing the Better Spaces Strategy has identified a shortage of 'green' open space in the town centre. There are a number of opportunities where new green space could be created. One of these is the site of the former Co-op Funeral parlour at 23, Northgate and the car park to the rear.
- 2.15 The site is currently unattractive in appearance. The building has been vacant for over 15 years and its condition and appearance has deteriorated over that time. The land to the rear, which is part of the same ownership, is used for contract parking. The adjacent stone sett street is unadopted and has been used in the past for unregulated free parking. The buildings condition is deteriorating and has been assessed as 'beyond economic repair' by the Valuation Office. The buildings and the immediate area around it, significantly detracts from the Council efforts to improve this part of Dewsbury Town Centre, via its substantial investment in the Pioneer building and implementation of the Townscape Heritage Initiative (THI).
- 2.16 Due to the shortage of 'green' open space in the town centre; the location next to Kirklees College (Pioneer) building and the condition of this site, the it is proposed to create a 'pocket park' in this location. Preliminary landscape schemes have been drawn up and subject to approval by Cabinet it is proposed to consult on options and submit a planning application for the 'pocket park'. Appendix 3 contains details of the site and one of the outline designs.
- 2.17 The issue of the unregulated car parking on the unadopted setted street will be been resolved by the implementation of a Traffic Regulation Order that prohibits parking. As part of the proposed pocket park, one of the options will seek to relay the stone setts. It is proposed to acquire the whole site to enable the scheme to be undertaken.

Key pedestrian Routes – Bond Street & Railway/Bus Station Link

- 2.18 The Dewsbury Strategic Development Framework identifies Bond Street as the primary pedestrian route from the railway station and associated car parks, to the centre of the town. The street has several historic buildings, some of which are listed and the roadway and footpaths from Union Street to Wellington Road are finished in stone setts and traditional Yorkshire pavers respectively. Overall this gives an historic feel to of the street. The significance of the street is recognised in the Heritage Action Zone.

2.19 The pavements on Bond Street are narrow and the street itself is dominated by on-street car parking. In order to improve this key pedestrian route it is proposed to widen the southern footway and introduce appropriate planting along the street to emphasise the importance of the route and to complement the plans for more residential use in this area. This may require the removal of some of the on street car parking and this will be seen in the context of the broader car parking strategy for the town centre. This report seeks approval to develop design options and consult on these and implement a preferred scheme.

Public Art

2.20 Public Art can play an important role in making a town more attractive and memorable and could help provide a USP for Dewsbury. Kirklees Public Art Policy 'Making Great Places: Making Places Great' was approved Cabinet in 2017 and provides the strategic context and rationale for using public art as a mechanism to support regeneration and wider corporate objectives.

2.21 One of the common features of successful public art is its relevance or response to a local context including the rich heritage and stories, diverse communities and local culture. Public art which is specific to a particular place, community or heritage adds to the unique identity and story of that place. This approach can apply to the way that artists engage people in a creative process and to the physical, ephemeral or permanent public art that is created. Following consultation, a Public Arts Plan for Dewsbury Town Centre has been produced, which is summarised at the end of the report (Appendix 4). Cabinet endorsement of this plan is requested.

2.22 The Public Arts Plan provides information on the types and proposed locations of public art in Dewsbury Town Centre. It is proposed to carry out a programme of public art in the town centre over the next 5 years. It is estimated that the overall programme would cost approximately £500,000 to implement. Officers recommend that an initial budget of £200,000 is created to make a start on the programme in 2020 - 2021. After the initial stage of work has been undertaken in years up to 2022, the programme will be reviewed and a request for funding of further work may be made at that stage.

3. Implications for the Council

3.1 Working with People

3.1.1 The SDF builds upon the substantial community engagement work undertaken in 2010 which shaped the plans proposed at that time. The key elements have been carried forward into the Better Spaces Strategy. As the programme and individual projects develop there will be further opportunities for the communities & stakeholders to comment at different stages of project development. An initial screening for an Equality Impact Assessment has been undertaken and it is felt that any issues can best be considered in the delivery phase.

3.2 Working with Partners

3.2.1 Partners will be important in delivering projects; through building local support for the schemes, helping ensure the long term sustainability of the proposals and securing external funding. Although the delivery is reliant on the Council taking the initiative on many of the projects, it requires the support of partners to maximise impact. It is proposed to work collaboratively with partners where this can be effective

3.3 Place Based Working

3.3.1 The proposed Dewsbury Better Spaces Strategy, is focussed on Dewsbury Town centre. The SDF builds upon the substantial community engagement work undertaken in 2010 which shaped the plans proposed at that time. The key elements have been carried forward into this plan and Councillors in the 3 Dewsbury wards have confirmed the desire to see efforts focussed on improving Dewsbury Town Centre.

3.4 Improving outcomes for children

No Implications

3.5 Other policies and duties

3.5.1 The Better Spaces Strategy proposes to increase the levels of greenery within the town centre and will play a part in helping mitigate some of the impacts of climate change. The overarching Strategic Development Framework, within which the Better Spaces Strategy sits, promotes the greater use of the town centre, thereby making the most of existing assets in a location that is higher accessible to sustainable means of transport.

3.5.2 The public sector Equality Duty has been considered and these issues are best addressed at the development and design stage of individual projects.

3.6 Financial

3.6.1 The table below summarises the resources requested.

Table One: Budget Estimates for Better Spaces activity referred to in this report			
Scheme/items	Activity	Budget Est £	Estimated Timescale for Delivery
Library 'Frontage'	Design and Implement Scheme	£340,000	2020-2021
Town Park	Feasibility and Consultation	£100,000	2020-2021
Pocket Park - Northgate	Purchase, demolition, design, implementation.	£500,000	Dependant on acquisition of site.
Bond Street – widening of footways and related public realm improvements.	Outline design, options & , consultation	£40,000	2020-2021
Public Art	Commissioning and delivery of a programme of public art.	£200,000	First stage 2020/21 – 2021/22.
All schemes/items		£1,180,000	

3.6.2 It is proposed that the £1.18 Million is funded from the capital plan allocation for 'Strategic Regeneration of Town Centres – Dewsbury'. Taking into account the proposal to invest £320,000 into Dewsbury Sports Centre, also on today's agenda, this would leave £9.357 Million available to fund other projects that do not yet have a specific capital allocation e.g. Market, Town park, Arcade. Further reports detailing these individual projects and the resources required, will be brought to Cabinet in due course.

3.7 Legal

3.7.1 Comments are incorporated into the main body of the report.

4. Consultees and their opinions

4.1 It is proposed that the majority of the individual projects identified in this report will be subject to public consultation.

5. Next steps and timelines

5.1 Following Cabinet approval it is proposed to take forward the individual projects and initiatives described in this report. This will include, among other things:-

- appointing consultants to undertake further work on defining the options for the Town Park, the transport mitigation measures and undertaking consultation on these matters.
- bringing a further report to Cabinet on the pocket park proposed on the site of 23, Northgate and applying for planning permission(s).

6. Officer recommendations and reasons

6.1 That Cabinet

(1) Approve the Dewsbury Town Centre Better Spaces Strategy & Plan as described in this report and set out at Appendix One.

Reason: To provide a long term vision and framework for the improvement of the public realm in Dewsbury Town Centre.

(2) Approve the principle of creating a 'pocket park' on the site of 23, Northgate and authorise officers to take the steps necessary to deliver this scheme, including acquisition of the site and submission of a planning application and to note the intention to bring a more detailed report to Cabinet on this matter in the near future.

Reason: To enable the project to be implemented.

(3) Authorise officers to progress feasibility and development work of the projects contained within the Better Spaces Strategy and Plan.

Reason: To provide authority and funding certainty in order to progress the differing strands of work related to the Delivery Programme.

(4) Approve the Public Arts Plan described within this report and authorise officers to implement schemes described.

Reason: To support the objectives of Strategic Development Framework and Better Spaces Strategy.

(5) Approve the capital expenditure of £1.040 Million towards the projects described in this report and that this is funded from the approved Capital Plan allocation for 'Strategic Regeneration of Town Centres – Dewsbury.

Reason: To provide funding to enable elements of the Delivery Programme to be delivered

(6) Approve expenditure of £140,000 to cover the costs on feasibility and consultation on key projects and that this be funded from the 'Aspirational Regeneration of Major Town Centres – feasibility' budget in the approved Capital Plan

Reason: To provide funding to enable elements of the Delivery Programme to be delivered.

7. Cabinet portfolio holder's recommendations

7.1 The Portfolio Holders for Economy and Culture and Environment support the proposals in the report.

8. Contact officer

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Economic Resilience Project Manager
01484 221000
peter.thompson@kirklees.gov.uk

9. Background Papers and History of Decisions

Cabinet Report 22nd January 2019 "Dewsbury Town Centre: Strategic Development Framework & Delivery Programme"

Dewsbury Town Centre: Strategic Development Framework & Delivery Programme.
<https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/dewsbury-strategic-development-framework.pdf>

'Public Art Policy - Making Great Places: Making Places Great' - Kirklees Public Art Policy 2017
<https://www.kirklees.gov.uk/beta/planning-applications/pdf/public-art-policy.pdf>

10. Strategic Director responsible

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Strategic Director - Economy and Infrastructure
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APPENDIX ONE: BETTER SPACES STRATEGY

Dewsbury: Better Spaces

Strategy and Plan : Narrative of initiatives to improve the spaces of Dewsbury Town Centre.

"First life, then spaces, then buildings - the other way around never works." Jan Gehl

Contents

PAGE no.:	3.	Current Situation (SWOT)
	4.	Overview Plan
	5.	Key themes (2010 SDF)
	6.	Aims & Objectives (2018 Revised SDF)
	7.	Key Principles to consider (Dewsbury Design Guide)
	8.	Conservation area plan

Projects and Interventions

9.	Strategy Aims & Plan
10.	Dewsbury Railway Station
11.	Northgate /Pioneer House
12.	Year 1 Projects: Northgate
13.	Market Stalls/space
14.	Northgate no. 23 Public Realm
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33.	Palette of materials
34.	Palette of Furniture

Public Realm & Townscape

Current situation:

Dewsbury town centre has a good frame in terms of layout and existing built form however it lacks green space, which would enhance the look and feel of the town centre. Green environments have been proven to inspire feelings of well being and perceptions of greater value.

With some sympathetic redesign of the public realm to inject some uniqueness and vibrancy back into the town, people and business owners could be inspired to invest time and money in the town. This could create the catalyst for change and giving the town a different future. A future based in a greener, more engaged and integrated society.



Strengths

- Good Quality Architecture.
- Market – brings people into the town.
- Well proportioned streetscape and public plazas
- Student population within and close to town centre.
- Good Public transport links.
- Multi-cultural population.
- Space for events and multi-functional areas.



Weaknesses

- Lack of quality in the public realm.
- Lack of Green infrastructure.
- Lack of vibrancy.
- Not a lot to make people linger in town.
- Ring road acts as psychological barrier to visitors entering town centre.
- Not enough opportunities for mixed community interaction.
- Parking within the town centre is mostly on street which can dominate in some areas.
- Insufficient community pride in Dewsbury Town Centre



Opportunities

- Improve quality of public realm.
- Enhanced biodiversity & green, infrastructure improves physical and emotional health.
- Develop a unique public realm to encourage people to linger in the town and encourage business owner confidence.
- Better links to River corridor.
- Improvements in-line with wider regional and national strategies.
- Better designed on-street parking in some areas to improve perceptions and legibility for pedestrians.
- Integrated travel and increased sustainable travel/ active places.
- Develop the user experience outside of traditional retail.



Threats

- Continued lack of confidence for business owners, leading to further empty properties.
- Falling footfall.
- Further decline in infrastructure and Buildings.
- Increased anti-social uses within town centre due to reduced natural surveillance by visitors.
- Lack of inviting outdoor environments and further physical and emotional health problems for local population.

Overview Plan

“In order to develop a cohesive public realm, a number of key principles can provide a framework which help to deliver a logical hierarchy of spaces and streets which will be easily navigable, and will create a distinct sense of place which is faithful to the character and heritage of Dewsbury.”
(Dewsbury Design Guide)

The proposals for Dewsbury are to create a series of spaces which link through the town utilising existing spaces and creating new ones in order to deliver a distinct Dewsbury identity and legible environment. Spaces which will encourage sustainable transport development and more direct legibility between the bus and rail stations, broader uses of the town centre and bring new vigour to the town.

“People are not out in public spaces because they have to but because they love to. If the place is not appealing they can go elsewhere. That means the quality of public spaces has become very important. There is not a single example of a city that rebuilt its public places with quality that has not seen a renaissance.” Jan Gehl



- 1** DEWSBURY RAILWAY STATION PUBLIC REALM
- 2** NORTHGATE /PIONEER HOUSE CURTILAGE
- 3** MARKET AREA
- 4** NORTHGATE/BRANCH ROAD SPACE (No 23)
- 5** PIONEER HOUSE CAR PARK,/SPACE
- 6** LONGCAUSEWAY /TOWN PARK
- 7** RING ROAD DOWNGRADE/LINK SPACE
- 8** TOWN HALL PLAZA
- 9** MARKET SQUARE
- 10** LIBRARY SPACE
- 11** DAISY HILL /CHURCH ST. PUBLIC REALM
- 12** BUS STATION APRON/PUBLIC REALM
- 13** SOUTHGATE & BOND STREET LINKS
- 14** GREENWAY GATEWAY SPACE
-  BUS STATION WALL ART
-  UNDERPASS DECORATIVE LIGHT INSTALLATION

Key Themes :

(Taken from Dewsbury SDF 2010)

- **YOUNG PEOPLE**

- ① Younger than average population
- ② Opportunity for change, less afraid of change.
- ③ Less concerned with ethnic differences.

- **DISTINCTIVE ECONOMY**

- ① There are fewer Chain shops in Dewsbury
- ② Greater opportunity to expand on local community retailers.
- ③ Many beautiful properties which are an asset to attractive development.

- **RECONNECT**

- ① Better physical connections across the ring road
- ② Better visual connections
- ③ More/stronger reason to enter the town centre
- ④ Opportunities to promote/celebrate Dewsbury



Aims & Objectives

SDF 2018

Three aims:

Increasing activity

Improving attractiveness

Improving accessibility

Increasing Activity

- There is a need for more activity into the town centre. This will be addressed in part by introducing new uses e.g. residential and educational uses into the centre, consolidating and building upon the existing Market

Objectives

- Bringing historic and other vacant buildings back into use,
- Get more people living in the town centre - Living Town initiative, particularly those with higher disposable incomes
- Consolidating and improving the market
- Supporting business growth
- Development of the Creative/cultural sector

Making the town centre more attractive

- The town needs to be place that looks good and is pleasant to spend time in. People need to feel safe and welcome in the town. Attention will be focussed on making most of the towns heritage assets and ensuring the public realm is in good condition and improved/extended where possible. In addition there is a need to ensure that the place feels safe and welcoming for all and that townspeople and visitors become more positive about the town centre.

Objectives

- Improving, creating & extending the public realm
- Improving the appearance of buildings in the town centre
- Ensuring the centre is, and also thought of, as welcoming and safe
- Improving perceptions

Improving Accessibility

- The town centre need to accessible and to achieve this it proposed to have an integrated approach to sustainable transport in the town ensuring, that it is easy for sustainable modes to get in and around the town centre and that transport infrastructure supports the viability of the town centre.

Objectives

- Improving pedestrian gateways to town centre, reducing the barrier effect of the ring road
- Improving pedestrian and cycle routes
- Improving key ring road junctions and vehicular routes
- Ensure car parking provision is fit for purpose

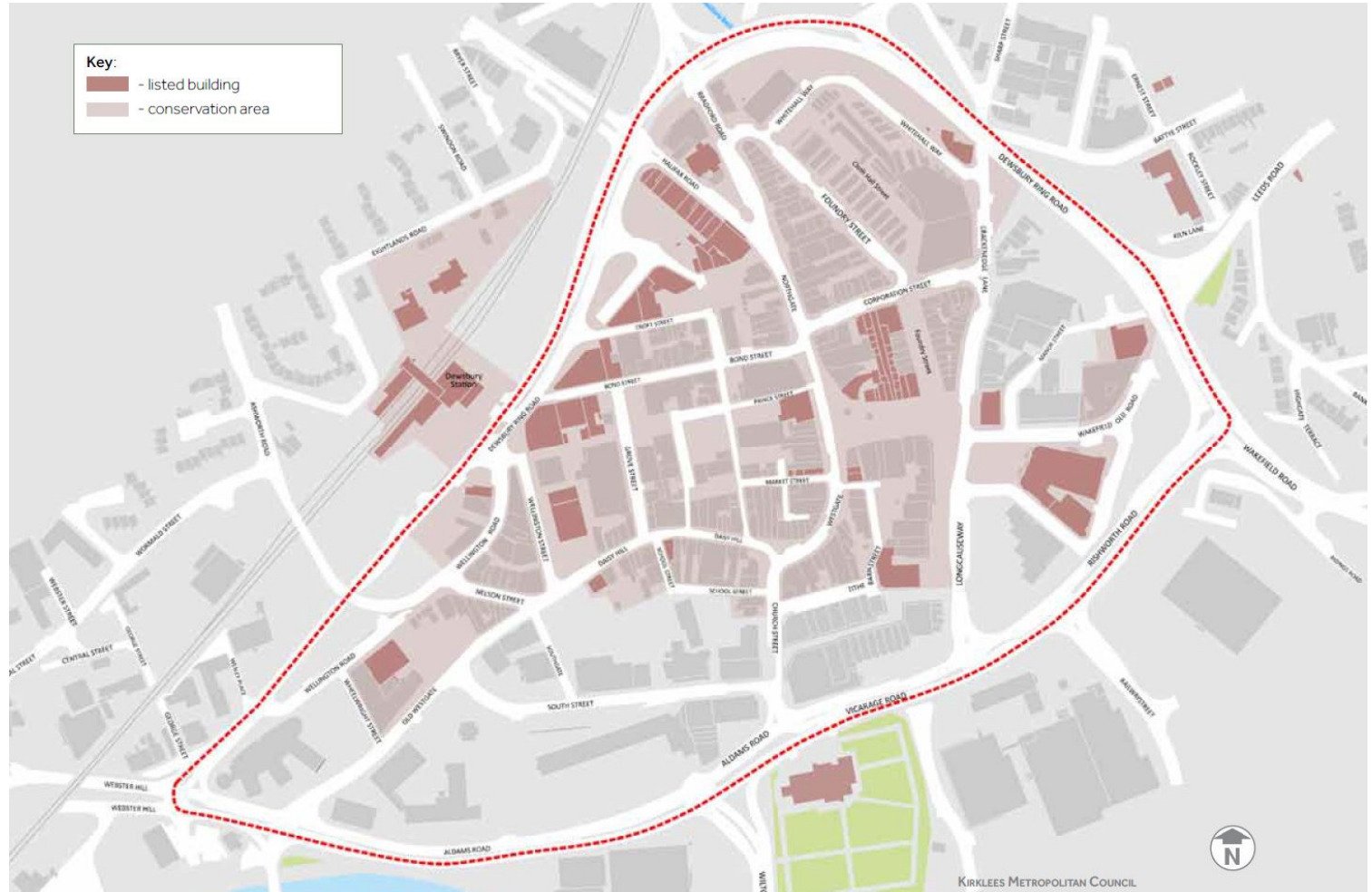
Key Principles to consider:

(Taken from Dewsbury Design Guide)

- **Attractive:** To promote a materials palette which is attractive, consistent and reflects the character of Dewsbury.
 - **Maintainable:** The choice of materials should be suitable to location and easy to maintain in order for the public realm to be fit for requirement with a satisfactory duration of use.
 - **Functional:** The public realm should be designed to function for their intended use through simple design and appropriate applications of materials and furniture
 - **Flexible:** The public realm should also be as flexible as possible, maximising opportunities for any civic events and gatherings. (Spaces within Dewsbury that really need to be flexible are the Town Hall Plaza and Market Square, and potentially the proposals for the Market reconfiguration)
 - **Uncluttered:** Simple palette of materials, adaptable signage and integrated street furniture will ensure that the public realm is attractive, legible, navigable and functional.
 - **Navigable:** A clear hierarchy of materials, signage and landscape components will help to make streets which are easily navigable.
 - **Town Greening:** Street tree and shrub planting can help to connect and define spaces, increase shelter and shade and create a pleasant, walkable environment.
- An overarching ideal is to develop quality spaces which weaves and overlaps many of these key principles.**

Conservation Plan

“Conservation areas are defined as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance' in Section 69 of the Town and Country Planning(Listed Buildings and Conservation Areas) Act 1990. Conservation Areas are recognised for the contribution they make to the heritage and economic well being of the locality and country. The Council has a duty to protect and enhance these areas and additional rules exist to govern building and restoration work. The primary aim of the Council's conservation policies is to preserve the historic buildings and special character of the area and to ensure that changes, whether large or small, complement and add to its character. A further objective is to promote new architecture of the highest quality.” (Dewsbury Design guide)



Dewsbury Better Spaces

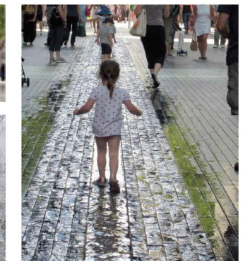
The Better Spaces Strategy

Aims

- To Improve the public realm
- To increase the amount of greenery and green space in the town centre
- Create new & enlarged spaces for people

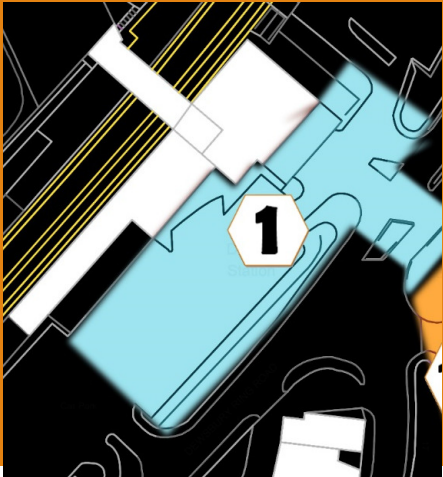
The Better Spaces Plan

- The following pages describes a range of potential interventions across the town that will deliver the strategy.
- Some of work has already been completed e.g. Station Gateway and others will be implemented in the short term. This are highlighted in the document
- Several of the potential schemes are long term aspirations and will be dependant on key actions having taken place such as acquisition of land & buildings, implementation of legal processes , approval of associated transport funding bids,.
- The above will be complemented by the implementation of a Public Arts Plan for the Town Centre.
- Kirklees Council will be a key source of finance for the plan. Complementary funding will be sought from a variety of other sources.
- The Plan will be regularly reviewed and individual projects will be added as opportunities arise.



1

Dewsbury Railway Station



Work was completed on construction of a new public realm area to the frontage of Dewsbury Railway Station. In February 2019. The new space creates a new public space and focal point to the station, whilst addressing some key issues surrounding traffic management and pedestrian safety. The detailing and materials used have considered the Dewsbury Design Guide suggested approach and colour palette. The materials used are Silver grey wide kerb, with local Yorkstone and granite aggregate concrete blocks in the mid and dark grey tones. The alignment of the furniture has been placed in keeping with the paving layout and consideration of circulation and reducing clutter. New mature tree planting frame and link the space to existing and future tree planting to enhance the overall urban greening of Dewsbury.

Current Position: Complete.

Plan of Scheme.



2

Northgate /Pioneer House



Work on restoring Pioneer House to its former glory and giving it a new purpose as a Dewsbury College building is due to complete in September 2020. In line with this work and the buildings prominence as a gateway to the town centre, a proposal to enrich the surrounding public realm is underway.

Part of this will be widen the existing footpath to improve circulation space and pedestrian safety. This work could also be extend to include the 'island' pavement where the space could be enhanced for a meeting point and incorporate tree planting or urban greening. This space could create a focal point viewable from Market square and encourage movement up Northgate from Market Square and into the arcades and market.

Current position: The footpath along the highway has been widened to improve the apron to Pioneer house. Work is underway to install a wide canopy tree within the island (Yr1 Project).



The aim is to create a more pedestrian friendly area where the roads converge and a meeting point for students of pioneer house. The area would aid better links across the town both physically and visually. The space lends itself to a specimen tree.



The colour palette would continue, with stone paving and kerbs .

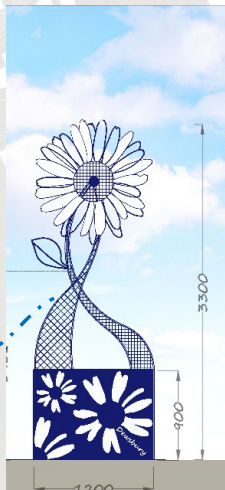
Year 1 Projects : Pioneer/Northgate



Power point.



1 Daisy Planter

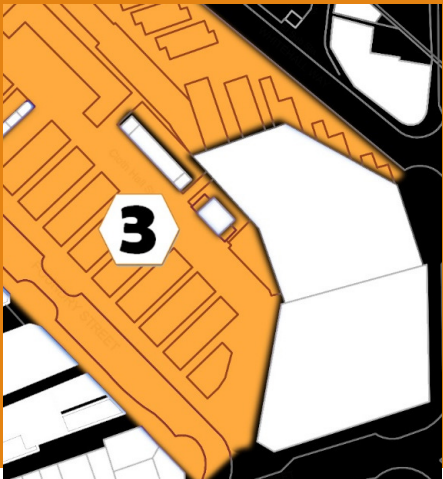


Proposed wide canopy tree to the public realm



3

Market Stalls/space



The market has always been an important contributor to Dewsbury's identity and commercial activity. The external stalls are not fully utilised and this is possibly due to the arrangement which creates a barrier to the shopper. One aim is to reconfigure the external market area and improve legibility and circulation, which should help rejuvenate the market area. The inclusion of an area of public space will help give a focus to the area and allow the development of events based around the market. It would also give greater flexibility to the function of the market as well as giving better links through the town. The new college building could develop links with the market and potentially have student market stalls/exhibitions, an idea suggested in the Dewsbury SDF. The Market building itself will be given the space to be appreciated as an interesting piece of architecture. The space positioned next to the market building would allow visual links down market street and also through the Kingsway Arcade onto Northgate.

Current Position: Proposals are being drawn up to reconfigure the Market.



Reconfiguring the area and creating a public space would allow for 'pop-up' stalls and activities/entertainment centred around the market , which would also extend to the wider town.

3a

Market space (North)



As part of the reconfiguring the market it is likely that some space will be released for other uses at the northern end of the market.

The inclusion of a pocket park would help give a focus to the area and potentially allow the development of events based around the market. It would also give greater flexibility to the function of the market as well as giving better links through the town.

Reconfiguring the area and creating a green space could allow for additional 'pop-up' stalls if required and activities/entertainment centred around the market, which would also extend to the wider town.

Current Position: An area to the north of the existing market area has been identified for an alternative uses. The visual opposite give an impression of this space might look like if were used for green space..



4

Northgate no. 23 New Public Realm



The site of 23, Northgate provides an ideal opportunity to create a 'pocket park' that will help address the lack of green space in the town centre and in a location next to a key building.

The existing building and wider site at Northgate no. 23 is dilapidated and unattractive. Creation of new space would create further links across the town from the market, through the arcade and up to the railway station beyond. Once the Pioneer house is in use as a college building the space will provide an area for students to sit out and relax, read, eat, socialise.

The space would include new tree planting to tie-in with the overall greening of Dewsbury.

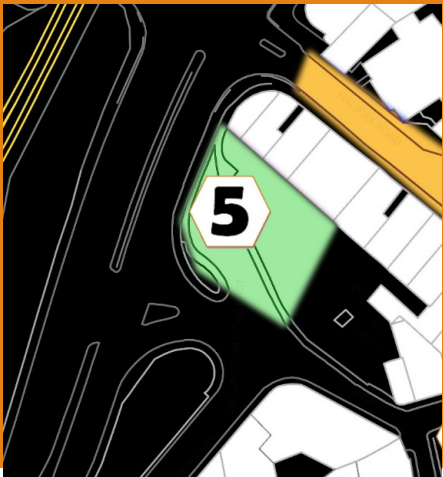
Current Position: Options are being considered for the design of the new public space. Acquisition of the site will be necessary and a CPO may be required.



Rear and front view of no. 23 Northgate.

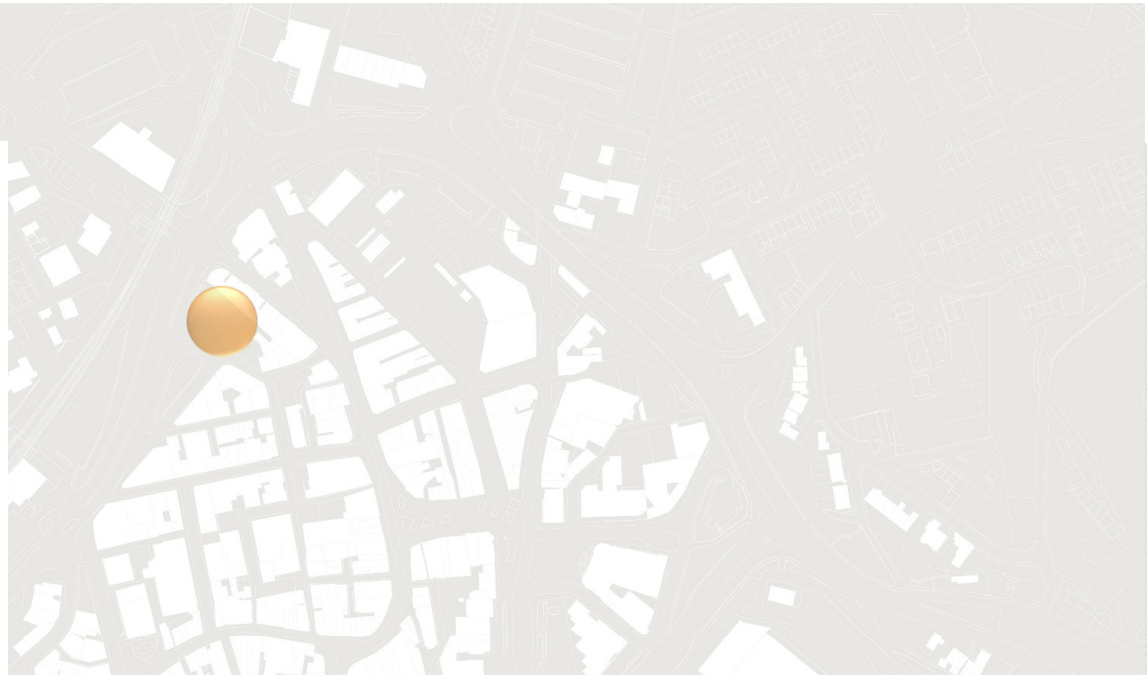
5

Rear of Pioneer House



Pioneer House is due to be reopened as a new college for Dewsbury. The back of the building is a large open space. The site is sloping and much of the flatter areas will probably be required for car parking. The space could be designed in a way which is in keeping with the principles of Dewsbury Design Guide of greening, sustainability and flexibility. This space could also act as an important visual link and connectivity from the railway station down into Dewsbury town centre.

Current position: Consultation needs to be carried out with the College, prior to them occupying the building.



The images above show examples of how car parks can be designed to incorporate greening and consider water management as well as creating an attractive flexible space which could have an alternative use besides parking cars.

6

Town Park Public Realm



The part of Longcauseway running adjacent the Dewsbury memorial gardens has the potential to become a focus for the town by making the area more pedestrian friendly and extending the area to create a large town park with enhanced greening. The North-South facing nature of the space provides a great foundation for excellent urban street life, which would give a great community hub; area for incidental play, be a meeting place and a place to relax in the open air.

The area could include a feature to create a draw to Dewsbury as a destination activity hub, such as the Mirror pool in Bradford's City Square. This will give people a reason to visit the town and also act as important green space for what will be an expanding town centre population. The space would be exciting and welcoming both during the day and at night, in-line with the SDF proposals as a low alcohol evening economy.

The space forms is a central link in the route between the space to the South of the ring road e.g., Dewsbury Minster and to the north linking in with the town hall, Dewsbury Market.

Current position: Consultants have been commissioned to carry out a feasibility exercise and options for re-routing traffic to enable the road closure. The idea of 'daylighting' the beck which runs below Longcauseway is unlikely based on the technical assessments carried out.



Artists impressions of Longcauseway, either with or without water as a town park.



7

A638- Ring road South.

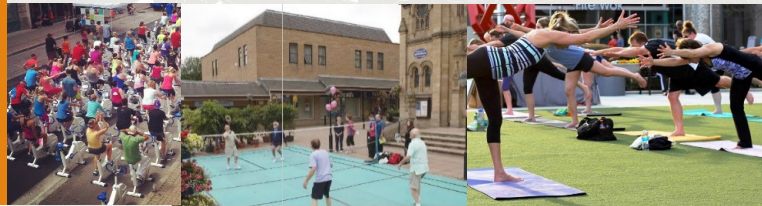
Downgrade & Link space



The Dewsbury Minster and existing green space are divided from the rest of the town centre. These proposals would consider how to promote better links between the town centre, the minster and the leisure centre. The space in front of the sport centre could be developed to create better links with the minster gardens and used to encourage healthy activities, which would tie-in with the sports centre and possibly extend their provision to develop outdoor classes etc.

There is potential to downgrade the section of the ring road between the sport centre and memorial gardens, with the possibility of a road diversion behind the minster.

Current Position: This is a longer term aspiration that would need to form part of a wider highway network improvement.



Pop-up Badminton in Dewsbury Town



Insert of map from Dewsbury 2010 SDF, showing proposed downgrade of the ring road.

8

Town Hall Public realm



The Town Hall is an important social and community focus of the town. Being a host of various events and a focus for other town activity such as the festival of lights, Dewsbury Beach etc., the town hall square is functional but fairly bland and lacking in many features. The space could be developed as an extension of the proposed urban park/garden along Longcauseway and enhance and frame the Town hall. This would tie-in with the SDF plans to develop around this area for housing.

Current Position: Existing furniture is to be refurbished. A small project to create bespoke, planting structures/containers for Dewsbury has been commissioned and these will feature in the Town Hall forecourt.



Temporary/mobile elements could be incorporated into the space to retain flexibility of the event space.

Year 1 Projects :

Town hall area

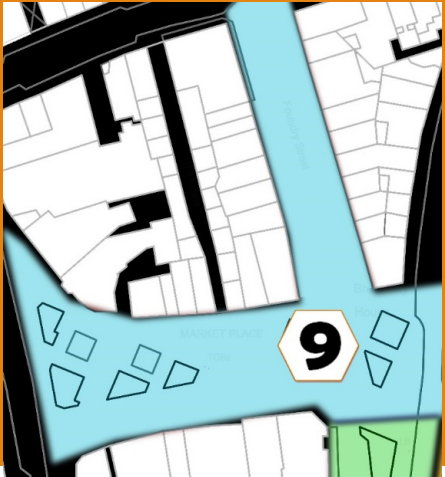


Artist impression of proposed wide canopy trees to the public realm



9

Market Place Public Realm



The Market Square is the original home of the market and key area of footfall through the town. The space has suffered due to loss of shopping facilities generally within the town and has become a focus for antisocial behaviour. Redevelopment of the space and reconfiguring the zones within the space could help to give better functionality. The Black Bull pub has recently been refurbished and wish extend their space into the market square providing an official beer garden utilising one of the existing Gazebos.

The area has links to the town hall plaza, Northgate and the market and is used for events such as small fairgrounds and as an extension area to events held at the town hall, therefore the area needs to be carefully reconfigured, whilst keeping and improving it's use as a flexible space.

Current position: The furniture is in the process of being refurbished and the area has been reconfigured with new box planters to create a seating area with new planting in all the beds and replacement trees. Some further rationalisation of bollards is to be carried out and new tree pit treatments.



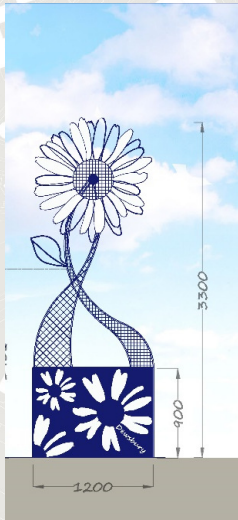
Year 1 Projects : Market Place



Power point.



2 Daisy Planters to the front of the town hall plaza.

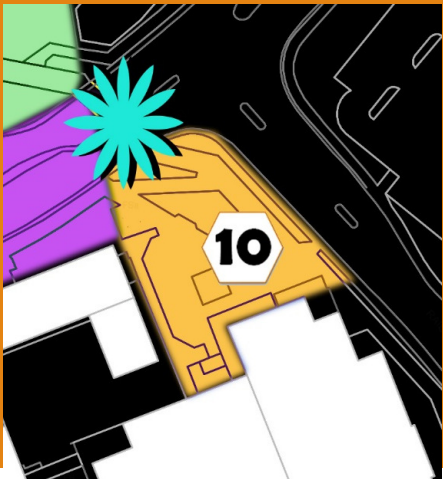


Artist impression of proposed wide canopy tree to the public realm



10

Library /Subway Space



The space in front of the Library is underused and cut off visually from the rest of the town, this is partially due to the level difference between the road and this space. This could be addressed as part of the ring road downgrade along this section. Reconfiguring this space could provide an extension to the indoor library space as reading garden/activity area.

Current position: Landscape Architects have been commissioned to develop a design for a new space.



The space lends itself to public art , in a fun and functional way. Information technology could be incorporated in to the features of the area, this could also be extended to the town park beyond.

Dewsbury Year 1 Projects: Underpass Light Display

Bespoke Planters.

Semi Mature Trees .

Power infrastructure.

Underpass light display

Tree lighting ; Daisy Hill Bottom.



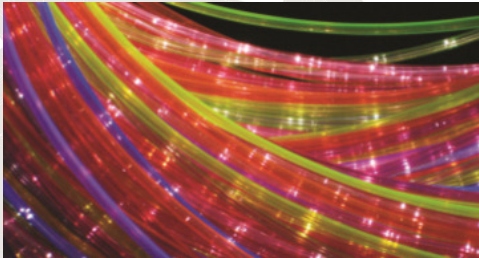
Artist impression of proposed underpass light display

Lighting to Dewsbury Underpass has been designed to create a more welcoming approach to Dewsbury.

Fibres are inlaid into boards, covered with clear acrylic and mounted to the ceiling, the lighting source will be colour changing to add vibrancy.

The design has been kept simple and cheery, comprising 4 large flowers.

The images below show examples of the special side glow fibres that will be used to form the flower shapes.



11

Daisy Hill Bottom



The existing public realm at this point has a good feeling with existing mature trees. This area could be enhanced to tie in with the SDF proposals to develop Daisy Hill as a residential area. The existing trees create a focus for seating and additional greening could help to develop this area as a pocket park and extension to the Daisy hill residential proposals.

Current position: A project is underway to light the trees. A street furniture rationalising scheme is in progress.



Existing Mature trees

Dewsbury Year 1 Projects: Daisy Hill Bottom

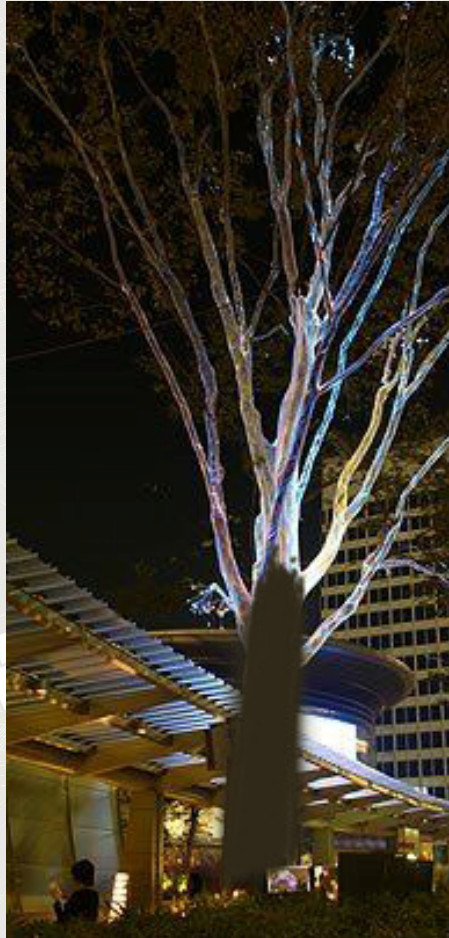
Bespoke Planters.

Semi Mature Trees .

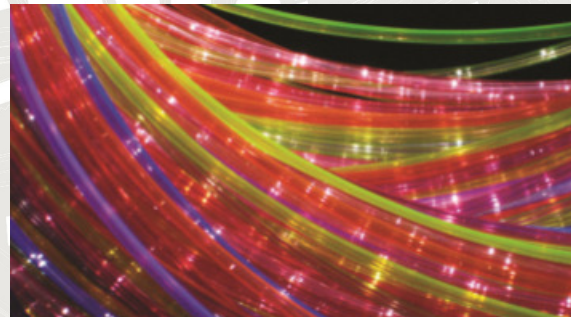
Power infrastructure.

Underpass light display

Tree lighting Church St.



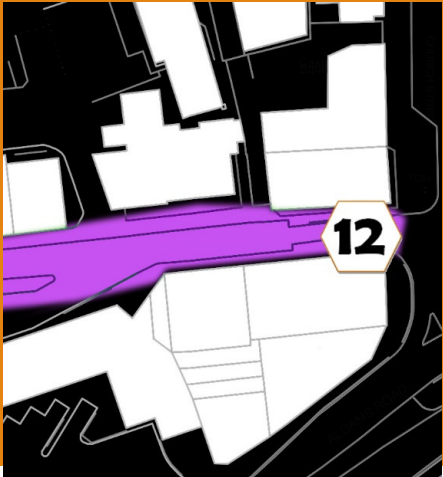
Artist impression of proposed tree light display to trees at the Bottom of Daisy Hill/ Church street



The image is an example of the special side glow fibres that will be used to form the permanent tree lighting

12

Bus station Public Realm



The bus station is tucked away for pedestrians and access to it from the town centre is not obvious. There is potential to create a space in this area which would serve to link across to the Minster Garden, serve as a gateway into the town centre and as a gateway/congregation area for the bus station. It would improve legibility of the streets and develop further links with the integrated bus and rail travel. If the bus station was to be remodelled there may be more wide ranging opportunities to improve the public spaces in this area.

Current position: This is long term project which could tie-in with any future works in this area or to the bus station.



Removal of this dated building could open up the space and aid better links across the town and sustainable travel.

13

Bond Street

Southgate

Improved links - Public Transport



These two routes have been identified as high footfall streets for commuters and important town centre routes for public transport users. Bond Street has narrow footpaths and widening at least one of these and potentially reducing on street parking will help to create a better pedestrian experience for pedestrians using Bond Street to and from the station. Southgate could be brought in line with Wellington Street to enhance visual links between the rail and bus stations, and promote joined-up sustainable transport usage.

Current position: Proposals are being developed to enhance Bond street and Southgate as part of the wider transportation routes. (A bid has been submitted to the transforming cities fund)



Rail Station

Bus Station

14

Greenway Gateway



The improvement of the Greenway cycle route between Ossett and Dewsbury is a great asset. However the final exit into Dewsbury is confusing and feels forgotten as you approach onto what appears to be an industrial area and rough road, with no signage or feeling of arrival. This space has the potential to be developed as a gateway in and out of the town, encouraging sustainable and active travel. Also, as highlighted in the SDF, this space is a great sun spot, adjacent the river and would make a beautiful pocket park, linking back to the minister garden and successive spaces.

Current position: This could be a longer term project, and tie-in with wider transport schemes.



15

Public Art

In parallel to this document a public art plan has been developed for Dewsbury Town Centre. This has the potential to add to the quality and interest of the town. The public art will take a variety of forms and will be tied into the Better Spaces strategy to ensure considered placement and a coordinated approach.



Greening the town

Proposals to create a green edge along the ring road and extending inside the town centre will coordinate with wider West Yorkshire plans for a White rose forest and Green streets® principles.



Street Tree planting in Halifax (2017)

Current position: Some large canopy trees are planned for inside the Town Centre. Some damaged trees have been replaced and new trees added to existing planting beds.

Project Timeline

High level timeline from inception to completion.

2018-2020

- 1. Railway station
- 2. Northgate
- 8. Town Hall plaza
- 9. Market Place

2020-2022

- 3. Market Space
- 4. Northgate no. 23
- 5. Rear of Pioneer House
- 6. Town Park
- 7. A638 Link space
- 10. Library Space
- 12. Daisy Hill bottom
- 16. Greening the town
Public Art

2023-2025

- 13. Bus station Public Realm
- 14. Improved Links -Public transport
- 15. Greenway Gateway
Public Art

Dewsbury Year 1 Projects:

Bespoke Planters.

Semi Mature Trees .

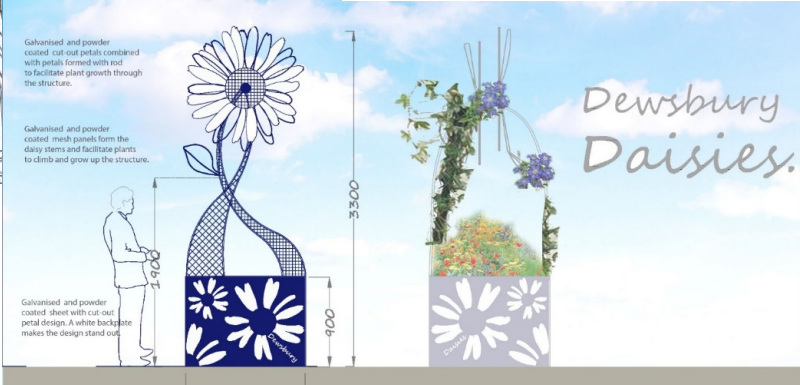
Power infrastructure.

Underpass light display

Tree lighting Church St.



Approximate locations of bespoke planter



Palette of Materials

A palette of Greys and Buffs was suggested in the Dewsbury Design Guide. These tie-in with the existing, natural Yorkstone . Yorkstone is the dominant material and also the grey granite cobbles, particularly within the Dewsbury Conservation Area.

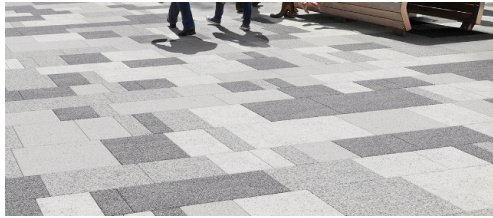
Tumbled Yorkstone setts



Concrete paving slabs



Granite topped concrete block pavers



Silver Grey Granite kerb



Yorkstone paving slabs



Natural Granite blocks



Furniture Palette

The furniture of Dewsbury retains a heritage feel, and some of this will be retained and refurbished. The addition of a simpler more contemporary furniture in Black will compliment the existing Blue and update a classic look.



Replace benches in cast iron as styles above to match closely to existing.



New steel planters in Dewsbury with refurbished wide Benches, blue bench ends with black planters compliment each other well.

Bollard in cast iron .



- Kirklees Landscape Architects
- Version 1.5
- Revised 18.11.2019

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APPENDIX TWO: PUBLIC ART PLAN



A Public Art Plan For Dewsbury Town Centre



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Why Have A Public Art Plan?

_This Public Art Plan has been drawn up to consider how Dewsbury town centre could benefit from public art, and how local residents, businesses and community groups could get involved in the commissioning process. It highlights a range of possible public art interventions and potential sites in Dewsbury, as well as offering some practical tools and guidance in the commissioning process.

_This document has been produced for a range of stakeholders, to support the development of high-quality public art projects that can offer new opportunities for the residents of Dewsbury to experience arts and culture in the public realm.

Kirklees Council's 'Making Great Places: Making Places Great' Public Art Policy 2017¹ clearly outlines the Council's acknowledgement of the importance of Public Art, what it can do and the benefits of commissioning. The policy identifies how public art practice can contribute to the aspirations of the Council and is a useful advocacy document.

_The key messages from the policy are:

- an acknowledgement that public art can manifest in a variety of artforms
- that public art can involve local people in meaningful ways
- that public art can dovetail into existing regeneration schemes and other developments
- that artists can bring a range of versatile skills
- the clear aspirations of Kirklees.

Public art projects can reflect our heritage and histories, shared ambitions and values, aspirations and vision for the future, reflecting who we have been, and who we are now. Artists will always come up with ideas that we will never have considered, and can provide a way to include community voices and values in the processes of placemaking.

Involving local people in the commissioning process, in participatory activities and socially engaged practice, provides a range of opportunities and ways of engaging with our communities to create bespoke, unique artworks and experiences that can ensure meaningful engagement with businesses, residents and communities and transform places and their people.

We believe that all successful public art responds to local context and can reveal and celebrate heritage and stories of the place. Meaningful engagement with the public, and the communities of a place in the commissioning process, offers opportunities for active participation and to understand and take part in the creative process. Public art has an important role in helping a place tell its story, share its identity and look to the future.



¹ <https://www.kirklees.gov.uk/beta/planning-applications/pdf/public-art-policy.pdf>

Why Public Art For Dewsbury?

The **Dewsbury: Better Spaces** initiative seeks to develop a cohesive public realm through a series of spaces which link through the town, using existing spaces and creating new ones to deliver a distinct Dewsbury identity and legible environment. It presents an opportunity for public art commissions to be incorporated into public realm improvements and design briefs. At the same time, as new educational facilities, businesses and housing developments start to transform the town, there are opportunities for developers to commission new work to enhance their schemes with bespoke commissions that can engage their stakeholders and offer opportunities for learning and skills development. Integrating arts commissioning into new building developments and regeneration schemes has been adopted by many local authorities as good practice and as a means to create a dynamic and distinctive sense of place.

The key themes identified in the Better Spaces initiative offer specific opportunities for public art to have an impact in the town.

- **Young People:** with a diverse population younger than the national average, there is an opportunity to harness the ideas and ambitions of young people, through engaging with the many schools and community groups and in particular, students attending the new Dewsbury Learning Quarter.
- **Distinctive Economy:** The town centre has fewer chain shops than similar high streets and there are many independent shops in attractive and heritage buildings. This gives a rich landscape and heritage to explore when commissioning public art, and offer opportunities for shopkeepers to contribute in creating a distinct townscape for Dewsbury.
- **Reconnect:** Creating better physical connections across the ring road and through the town can attract more people to come into the town centre. Public art interventions such as gateway commissions, signage and routes through the town can make strong visual connections that help legibility and entice further exploration.

What Makes A Good Piece Of Public Art?

Local residents and business from Dewsbury came together in two workshops to find out more about the potential for public art in Dewsbury and to offer their thoughts about what does – and what doesn't – make a good piece of public art. 23 people in total came to the sessions, including local businesses and representatives from community groups, and eight local artists and designers.

- It offers a forward vision and shows a possible future for the town.
- It has a big impression and impact on the regeneration of an area.
- It changes expectations and making the area more cheerful.
- Art that you can discover or uncover, hidden artworks that can be found.
- You can interact with – for example through including light, noises, 'performing fountains'.
- It's sensitive to the community.
- Art that takes risks – uses technology, embracing new techniques.
- Responds to heritage and place, but looks to the future.
- Getting people involved at an early stage.
- Is respectful of the architecture present but doesn't have to copy it.

One participant summarised:

"It needs to be ambitious, have drive, include youth and have buy in from the public."

Some examples of 'good' public art included laser-cut poems in metal sheets, which was very moving when the viewer comes across it in the environment, and innovative street furniture bicycle racks and seats. One participant talked about an artwork that emerged on the pavement after rain, and another about an app that used augmented reality to change how the viewer sees the artwork with animations responding to the site. Anish Kapoor Bean sculpture in Chicago and Anthony Gormley's Another Place on Crosby Beach were both commended for being iconic for their locations, attracting tourism and offering great photo opportunities for Instagram.

Important Considerations:

- getting the balance right on selection panels and giving the public the chance to express radical ideas
- not making assumptions about what 'the public' want
- the quality of the work and how it responds to its environment
- getting young people involved and making public art that reflects their interests
- creating opportunities for local artists and supporting them – as well as commissions that bring fresh eyes from artists outside of the area.

"It's great when an artwork is totally associated with a place"

Potential Outcomes From Commissioning Public Art

Enhancing The Public Realm

Through artistic interventions, both temporary and permanent sculptural works and bringing artists in to liaise with planners and architects the public realm can be considerably improved. An artist's input will ensure a more bespoke, individual outcome for the development of the public realm.

A Strong Visual Identity For The Area

Some towns can become a little generic looking with similar off the shelf seating, standard paving and use of cost effective basic materials. Commissioning artwork will give an area a unique identity and through the research and consultation with communities artists can incorporate relevant local information or references within the outcomes.

Community Engagement

From the research phase of a commission, to taking part in artists selection and even participating in creating the work, communities are not just considered as end audiences in the public art process but more as collaborators, producers, and stakeholders in the artwork.

The Feel Good Factor – A Sense Of Pride & Renewed Confidence In The Area

As many commissions end with a physical artwork, the aesthetics of a place is improved and, through the engagement with the artists, a sense of ownership is developed. Sometimes the heritage of a place or hidden local meanings and stories can be highlighted giving people a greater understanding of their area and communities.

Learn New Skills

Often a commission will involve the artist running workshops locally to share their skills, raise awareness of the commission or invite participation. For example, an artist creating a bronze-cast series of artworks may invite local people to create a cast of an item associated with the town to be included in the work; an artist working in film may run a workshop in digital art for students to develop work that can be projected onto buildings.

Learning And Education Programmes

Creating education resources around a public art project can give schools and groups resources to explore the subject and the artistic practice and develop their understanding of the artist, medium or the heritage and history of the town.

Highlighting Of Local History

Many artists will take inspiration from the history of an area as a starting point to develop themes and ideas. Sometimes it is the hidden histories and personal stories that are of as much interest. These histories can be explored and acknowledged in a variety of ways through the outcome, from illustrations, written information, on plaques, through visual representation, or poetry performance.

Reduced Vandalism

Engagement activities can help to give an ownership of the work that helps it to be cared for and maintained, and less likely to be vandalised. Through engagement, people get to know the artist and what is involved in the creation of the works. It is also widely acknowledged that when an area is looked after and kept well maintained vandalism will be reduced. When artworks are repaired and cleaned immediately after damage the recurrence of repeated vandalism reduces.

Increased Tourism

Artworks can be a great pull for visitors, especially if there is a trail or temporary works and events that provide a one-off experience. People are generally looking for new and interesting experiences for their leisure and family time. Artworks can be incorporated into other tourism offers, such as on walking and cycling routes or part of an art and heritage trail or even providing great selfie opportunities for social media.

Increased Feeling Of Safety

Artworks can make a space feel more inviting and welcoming through introduction of bright colours and encouraging people to socialise and spend time in public spaces. Dark alleyways can be transformed into fun spaces and lighting commissions can brighten areas and provide clear routes.

Increased Investment

All of the above makes a place more attractive for inward investment. New business, relocation to an area and attracting higher visitor numbers is possible when an area has a strong identity, people enjoy visiting, living and working there and have a pride in their area. New strong visual identities can add to great marketing campaigns and change perceptions of a place.

Ability To Attract Further Funding

If a budget has been identified for a public art project this can also be used a lever to attract additional funds. This could be by applying to the Arts Council for a complimentary training programme or community engagement programme.



Community members getting involved in making wax moulds for casting



Students working with artist Aideen Barry to make an animated film

What Is Public Art?



There are a range of different types of public art, the appropriateness of which are dependent upon a number of factors – the commissioner, owner of the land/property and final work, funding sources and intended outcomes, the site, its use and the level of community involvement.

As all sites and places are different, and the people who interact with them are different, so it is important to tailor the artists brief to suit the specific site and intended audience. Practical considerations such as budget and long-term plans for an area will also influence the decisions around the right approach to take.

Permanent Sculptural and 3D Works

Permanent work can make a big impact on a town and space. Sculptural works are what comes to mind for most people when thinking about public art. These might include 3D representations of figures from the town's history, or representations of former industries from the town. It can contribute to giving a space a strong identity and act as visual markers and expressions of the heritage and personality of the town.

Considerations

Permanent works are expensive and there are cost implications for installation to consider. Ongoing maintenance and long-term maintenance and insurance is a big consideration. It is hard to select permanent work that everyone will like – they can often divide opinion sharply. Consultation processes within the selection and the artistic process therefore are very important. Good communication about the nature of the work, transparency about judging criteria and how work has been selected and how the work is funded are crucial.



Emmeline Pankhurst, Manchester,
artist Hazel Reeves



Water Wings, Bruce Williams,
Blackpool Promenade

Signage

There are often a myriad of opportunities to create signage within a town, street signs, directional signs 'to the market' or building names, entrance gateways, location markers, and maps all present opportunities.

Whilst there are regulations around much public signage there are ways to compliment this, or sometimes replace it with bespoke, unique signage, creatively designed and made in unusual attractive and durable materials. From handmade specially designed ceramic lettering or mosaic, to neon high impact signage, street signs, road names and building names can be animated and presented in a variety of ways to give places strong individual identities. Commissioning original signage can give a sense of real distinctiveness to a zone, building or neighbourhood.

Considerations

There are regulations around much public signage in the public realm, so consideration needs to be given to this as well as to ensure signage is legible and fulfils its principle purpose.



Tiled Street Sign, Northern Quarter, Manchester

Street Furniture & Lighting

Artists can develop street furniture that gives an area a unique look and feel as an alternative to off the shelf products. This can include seating arrangements, benches, picnic spaces, fencing, lighting, bollards, planters and also the soft landscaping such as planting arrangements. Practical necessities such as smoking or bus shelters, information stands and security barriers can all become artworks, and the engagement artists can have with the future users and surrounding communities can also add to the local ownership of the spaces and lead to reduced vandalism.

Considerations

- Long-term maintenance and vandalism.
- Can the works be easily repaired, cleaned, replacement or parts easily sourced?
- Durability.



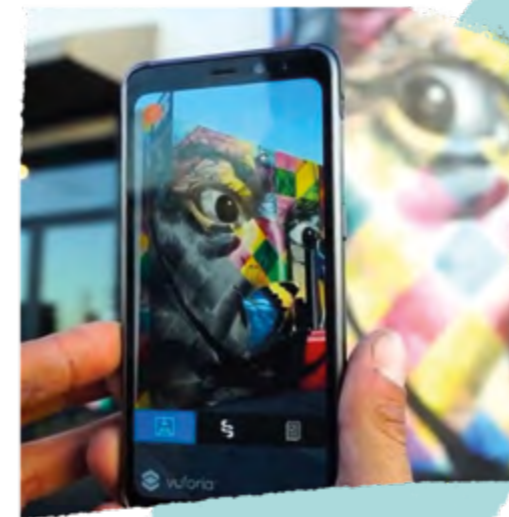
'Seed' Lubna Chowdhary – Glazed brick benches, Orchard Park Estate, Photo: the artist

Walking/Transport Routes

Artworks can be developed for all kinds of transport routes, from permanent works within the paving, kerbs and road sides, to temporary interventions to animate and enliven walking and cycling routes. Interventions through QR codes or works that you listen to as you travel can also bring to life the communities and histories of a space and act as tourist attractions. Artworks can also provide sight lines and visual markers and indicators to highlight routes through a place, as well as interpretation of a site and its heritage.

Considerations

- As environments change and routes develop some works could become out of date and lose relevance over time.
- Technology glitches can be a problem.



Be Part: Augmented Reality App



Route Markers, Todmorden Canal Path

Temporary Loans

Some museums and collections may offer a facility to loan out artwork on a temporary basis. The recent Yorkshire Sculpture International saw work from the Yorkshire Sculpture Park collection shown on the shopping streets of Leeds city centre. The Fourth Plinth initiative in London curates work for the empty plinth on an annual basis.

Time-Limited Installations

Temporary works can be good for responding to changing spaces, spaces in flux or mid development, and for highlighting new initiatives under way or marking a key moment in the town's development or history. Spaces can be animated in dynamic ways through temporary interventions, which might include installations of interactive, sound based or light elements, video mapping or projection onto buildings, 'wrapping' of building or structures with banners, temporary pavilions or structures.

Considerations

As the artworks are not intended to last, physical works can be vulnerable to damage, intentional and unintentional. There needs to be excellent community engagement to ensure the value and process of the work is understood. Sometimes temporary works are loved so much there can be a demand on the council to make the work permanent, an example being the Gormley installation Another Place at Crosby Beach.



Damien Hirst, 'Hymn', Leeds, Yorkshire Sculpture International

Performance

Performance work in public space can be a highly engaging experience for communities, animating unexpected spaces and telling stories and reflecting our communities in sometimes fun, sometimes moving ways. From challenging performance art interventions, pop-up theatre in non-traditional arts spaces, or flash mob dance performances. These projects can bring an area to life and engage people in profound ways.

Considerations

Think about documentation and how the work can be experienced by people not able to attend, for example live streaming, filming or recording the work. It is important to ensure the safety of performers as well as audience members so risk assessments and enough support staff need to be in place.



The Performance Corporation 'Across the Lough' – a performance on a boat listened to via an iPod from the water's edge

Landmark Sculptural/ Architectural Features

Sometimes artists can be engaged to work on larger scale development in the public realm. This could involve working on a masterplan as part of a wider partnership to incorporate artistic interventions in, for example, a large plaza space or public square. An artist may work closely with an architect to design significant physical features within a town or landscape.

Some initiatives are able to attract work from renowned artists on a loan basis. For example, the Yorkshire Sculpture Park put works in Leeds city centre as part of the Yorkshire Sculpture International triennial.

Considerations

These projects can be very time consuming and plans can change so contracts need to be very clear about what is expected of the artist and some flexibility drawn in for both sides. Often different specialists working on partnership projects don't always agree or have the same priorities so it is important the project manager is able to facilitate these discussions and appreciate the viewpoint of the artist.



Anthony Gormley, 'Another Place'

Working with existing buildings: Murals, Wall-scapes

There are a number of ways artists can work on existing buildings to highlight them, make use of blank gable ends, or to hide run down or vacant spaces. Methods used could include wrapping buildings using a variety of materials, or attaching material to scaffolding whilst work is ongoing. Murals, mosaic and relief sculptural works attached to buildings can be commissioned for both temporary and permanent outcomes.

Considerations

These commissions can be expensive, as walls need preparing and often scaffolding and site security is needed whilst the work is produced.

Even if intended to be temporary, it can cost a lot to prepare surfaces, design and fabricate and install securely. It is important to have an idea of the future plan for the building so a realistic life span can be estimated for the work before preparing the brief.



'The Bird Towers', Phlegm, West Didsbury

Key Sites And Opportunities In Dewsbury

Dewsbury Railway Station

The railway station is an historic and distinctive building that creates a main entrance to the town. A new public realm to the frontage of the station has created a high quality environment at the entrance to the town. Along with paving and new street furniture, there is new tree planting.

_There is potential for a number of public art interventions:

- gateway or landmark sculpture
- decorative tree guards
- wall panels
- projections (the Platform 1 waiting room window has been specially treated to provide a screening facility).



Around Dewsbury Railway Station

The railway viaduct is a dramatic structure which would lend itself to lighting or projection projects. The views from the viaduct over the town for train travellers are fleeting but offer a high level viewing 'platform' for the tens of thousands of rail travellers passing along the route every day.

The Highgate Beds factory frontage towers over the ring road and it, along with its chimney, is a prominent site which currently bears a digital clock.

The typography used across the Machell Bros Mill offers a strong visual identify for this historic building. Using this font to create a typographic 'banner' around the town at different sites would be an interesting way to unite diverse locations that share a textiles heritage.

Sited underneath the viaduct is 'Flirting with the past' – two-figure sculpture created by Jason Thompson 2005 in celebration of Dewsbury history, funded by Bing executive homes and Kirklees Council. More commonly known as the 'Millworker and the Rugby player', the work would benefit from re-siting/ lighting, as it has become somewhat lost against the busy road.



Pioneer House & Northgate

Pioneer House – built as the Co-operative Central Stores for the town in 1880, is a Grade 2 listed building which will become the new town centre campus for Kirklees College in Autumn 2020. This landmark building is a prominent gateway into the town, visible from the ring road and form the railway lie, and will be draw thousands of students into the area every day.

_The area will be more pedestrian friendly, and as a result the landscaped entrances would lend themselves to sculptural seating or planters.

The flat roof and parapet of Pioneer House, which faces the railway station, offers a platform for temporary sited work that could be seen from passing trains.

The facade of Pioneer House offers an elevation with windows at three levels and rich architectural features. Commissions for video-mapping and light projections would animate the building, help tell its story of renewal and reveal its fascinating history.



Illuminos: Projection Mapping, Bournemouth



Croft Street Quarter

In the area between Croft and Bond Street, a number of small creative enterprises are establishing themselves - including the Creative Craft Centre and Bond Street Vintage, alongside traditional fabric shops.

This area could be 'branded' to celebrate the independent businesses as a 'creative quarter'.

Commissioning special street signs within the area would serve to reinforce this identity or special events and weekends, handmade bunting could be commissioned to be strung around this area.



Painted Street Frontages

Walls and Windows

The areas between Croft Street, Union Street and Daisy Hill are yet to be regenerated and include a number of empty shop units, some with shutters or hoardings erected, along with some large gable ends and walls.

Commissions for temporary wall artworks and murals would enhance the area and signify renewal and regeneration to come.

The area has many hidden spaces amongst the disused plots and temporary interventions, to create installations to interpret the heritage of the area, could provide an opportunity to explore the town as part of events such as Heritage Open days.



Mosaic, Mark Kennedy



Temporary Hoardings showing work underway and history of the site; Artist & Photo Len Grant

The Market

Dewsbury Market combines internal and external stalls and attracts large numbers of shoppers to the area on market days – Wednesdays and Saturdays. The colour, diversity and life of the market make this a rich source of material for an artist and many people regard it as the heart of the town.

Long and short term residencies, leading to the creation of works that could provide signage or interpretation for the market – for example, a guide to all the produce on sale and the countries they come from, a market map to get to know your market and store holders – would engage market traders and shoppers alike.

Empty market stalls can be used to provide a focus for on-going consultation, presentation or workshop activity. Interior space can be used to offer a pop-up gallery and space for activities or student exhibitions.

At the entrances to the market – on Whitehall Way, new signage could highlight the market area. The now disused railway arches and embankment wall offer large canvases for projection or wall artworks.

Depending on how the market is reconfigured, scope exists to create a new public space within the market, a site perhaps for events and entertainment.



Dissolve: Stockton High Street: Event arena, water fountains and dance commission: Ruth Jones/Dissolve Photo John Hamilton

Northgate New Public Realm

Currently the area immediately to the south of Pioneer House is semi derelict and unattractive. There is scope for a 'pocket park', as part of new public realm in this area. This would provide much needed green space and provide a social area for students.

The space could suit a permanent sculptural work, commemorating the heritage of the area, or sculptural seating, planters, tree guards; or features in the walk ways and pavements to create routes.



**Bronze Foot prints, Elaine Griffin,
part of the 'Landmarks' series**



Town Park, Longcauseway

The Memorial Gardens and Long Causeway offer opportunities for artists to work in collaboration with landscape designers to create a harmonious and distinct scheme, which could include, planting, furniture, play spaces and lighting.

The 'hidden' beck which runs below the site offers a source of inspiration and lends itself to interpretations on the site. If the site becomes well used as a new park, temporary interventions such as a temporary plinth – whereby local artists are offered the opportunity to create and show working on a rolling basis – could be considered. Temporary meeting or performance spaces, pavilions or structures, could be created to complement the band stand and to serve as a focus for community events.



**Installation (2018) Folded Cardboard
Polyhedra – Saba Rifat**

Town Hall

The Town Hall offers an impressive frontage to the only sizeable meeting and event space in town. Whilst the square itself is lacking in features, this is an asset when it is used for events – so any new public realm or commissions need to consider future usage.

Currently the Sculpture 'The Good Samaritans' by Ian Judd, occupies a prominent space at the foot of the town hall square. During local consultation, there were comments that the sentiment behind this work and the reference to the kindness of Dewsbury people was lost, as there is no interpretation of the work offered.

- The large end wall of Empire House offers a large scale canvas for a painted wall work.
- The Town Hall itself offers a façade that could be interpreted using video mapping and projected animations.
- Empty alcoves on the Wakefield Street entrance of the building could house sculptural commissions showing a hidden side of the Town Hall or people connected with it.



'The Good Samaritan' by Ian Judd

Market Place

Market Place a large expanse with a pergola, existing planters and street furniture. Like the Town Hall Square, it is used as a main space for events and the site links to the town hall square across the roadway. As an events space, there is a need to retain flexibility, and for any artworks here to create an environment with good sight lines.



Nautilus Seat, Southport
Artist: Kate Maddison, Chrysalis Arts



Spiral Time, Sowerby
Artist: Kate Maddison, Chrysalis Arts



Spiral Time, Sowerby
Artist: Kate Maddison, Chrysalis Arts

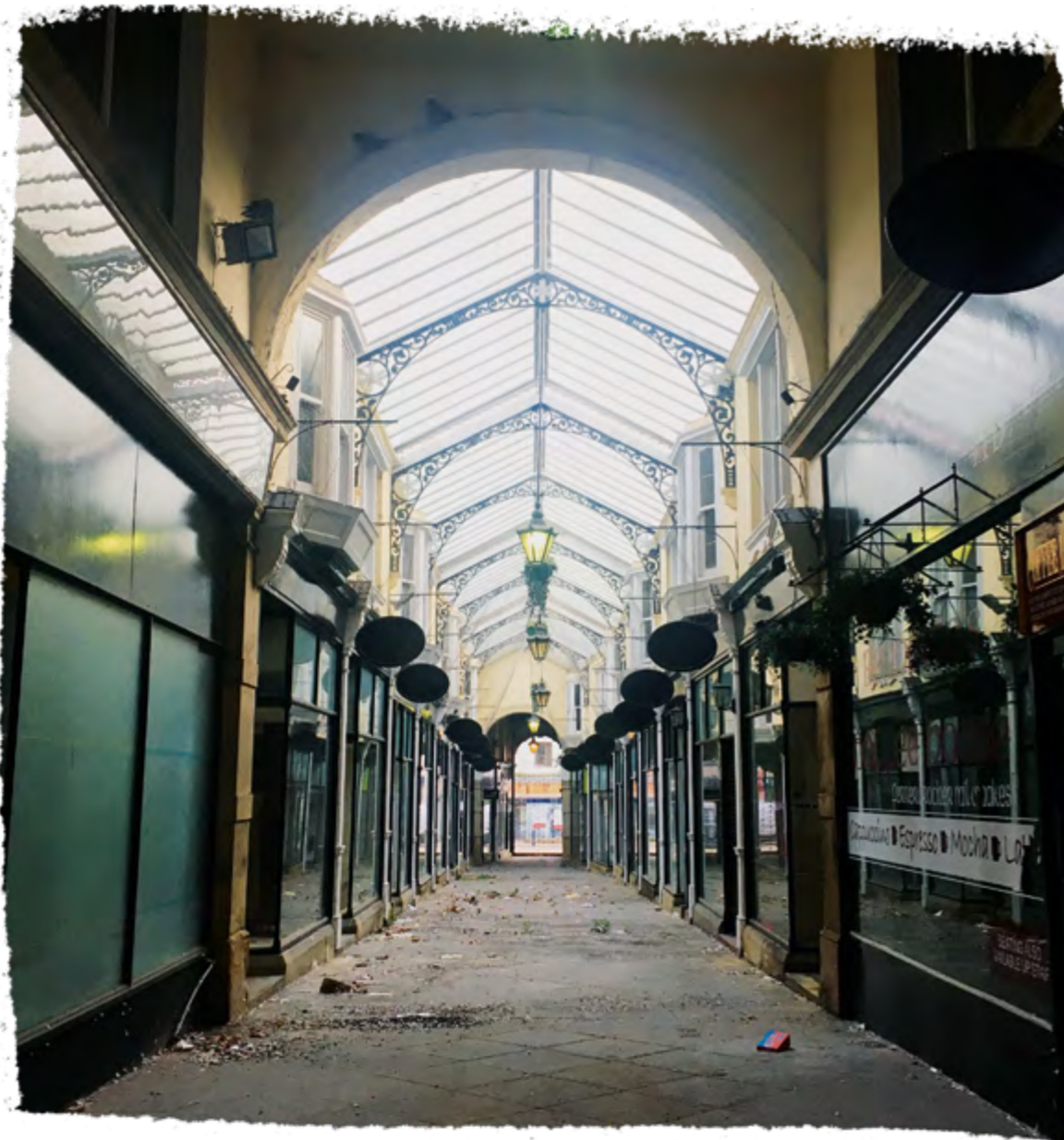


Spiral & Pergola, Sowerby
Artist: Kate Maddison, Chrysalis Arts

The Arcades

Dewsbury's arcades are much loved feature of the town – an unusual pair of parallel arcades, built between 1911 and 1916, running at an acute angle between two streets and opening onto the market area. Work that respects their heritage and artistic integrity whilst shining a spotlight on these heritage gems could include glass art, suspended installations and lighting. The flooring of the arcades offer opportunities for new tiled designs.

The Arcade on Market Place also offers opportunities for public art as part of the re-imagined use of this important building.



Bus Station

Future development of the bus station could incorporate public art in a number of ways to enhance the user experience. Seating and works incorporated into waiting areas, wall panels and lighting could all be considered.

- A current commission is underway to create mural panels for the bus station.
- A gateway feature would help to identify the bus station from a distance.
- A walking route between the bus station, town centre and railway station would create greater access into and across the town. This could be achieved with signage, artworks embedded into the pavement or walls, or by using augmented reality or QR codes that can be collected digitally.



'Athena Rising', Nomad Clan, Leeds

Financing

Costs

Considering the number of potential locations within the town centre, and range of types of public art that could be commissioned, it is estimated that a comprehensive five-year programme to make an impact in the town, could cost in the region of £500,000.

Funding

Although the council would need to provide the core funding for the programme, there would be opportunities to use this to lever match funding from funders such as Arts Council England, trusts and foundations. Of particular interest to these funders would be projects to engage local communities in commissioning and for audience development, education and learning programmes.

There is potential to seek developer contributions as well as support in kind from developers, land or building owners, and community groups.

This additional funding would ensure that the impact of the council's investment and value for money is maximised.

Recommendations

Plan For The Management Of Commissions

There is a lot involved in the successful management of any public art project or programme. It is advisable to have a dedicated role either within the council or via external expertise to oversee this and take a strategic approach to the overall programme, future funding and relation to the wider council context and ongoing developments.

Maintenance Plans

- No artwork will have a totally permanent life, even permanent sculptural works require maintenance and consideration of changing environments and scrutiny against future contemporary practice.
- Decommissioning plans, ownership and maintenance plans and budgets all need to be in place and considered from the outset of planning the commission.
- Working with new materials and new technologies may bring unexpected challenges or upkeep considerations. They can also bring unexpected opportunities to update and keep an artwork active and developing over time.
- Alternatively, an artwork assumed to be temporary could be reconsidered as a more permanent work or may be taken into ownership by a local group or organisation.
- Archiving, documentation and rights to own and re-share work (such as publication of a limited edition product, or showing of a film based outcome) need to be fairly negotiated and agreed with the artist for any future production, display or adaptation. Payment or royalties need to be considered, and copyright should remain with the artist and should be outlined in the contract.



Diversity Within The Process

All attempts should be made to ensure the entire process is open, transparent, accessible and inclusive. This can include:

- ensuring diversity within the planning of the projects and the selection panels
- including all relevant accessibility information within the brief
- making sure site visits are accessible and actively encouraging interested artists or local community to inform of any barriers to their involvement of accessibility needs
- identifying who are and are not being approached to work with artists
- engaging positively with all groups of the community as long term collaborators within individual projects and the wider programme, as decision makers, facilitators, producers, as well as end audience members
- ensuring all marketing is inclusive, is targeted to all, and includes all relevant accessibility information
- continuously evaluate and record all the above to identify gaps or trends that need to be addressed.

Local Artist Professional Development And Mentoring

Having an ongoing public art programme in place provides a god opportunity to develop a professional development plan for local artists to improve the skills of local artists, their chances of securing opportunities, makes the area an attractive place for artists to work and live. This could include:

- talks and skills sharing with commissioned artists
- networking events
- training sessions
- bursary opportunities for smaller scale projects running alongside the commissioning programme
- shadowing opportunities with selected artists.



Written and Produced by Nancy Barrett &
Gaynor Seville, Creative Scene for Kirklees
Council December 2019.

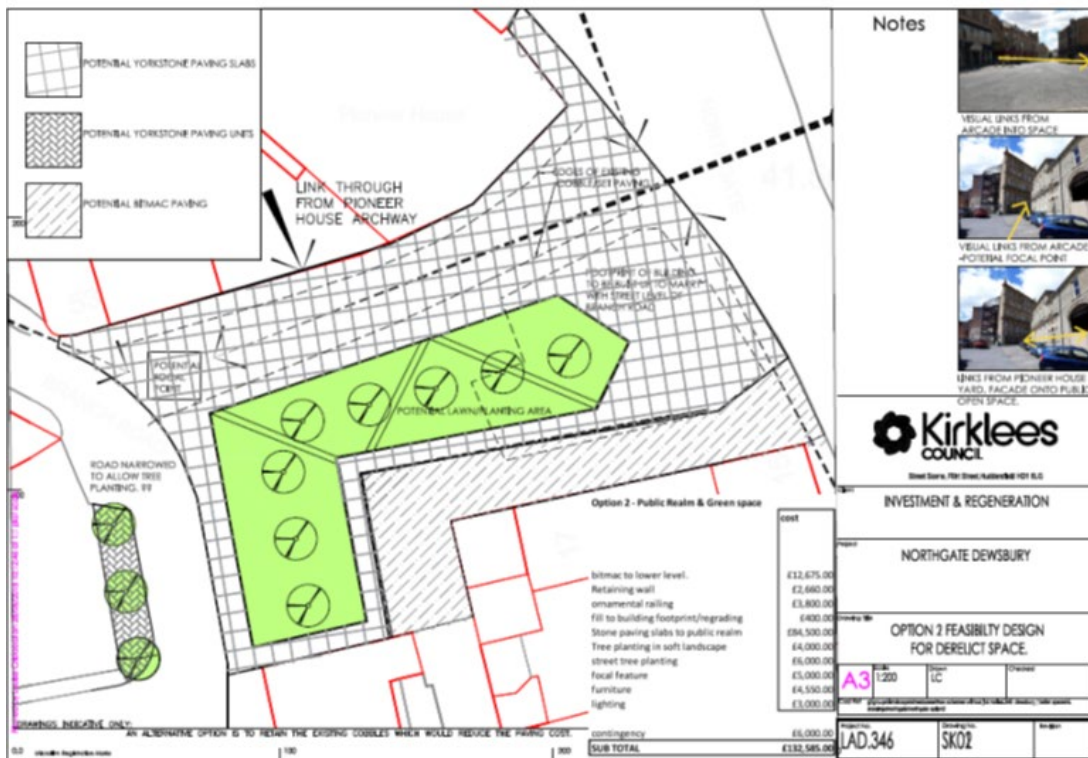
All photos N. Barrett/G. Seville
unless otherwise stated.

APPENDIX THREE: POCKET PARK – NORTHGATE

Site Area



Illustrative Layout



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Name of Meeting: CABINET
Date: 3rd DECEMBER 2019
Title of report: YPO STRATEGIC INVESTMENT

Purpose of report: To provide additional information on the proposed strategic investment by the Yorkshire Purchasing Organisation.

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?	Yes
Date signed off by Strategic Director & name	Jacqui Gedman - 25/11/19
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 25/11/19
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft - 25/11/19
Cabinet member portfolio	Cllr G Turner

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public with a private report & private appendix

Appendices 2-6 to this report are recommended for consideration in private because the information contained in them is exempt information within part 1 of Schedule 12A of the Local Government Act 1972 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 outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

Have you considered GDPR? Yes

1. Summary

1.1 The Council is one of the 13 founder member authorities ("FMAs") of the Yorkshire Purchasing Organisation ("YPO"). YPO is governed by a

Management Committee, whose members decide on matters by simple majority. YPO operates under a Management Agreement which deals with the governance of YPO, which each of the 13 FMAs is a party to, which can be amended by the FMAs, provided two thirds of them agree to do so. The amendments dictate whether the same need agreeing by Cabinet and/or Council.

- 1.2 Wakefield Council (WMDC), as Lead Authority, has prepared a set of common documents for use by all 13 FMAs to assist with this decision. However, it is appropriate for each FMA to consider its own separate advice, which is provided in an additional private report (Appendix 2). This public report needs to be read in conjunction with the following appendices:

Appendix 1	WMDC Report (not exempt)
Appendix 2	Kirklees Council Report (exempt)
Appendix 3	Business Case (exempt)
Appendix 4	Risk Profiling (exempt)
Appendix 5	Finance Model (exempt)
Appendix 6	Draft Supplemental Agreement (exempt)
Appendix 7	Existing Management Agreement (not exempt)

2. Information required to take a decision

Appendix 1 to this report prepared by WMDC sets out public information that will assist with the decision.

3. Implications for the Council

- 3.1 Working with People – None directly.
- 3.2 Working with Partners – YPO is a partnership of 13 local authorities. However the nature of joint working is commercial rather than strategic.
- 3.3 Place Based Working – None directly
- 3.4 Improving outcomes for children – The bulk of YPO stock sales, many other sales and a large proportion of the sales of the target relate to school supplies. Having an effective and low cost supplier is in the interests of schools.
- 3.5 Other (e.g. Legal/Financial or Human Resources) – as noted this is a commercial transaction, and the risk is that the expanded YPO operation does not achieve the Business Plan objectives, and is thus unable to sustain the costs associated with the strategic investment, and ultimately results in a loss or, albeit very unlikely, a complete failure of the operation.

4. Consultees and their opinions

- 4.1 The Service Directors for Legal, Governance & Commissioning, and Finance, and the Heads of Accountancy, Procurement and Commissioning Support and Risk and Internal Audit and Legal – Head of Corporate have all been involved in this analysis.

5. Next steps and timelines

- 5.1 To consider the information, and determine the Council's position (and advise Cllr Turner about how he should vote at the YPO Management Committee (currently on 13th December 2019)). This is subject to the due diligence assessment.

6. Officer recommendations and reasons

- 6.1 The Council's Officers on balance believe that there is sufficient merit in the proposals that they should be supported, but Members of Cabinet must be aware that there are risks. There are though different risks if the proposal is not progressed.

- 6.2 That Members of Cabinet:

- (a) note the transaction proposed by the YPO as outlined in this report and the appendices and indicate the Council's view on the proposal to inform a vote at the YPO Management Committee.
- (b) confirm its financial backing for the transaction by agreeing to underwrite the loan through entering into a Supplemental Agreement and delegate authority to the Chief Executive to approve the Supplemental Agreement, a draft of which is set out at Appendix 6 subject to:
 - i) at least 10 of the 13 FMAs remaining as FMAs and agreeing to enter into the Supplemental Agreement,
 - ii) the satisfactory completion of legal and financial due diligence on the proposal giving confidence to proceed; and
 - iii) a resolution of the YPO Management Committee to enter into the transaction proposed.

OR

That Members of Cabinet resolve to withdraw as a FMA of the YPO with effect from 31st December 2019 should the YPO Management Committee resolve to enter into the transaction proposed.

7. Cabinet portfolio holder's recommendations

- 7.1 That the Cabinet discuss the proposal.

8. Contact officers

James Anderson, Head of Accountancy;
Jane Lockwood, Head of Procurement and Commissioning Support;
Karl Larrad, Legal – Head of Corporate; and
Martin Dearnley, Head of Risk & Internal Audit (01484 221133 x73672).


9. Background Papers and History of Decisions

Appendix 1 WMDC Report (not exempt)
Appendix 2 Kirklees Council Report (exempt)
Appendix 3 Business Case (exempt)
Appendix 4 Risk Profiling (exempt)

- Appendix 5 Finance Model (exempt)
- Appendix 6 Draft Supplemental Agreement (exempt)
- Appendix 7 Existing Management Agreement (not exempt)

10. Service Directors responsible

Julie Muscroft Service, Director – Legal Governance & Commissioning; and
Eamonn Croston Service Director – Finance.

	REPORT TO CABINET TO BE HELD ON <i>(insert date of meeting)</i>	
Not for Publication – The appendices to this report contain exempt or confidential information.	Key Decision	Yes
	Forward Plan Ref No	Ref: 1636G
Council Objectives: Successful Council Successful Places Successful Businesses	Portfolio	Corporate Services
	Relevant Overview and Scrutiny Committee(s)	Overview and Scrutiny Management Board

REPORT OF: Corporate Director Business Change

KMC REPORT APPENDIX 1

WARDS AFFECTED: All

1. SUBJECT: YPO STRATEGIC INVESTMENT

2. PURPOSE OF REPORT

- 2.1 To provide Cabinet with an overview of a proposed transaction by the Yorkshire Purchasing Organisation (YPO) and the opportunity to consider the Business Case, risk profile and finance options in order to inform the decision to be taken at the YPO Management Committee.
- 2.2 To allow Cabinet the opportunity to consider proposed amendments to the governance arrangements of YPO. These have been proposed by Wakefield Council, as the Lead Authority on behalf of YPO, and are intended to safeguard the arrangements for the benefit of the Founder Members should the YPO Management Committee resolve to pursue the transaction.

3. RECOMMENDATION(S)

- 3.1 That Cabinet considers the transaction proposed by YPO as outlined in the report and exempt appendices and indicate the Authority's view on the proposal to inform a vote at YPO Management Committee.
- 3.2 That Cabinet confirms its financial backing for the transaction by agreeing to underwrite the loan through entering into a Supplemental Agreement and delegates authority to the Corporate Director Business Change to approve the Supplemental Agreement set out at Appendix 4 subject to
 - i) at least 10 of the 13 Founder Members remaining as Founder members and agreeing to enter into the Supplemental Agreement,
 - ii) the satisfactory completion of legal and financial due diligence on the proposal giving confidence to proceed and
 - iii) a resolution of the YPO Management Committee to enter into the transaction proposed..

4. WHAT DOES THIS MEAN FOR THE DISTRICT?

- 4.1 The proposed strategic investment will safeguard the stated objectives of YPO as a public sector organisation that maintains effective, efficient and economical arrangements for the supply of goods, materials, works and services by providing excellent quality, service and competitive prices, while optimising the profits available for distribution to its members and customers and delivering a high quality service which saves time and money.
- 4.2 If the transaction proceeds as outlined it is anticipated that there will be increased dividends from YPO. If at least 10 Founder Members enter into the Supplemental Agreement each Council can have confidence that the opportunity outlined in the appendices can be progressed by the Management Committee at YPO to strengthen the business without significant risk to them as YPO Founder Members.
- 4.3 YPO' activities bring benefits to the District in ethical purchasing resulting in lower purchase prices for goods and services, local jobs in YPO and local supply chains and environmental benefits generated by YPO's approach to sustainable procurement and adherence to UN Sustainability Goals.

5. BACKGROUND INFORMATION

- 5.1 The YPO was founded in 1974 and is a joint local government service for procurement of goods and services. The membership has changed over the years but currently comprises 13 'Founder Member' local authorities; Barnsley, Bolton, Bradford, Calderdale, Doncaster, Kirklees, Knowsley, North Yorkshire, Rotherham, St Helens, Wakefield, Wigan and York.

Wakefield Council currently acts as the 'Lead Authority' providing a range of services to YPO including employing YPO's staff, providing internal audit and s151 and Monitoring Officer functions.

- 5.2 The YPO does not have a legal personality separate to that of its Members. In practical terms this means for example that it cannot directly enter into contracts, employ staff or own property. It is subject to local government legislation in terms of its powers and governance on the same basis as its member local authorities.
- 5.3 The YPO is currently governed by a management agreement (at Appendix 4) dated September 2011 which designates as Founder Members the 13 Authorities who participate in YPO under a Joint Committee arrangement established under sections 101 and 102 of the Local Government Act 1972 and The Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000. Under the Management Agreement each Founder Member has one vote at the Management Committee and these votes are of equal standing. No single local authority/Founder has a controlling interest. Founder members are entitled to dividends and to vote on how the dividends are allocated amongst YPO members. The Management Committee is supported by an advisory strategic officer group which includes relevant officers from each Founder Member Council.
- 5.4 In addition there are two further categories of 'membership', 'Associate Membership' and 'Ordinary Membership'. Neither category has a substantive role in the governance but as customers of YPO are also eligible to a 'dividend' paid from any surplus accumulated by YPO in a financial year. Associate Members (and Founder Members) receive a dividend in cash. Ordinary members receive their dividend in the form of discounts on future purchases. In addition to achieving a range of non-financial benefits, the YPO has also been successful in delivering financial benefits to the Members and the dividend distribution for Wakefield Council for 2019 operating year was £0.4m.
- 5.5 A combination of increasing operating costs and an increasingly competitive market environment has meant that the YPO has been considering for some time the opportunity for new business strategies and diversification in order to safeguard and promote its strategic objectives. The YPO Management Team considers that the majority of the opportunities to cut costs have now been taken. Some further investment in the business will be needed in the medium term and the growth into new markets, whilst positive, will be a protracted process. Thus it will become increasingly difficult to keep dividends at current levels This has led to the proposed transaction more fully described in the exempt appendices.
- 5.6 The proposed transaction has been discussed with YPO Strategic Officers from each Founder Members including their s151 and Monitoring Officers

(or their representatives). The proposed transaction has also been considered by elected members at the YPO Management Committee who resolved to take the proposal to the next stage and commission external financial and legal advisors to undertake due diligence.

This due diligence is expected to conclude in early December. Discussions on finance options and governance have led to the proposal outlined in the appendices side.

- 5.7 The proposal is that the Lead Authority provides the funding and makes the transaction on behalf of all of the Founder Members. Founder Members will be asked stand behind the Lead Authority's position through a Supplemental Agreement which will outline the position should a Founder member wish to withdraw during the loan period or the Joint Committee terminate with liabilities in excess of assets.

In order to safeguard the position of Founder Members who will be carrying the risk of the proposed transaction it is recommended that each Founder Member enter into a Supplemental Agreement, which amends the Management Agreement. This will require any Authority serving notice to leave YPO during the ten year loan period to accept a contingent liability for an equal share of the loan outstanding at that time (principal sum and interest) to be paid if YPO is later wound up and assets are insufficient to cover the liability. The Agreement ring fences an element of the dividends to be paid to Founder Members along with a specific requirement for the management committee to have regard to the risk carried by the Founder Members when setting the split of dividends between Founder and Associate Members. If all 13 Founder Members wish to proceed and accept this Supplemental Agreement the risk to each is a 1/13th share of the loan. Should any Founder Members choose to withdraw before the proposed transaction it is suggested that as long as 10 Founder Members remain and enter into the Supplemental Agreement, the rise in risk level is acceptable given the potential benefits

- 5.8 It is anticipated that each of the 13 Founder Members will consider this report from 20 November 2019.

Due diligence is expected to conclude in early December and arrangements have been made for relevant officers to meet with the external advisors to receive the outcome. This will allow the relevant statutory officers to review the due diligence work that has been undertaken by the consultants.

YPO Management Committee is expected to meet to consider whether to enter into the transaction after the conclusion of due diligence.

6. OPTIONS APPRAISAL

- 6.1 Option 1 – confirm support for the proposed transaction and agree to enter into the Supplemental Agreement. This will allow the Lead Authority to borrow and acquire on behalf of YPO to expand and consolidate the business. There will be protection of the position of Founder Members who will receive a ring fenced dividend before further distribution with the comfort

that other Founder Members will accept a contingent liability for the loan through the Supplemental Agreement in the event that they wish to withdraw from YPO during the loan period. This option is recommended for the reasons set out in the appendices.

6.2 Option 2 – do not support the proposed transaction and Supplemental Agreement.

Should the YPO Management Committee still resolve to go ahead with the transaction and if two thirds of members resolve to enter into a Supplemental Agreement (which amends the Management Agreement), the Council could be in a position of taking on the risk without being able to withdraw in advance. YPO does not want to put Founder Members in such a position. For that reason it is suggested that any Council who is fundamentally opposed to the transaction should have the opportunity to withdraw now without the normal 12 months' notice on 31 December 2019 with an option of transferring to Associate Member status. Taking this option would mean the Council is not exposed to the risk of the transaction and loan but would mean that the Council would not receive dividend payments after for 2019. This option is therefore not recommended.

6.3 If the Management Committee resolves not to enter into the proposed transaction YPO could continue as present. In that case a Supplemental agreement is not required. However in an increasing competitive market with rising costs, the existing benefits to the Council may reduce over the medium to longer term. This option is not recommended.

7. STRATEGIC IMPLICATIONS

7.1 The Council participates in YPO as a high quality public sector procurement organisation that maintains effective, efficient and economical arrangements for the supply of goods, materials, works and services by providing excellent quality, service and competitive prices, while optimising the profits available for distribution to its members and customers.

7.2 YPO delivers social value for all Founder Members through its procurement policies which actively seek to engage with local businesses and encourage YPO supply chains to measure and embed social impact. YPO annually publishes the social, economic and environmental impact of its procurement through its annual benefits statement.

8. ENGAGEMENT

8.1 Discussion on the proposed transaction and proposal to enter into a Supplemental Agreement has taken place with YPO Strategic Officers Group. The Independent Director, who is the Chief Financial Officer of Asda is supportive of the proposed transaction. The YPO Management Committee resolved to proceed to due diligence.

9. CORPORATE IMPLICATIONS

9.1 Financial Implications

The proposed transaction is set out in detail in the confidential appendices to this report. The strategic business case, which models the forecast income and expenditure over a ten-year period, outlines potentially significant financial and non-financial benefits to the YPO, its customers, the Founder Members, and the wider public sector.

External financial advice has been commissioned to undertake financial due diligence. This due diligence is expected to be completed by early December.

There is a financial risk arising from the proposed transaction. To help mitigate this, the business case has been based on a prudent set of assumptions and has been risk-assessed and stress-tested to financially model different scenarios. In addition, there will be dedicated project management resource deployed to support transitional arrangements and strengthened senior capacity at board level. A full risk assessment and potential mitigation is set out in the appendices.

The proposal is that Wakefield Council, as the Lead Authority, would provide the funding and makes the transaction on behalf of all of the Founder Members. Founder Members will be asked stand behind the Lead Authority's position through a Supplemental Agreement to the Management Agreement which will outline the position should a Founder member wish to withdraw during the loan period or the Joint Committee terminates with liabilities in excess of assets.

9.2 **Legal Implications**

YPO is a public sector procurement organisation operated through a Joint Committee structure. The final approval of the proposed transaction will be taken at YPO Management Committee in the light of decisions on the matters set out in this report by all Founder Members.

External legal advice has been taken on the powers of Founder Members to undertake this transaction.

The business of the YPO primarily relies on the powers under s111 Local Government Act 1972 and the Local Authority (Goods and Services) Act 1970. However where YPO wishes to trade with organisations that are not covered by such legislation it can rely on the General Powers of Competence ("GPOC") under Section 1 of the Localism Act 2011. Section 4 of the Localism Act 2011 enables the local authority to do for a commercial purpose anything that it is empowered to do under GPOC. The section 4 trading powers prescribe which company structures may be used. In short, given the trading mix of the target company and commercial scale the more resilient basis of reliance in powers is GPOC and the acquisition of the shares in the existing target company satisfies the requirement that such powers be exercised through a company.

Additional reliance can be placed on Section 95 of the Local Government Act 2003 enables relevant authorities "to do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any

of their ordinary functions” i.e. anything which they are empowered to do in legislation. The section 95 power can be limited by order and authorities exercising it must have regard to the guidance issued by the Secretary of State. To adhere to the requirements under this legislation the local authority must prepare a business case supporting the exercise of the section 95 power, which the authority must approve (Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009). In the event that YPO Proceed with the transaction and subsequently trade through a company for a period of time, then the business case appended to this report as Appendix 1 satisfies the requirements of the Local Government Power to Trade Order for Wakefield as the Lead Authority holding the assets in Trust.

Once acquired, YPO can reorganise the business of the target to achieve the most cost effective delivery of service which will allow trading with designated public bodies to be done other than through the Company.

9.3 **Equality Implications**

None

9.4 **Information Governance Implications**

None

9.5 **Other Implications**

None

10. **RECOMMENDATION(S)**

10.1 That Cabinet notes the transaction proposed by YPO as outlined in the report and exempt appendices and indicate the Authority’s view on the proposal to inform a vote at YPO Management Committee.

10.2 That Cabinet confirms its financial backing for the transaction by agreeing to underwrite the loan through entering into a Supplemental Agreement and delegates authority to the Corporate Director Business Change to approve the Supplemental Agreement set out at Appendix 4 subject to

- iv) at least 10 of the 13 Founder Members remaining as Founder members and agreeing to enter into the Supplemental Agreement,
- v) the satisfactory completion of legal and financial due diligence on the proposal giving confidence to proceed and
- vi) a resolution of the YPO Management Committee to enter into the transaction proposed..

Or

That Cabinet resolve to withdraw from Founder Membership of YPO with effect from 31 December 2019 should YPO Management Committee resolve to enter into the transaction proposed

11. REASON(S) FOR RECOMMENDATIONS(S)

11.1 To enable YPO to continue to provide benefits to members into the long term.

Service Director: *(Name, Service Area and Directorate)*

Contact Officer: *(Full Name, Job title and Location)*
(Full postal Address)

Telephone No:

E-mail address:

Appendices

Business Case - exempt

Risk Profiling - exempt

Finance Model - exempt

Draft supplemental agreement – exempt

Existing Management Agreement – not exempt

Background Papers:

Details should be given here of all publicly accessible (non private) background papers applicable to the report which can be viewed by contacting the Contact Officer named above.

Appendix A – 2018 Founder Member Dividend Distribution Vs 2017.

Total Dividend (£'s)			
Members	2017	2018	Movement
Barnsley MBC	373,245	379,145	5,900
Bolton MBC	370,170	383,325	13,154
Bradford MDC	631,022	690,832	59,811
City of York	256,607	259,599	2,992
Doncaster MBC	419,050	451,014	31,964
Kirklees MC	613,110	660,833	47,723
Knowsley MBC	301,148	299,839	-1,310
MB of Calderdale	322,507	317,688	-4,819
North Yorkshire CC	675,912	697,860	21,947
Rotherham MBC	399,777	437,659	37,882
St Helens MBC	337,824	343,677	5,853
Wakefield MdC	429,013	440,943	11,930
Wigan MBC	400,684	412,043	11,359
Members Total	5,530,070	5,774,456	244,386

THIS AGREEMENT is made on the 8th day of September 2011
BETWEEN: BARNSELY METROPOLITAN BOROUGH COUNCIL of the first
part; THE BOROUGH COUNCIL OF BOLTON of the second part; THE CITY
OF BRADFORD METROPOLITAN DISTRICT COUNCIL of the third part;
THE BOROUGH COUNCIL OF CALDERDALE of the fourth part;
DONCASTER ^{SDF} ~~METROPOLITAN~~ BOROUGH COUNCIL of the fifth part; THE
COUNCIL OF THE BOROUGH OF KIRKLEES of the sixth part; KNOWSLEY
METROPOLITAN BOROUGH COUNCIL of the seventh part; NORTH
YORKSHIRE COUNTY COUNCIL of the eighth part; the ROTHERHAM
BOROUGH COUNCIL of the ninth part; ST HELENS BOROUGH COUNCIL
of the tenth part; THE COUNCIL OF THE CITY OF WAKEFIELD of the
eleventh part; WIGAN BOROUGH COUNCIL of the twelfth part; THE
COUNCIL OF THE CITY OF YORK of the thirteenth part.

WHEREAS:

- (1) The above parties are referred to in this Agreement as 'the Founder Member Authorities' collectively and as 'Founder Member Authority' individually, irrespective of whether they were founding members on formation of the Yorkshire Purchasing Organisation in 1974 or became members thereafter
- (2) The Yorkshire Purchasing Organisation (referred to in this agreement as YPO) was established in 1974 to maintain effective, efficient and economical arrangements for the supply of goods, materials and services.
- (3) This agreement replaces an earlier agreement agreed in 2001, relating to the governance of YPO, and will govern the operation of YPO from 8th September 2011

IT IS HEREBY AGREED AS FOLLOWS:

1. OBJECTIVES AND PURPOSE OF YPO

- (1) YPO shall be a procurement organisation, maintaining effective, efficient and economical arrangements for the supply of goods, materials, works and services, by providing excellent quality, service and competitive prices, whilst optimising the profits available for distribution to its members and customers.
- (2) YPO shall (unless agreed otherwise by at least two thirds of the Founder Member Authorities) be a public sector organisation committed to professional, open, sustainable, caring relationships with its members, customers, staff and suppliers, and in doing so shall help the UK public sector by delivering a high quality service which saves them time and money.
- (3) In conducting its business, YPO shall:
 - (i) Provide all the general supplies and services required by local government and other public/third sector bodies, as permitted under legislation;
 - (ii) Optimise profitability by delivering cost effective services that contribute to customers' efficiency;
 - (iii) Ensure through periodic reviews that the effectiveness, efficiency and profitability of YPO is at least comparable with that of other similar organisations;
 - (iv) Utilise profits to support business investment, to reward membership and to incentivise usage;

- (v) Be informed by, and be consistent with, the innovation and efficiency plans of the Founder Member Authorities and those of regional bodies;
- (vi) Play a constructive role in helping to shape, and benefit from, developments in the national procurement agenda.

2. POWERS OF YPO

In conducting its business as defined in paragraph 1 above, YPO shall at all times

- (i) act within the powers conferred to it by law including but not limited to the Local Authorities (Goods and Services) Act 1970, Sections 101 and 102 of the Local Government Act 1972 and The Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000 (in relation to to the joint discharge of functions) together with Section 111 of the Local Government Act 1972 and to the extent it confers specific power to enter into Contracts Section 1 of the Local Government (Contracts) Act 1997, and Regulation 22 of the Public Contract Regulations 2006 (all as amended from time to time) and
- (ii) comply with all other relevant law.

3. MEMBERSHIP OF YPO

- (1) There shall be three types of YPO membership – a Founder Member Authority; an Associate Member Authority and an Ordinary Member
- (2) Founder Member Authorities shall participate in YPO under a joint committee arrangement established in exercise of the Founder Member Authorities powers under Sections 101 and 102 of the Local Government Act 1972 and The Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000

- (3) No further 'Founder Member Authorities' shall be permitted under this Agreement or otherwise
- (4) Each Founder Member Authority shall appoint annually two of its elected members as members of YPO (who may also act as a substitute for each other) and each Founder Member Authority shall also be entitled to appoint two additional substitute members. A substitute Member may attend meetings (including sub-committee meetings) of YPO in place of an appointed member who is unable to attend. It shall be the responsibility of each Founder Member Authority to arrange such a substitution on their own behalf.
- (5) Each Founder Member Authority shall have one vote at Management Committee meetings of YPO, and these votes shall be of equal standing
- (6) The Founder Member Authorities shall select by majority vote in the Management Committee one of their number to act as Lead Authority, with the role and functions specified in SECTION 4 of this agreement.
- (7) A vote to replace the Lead Authority shall take place at the written request of the Lead Authority or at the written request of at least one third of the Founder Member Authorities, setting out their reasons for requesting a vote to take place.
- (8) With the agreement of two thirds of the Founder Member Authorities, via a resolution of the Management Committee, YPO may grant Associate Membership, in accordance with SECTION 8 of this agreement.
- (9) All individual customer account holders shall be Ordinary Members of YPO, in accordance with SECTION 9 of this Agreement.

4. ROLE OF THE LEAD AUTHORITY

The Lead Authority for the time being is the Council of the City of Wakefield, which shall perform the following functions on behalf of the Founder Member Authorities:

- (1) Provide the Management Committee with appropriately qualified staff to carry out the roles of Section 151 Officer and Monitoring Officer in relation to YPO;
- (2) Act as employer for all staff of the Management Committee, including the Board of Directors, and to provide such Human Resources input as the Lead Authority considers necessary for the effective discharge of this responsibility;
- (3) Provide an effective internal audit service at a level agreed between the Section 151 Officer and the Audit Sub-Committee of the Management Committee, including such attendance by Auditors at the Audit Sub-Committee as is necessary to properly discharge this responsibility;
- (4) Provide effective Committee Administration services to the Management Committee and appropriate sub-committees, at a level considered necessary by the Monitoring Officer;
- (5) Provide effective banking and resource management services on behalf of YPO;
- (6) Consult Founder Member Authorities on changes to Financial Procedure Rules, Standing Orders, Delegation Schemes and this Agreement, and make recommendations to the Management Committee;
- (7) Chair the Strategic Officers Advisory Group;

- (8) Assist the Management Committee to monitor the performance of the Managing Director;
- (9) Have the authority to defer any proposal to incur expenditure or let any contract by the Board of Directors, pending the outcome of a report to the Management Committee or the Executive Sub-Committee of YPO as appropriate

and shall charge the cost of such services to the Management Committee.

The performance of the Lead Authority will be considered by the Strategic Officers Advisory Group annually and formally reviewed at least every five years.

5. PROCEDURE RULES AND SCHEMES OF DELEGATION

- (1) The Management Committee and Board of Directors shall operate at all times in accordance with approved:
 - (i) Financial Procedure Rules;
 - (ii) Standing Orders;
 - (iii) Contract Standing Orders;
 - (iv) Officer Delegation Scheme.
- (2) Any proposed amendments to the documents in 5(1) shall be subject to:
 - (i) A period of at least 8 weeks prior consultation with Founder Member Authorities by the Monitoring Officer;
 - (ii) A report to the Management Committee by the Monitoring Officer setting out the results of the consultation, and making recommendations;

(iii) The agreement of at least two thirds of the total membership of the Management Committee.

6. JOINT COMMITTEE ARRANGEMENTS

- (1) The democratic management of YPO shall be vested in the Joint Committee, which shall be known as the Management Committee of YPO.
- (2) The Management Committee shall meet at least 3 times per year in March, June (AGM) and November, and such other times as agreed from time to time by the Chair of the Committee. Each meeting shall have a duration of a maximum of 2 hours unless otherwise agreed by a majority of the Management Committee.
- (3) Quorum and substitution arrangements for the Management Committee shall be as set out in this document and the approved Standing Orders of YPO.
- (4) The remit of the Management Committee shall be that agreed by YPO Management Committee held on 25 September 2009 – minute 23 (4), and be subject to a review at each Annual General Meeting of the Management Committee.
- (5) The Management Committee shall appoint annually from its membership those sub-committees that it considers necessary to discharge its duties and responsibilities under this Agreement, and shall include at least an Executive Sub-Committee and an Audit Sub-Committee and a Scrutiny Sub-Committee.
- (6) Prior to each Management Committee meeting, the Lead Authority shall convene a meeting of officers, drawn from the Founder Member Authorities, to be known as a 'Strategic Officers Advisory Group', with a

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remit to examine draft reports to the Management Committee, raise issues of concern relating to YPO business and to facilitate the pre-briefing of members. It shall be the responsibility of each Founder Member Authority to make available, wherever possible, an officer of director of appropriate status to attend such meetings.

7. CODE OF CORPORATE GOVERNANCE

- (1) The Management Committee shall keep under review its code of corporate governance and associated documents, including the register of corporate risk, following recommendations by the Audit Sub-Committee.
- (2) YPO managers and such other officers as may be required shall agree to attend on request the scrutiny committees of the Founder Member Authorities to assist in their assessment of the effectiveness of YPO operations and assurance procedures.

8. ASSOCIATE MEMBERSHIP

- (1) At the time of this Agreement, Associate Membership is granted to Leeds City Council and the Metropolitan Borough of Bury.
- (2) Associate Members will be entitled to a share of dividend payments under SECTION 10(3)(ii) of this Agreement for annual levels of usage in excess of the usage level in the full calendar year immediately prior to Associate Membership being granted, in accordance with a scheme to be drawn up annually by the Management Committee.
- (3) Associate Members shall not receive a vote, or be entitled to attend 'in confidence' parts of Management Committee meetings.
- (4) Associate Members will be invited to attend an annual meeting with the Executive Sub-Committee, or participate in such other means of

discussion as are agreed by the Management Committee, and a report on the outcome of such discussions shall be presented to each Annual General Meeting of the Management Committee.

9. ORDINARY MEMBERSHIP

- (1) All individual customer account holders shall be Ordinary Members of YPO.
- (2) Ordinary Members shall be entitled to a share of dividend payments under SECTION 10(3)(iii) of this Agreement in accordance with a scheme to be drawn up annually by the Management Committee.
- (3) Ordinary Members shall not receive a vote, or be entitled to attend 'in confidence' parts of Management Committee meetings.

10. PAYMENT OF DIVIDENDS

- (1) In March of each year, upon receipt of the pre-audit accounts for the previous year the Management Committee shall determine the level of dividend to be paid (if any) but any dividend so determined will not be paid until the accounts have been completed and approved by the s151 Officer.
- (2) The overall dividend sum to be distributed (if any) shall be drawn from accumulated reserves, after deducting a sum which takes account of known risks, to ensure that YPO remains a going concern during the forthcoming year, and after deducting the cost of any development proposals agreed by the Management Committee.
- (3) The distribution formula shall contain the following elements:
 - (i) A cash sum to be divided equally between the Founder Member Authorities to reflect their risk of ownership;

- (ii) A cash sum to reward usage of YPO products and services in all modes of supply (including framework contracts) by the Founder Member Authorities and Associate Members with the weightings between types of membership and modes of supply being determined by the Management Committee;
- (iii) A sum to reward usage of Ordinary Members in the form of a credit voucher against future purchases.

(4) The weightings attached to 3(i) to 3(iii) above shall be agreed annually by the Management Committee.

11. APPOINTMENT OF STAFF

- (1) The Management Committee shall determine the size, scope and conditions of service of the Board of Directors of YPO, after receiving appropriate professional advice from the Lead Authority.
- (2) The Management Committee shall appoint annually an 'Appointments Committee' with responsibility for the appointment and disciplinary procedures of the Board of Directors and appraising the performance of the Managing Director.
- (3) The Board of Directors shall make arrangements to establish and appoint all other staff in accordance with the approved budget and officer delegation scheme, and to ensure that its HR policies and procedures are in accordance with best practice.
- (4) All staff shall be employed by the Lead Authority on behalf of YPO on terms and conditions agreed by the Lead Authority, subject to SECTION 11(1) of this Agreement.

- (5) The Board of Directors shall make such arrangements with Trades Unions to facilitate effective employee relations, through the periodic Joint Consultative Committee, and the Lead Authority shall be entitled to attend meetings of the Committee as it sees fit.

12. ASSETS

- (1) All existing and future assets shall vest in the Lead Authority in trust for the Founder Member Authorities on terms to be agreed by the Management Committee.

13. WITHDRAWAL OF MEMBERS

- (1) A Founder Member Authority wishing to withdraw from membership of YPO shall give to the Lead Authority at least 12 months' written notice expiring on the 31 December. A Founder Member Authority withdrawing shall be responsible for an equal share of any deficit that is held in the accounts in the financial year of withdrawal, but shall not be entitled to any dividend payment under SECTION 10(3)(i) of this Agreement, or a share of any assets held in trust by the Lead Authority under SECTION 12(1) of this Agreement.
- (2) Associate Members under SECTION 8 of this Agreement can do so in writing without a notice period, but will not be entitled to any dividend payment under SECTION 10(3)(ii) of this Agreement for the financial year in which the withdrawal takes place.

14. TERMINATION

Notwithstanding the provisions of SECTION 13(1) of this Agreement, if two thirds of the Founder Member Authorities agree, following a resolution by the Management Committee, this Agreement may be terminated on the 31 December in any year.

(1) The terms of termination shall require:

- (i) The payment of any outstanding dividend to Associate Members under SECTION 10(3)(ii) of this Agreement which would have been paid out had the termination not taken place;
- (ii) Any accumulated deficit to be borne by the Founder Member Authorities equally;
- (iii) Any accumulated surplus in the YPO accounts, and the realised value of any assets held in trust by the Lead Authority under SECTION 12(1) of this Agreement, to be shared equally between the Founder Member Authorities.

15. AMENDMENT

(1) If two thirds of the Founder Member Authorities agree, following a resolution by the Management Committee, this Agreement may be amended at any time upon terms agreed by the Founder Member Authorities.

16. LITIGATION

(1) The institution and defence of necessary litigation by YPO arising out of the exercise of its responsibilities shall be undertaken in a representative capacity by the Lead Authority, or such other Founder Member Authority as appointed by the Lead Authority.

(2) The Lead Authority, or such other Founder Member Authority undertaking the litigation, shall be indemnified by the Founder Member Authorities.

17. INTERPRETATION AND ARBITRATION

(1) In applying the terms of this Agreement, all parties shall act reasonably

- (2) Where a fraction of Membership is referred to in this Agreement, this should be rounded up to the nearest whole number.
- (3) If at any time any dispute or difference shall arise between the Founder Member Authorities or any of them respecting any matters arising out of this Agreement or the meaning or effect of this Agreement or anything herein contained or the rights or liabilities of any of the Founder Member Authorities the dispute or difference shall be referred to and settled by a single arbiter to be appointed by the Founder Member Authorities but if they cannot agree to be nominated by the Local Government Association.

THE COMMON SEAL OF BARNSLEY)
 METROPOLITAN BOROUGH COUNCIL)
 was hereunto affixed in the presence of:)

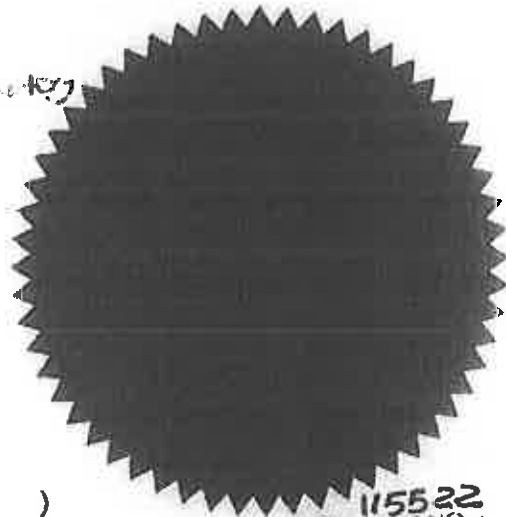
Stefan he
Authorised Signatory

THE COMMON SEAL OF THE BOROUGH)
 COUNCIL OF BOLTON)
 was hereunto affixed in the presence of:

A.R. SA
 AUTHORIZED OFFICER

THE COMMON SEAL OF THE CITY OF)
 BRADFORD METROPOLITAN DISTRICT COUNCIL)
 was hereunto affixed in the presence of:)

S. Charnock
 CITY SOLICITOR



115522
 SEALING NO.



THE COMMON SEAL OF THE)
BOROUGH COUNCIL OF CALDERDALE)
was hereunto affixed in the presence of:)

[Signature]
IAN R HUGHES

**HEAD OF DEMOCRATIC AND
PARTNERSHIP SERVICES**

SEAL NO.
236 037



THE COMMON SEAL OF DONCASTER)
METROPOLITAN BOROUGH COUNCIL)
was hereunto affixed in the presence of:)

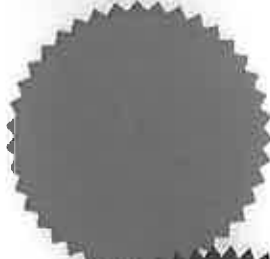
[Signature]

*Authorised By The Assistant Director
- Legal And Democratic Services 61295*

THE COMMON SEAL OF THE COUNCIL)
OF THE BOROUGH OF KIRKLEES)
was hereunto affixed in the presence of:)

[Signature]
Authorised Signature

No. 003057



THE COMMON SEAL OF THE COUNCIL)
OF THE KNOWSLEY METROPOLITAN)
BOROUGH COUNCIL)
was hereunto affixed in the presence of:)

[Signature]

AUTHORISED SIGNATURE

SEAL NO: 21106

AUTHORITY: CY COLLEGE RE
REGISTRATION.

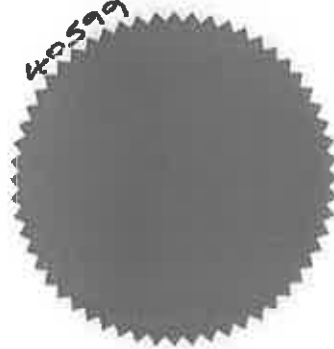


THE COMMON SEAL OF NORTH YORKSHIRE)
COUNTY COUNCIL)
was hereunto affixed in the presence of:)

[Signature]

AUTHORISED
SIGNATURE

40599



THE COMMON SEAL OF ROTHERHAM
BOROUGH COUNCIL
was hereunto affixed in the presence of:

[Handwritten Signature]

3116

DULY AUTHORISED
OFFICER

THE COMMON SEAL OF ST HELENS
BOROUGH COUNCIL
was hereunto affixed in the presence of:

[Handwritten Signature]
AUTHORISED SIGNATORY

THE COMMON SEAL OF THE COUNCIL
OF THE CITY OF WAKEFIELD
was hereunto affixed in the presence of:

Bernadette Livesey
Service Director
Legal & Governance

[Handwritten Signature]

No: 668493

526/11

THE COMMON SEAL OF WIGAN
BOROUGH COUNCIL
was hereunto affixed in the presence of:

[Handwritten Signature]
HEAD OF SERVICE - LEGAL & MISCELLANEOUS

THE COMMON SEAL OF THE
COUNCIL OF THE CITY OF YORK
was hereunto affixed in the presence of:

[Handwritten Signature]

Colin McCusker LL.B.
Clerk

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Dated

8th September

2011

The Councils of the County of North Yorkshire and the Districts of Barnsley,
Bolton, Calderdale, Doncaster, Kirklees, Knowsley, Rotherham,
St Helens, Wigan and the Cities of Bradford, Wakefield and York

AGREEMENT

Management Agreement – Yorkshire Purchasing Organisation

Service Director
Legal & Governance
County Hall
WAKEFIELD
WF1 2QW

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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