

Public Document Pack

Kirklees Council



Council Chamber - Town Hall, Huddersfield

Tuesday 7 January 2020

Dear Member

The Council will meet on Wednesday 15 January 2020 at 5.30 pm at Council Chamber - Town Hall, Huddersfield.

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

The following matters will be debated:

Pages

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

3: Minutes of Previous Meeting

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To agree and authorise the Mayor to sign the Minutes of Council held on 13 November 2019.

4: Declaration of Interests

The Councillors will be asked to advise if there are any items listed on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on the item, or any other interest.

5: Petitions (From Members of the Council)

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

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

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

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

(Any person wishing to make a deputation is requested to contact andrea.woodside@kirklees.gov.uk / leigh.webb@kirklees.gov.uk (tel 01484 221000) and will be required to complete a form at least 24 hours in advance of the meeting).

7: Public Question Time

The Committee will hear any questions from the general public.

- 8: Proposed Revision to Statement of Licensing Policy 2020-2025 (Reference from Licensing and Safety Committee)** 7 - 76
- To consider the report.
- Contact: Stephanie Mashiter, Licensing Service
-
- 9: Treasury Management Activity 2019/2020 - Half Yearly Monitoring (Reference from Cabinet)** 77 - 98
- To receive the report.
- Contact: Eamonn Croston, Service Director – Finance
-
- 10: Calculation of Council Tax Base 2020/2021 (Reference from Cabinet)** 99 - 110
- To consider the report.
- Contact: Eamonn Croston, Service Director – Finance
-
- 11: Peer Challenge Feedback Report and Action Plan (Reference from Cabinet)** 111 - 146
- To consider the report.
- Contact: Kate McNicholas, Head of Policy, Partnerships and Corporate Planning
-
- 12: Appointment of Chair - Heavy Woollen Area Planning Sub Committee** 147 - 150
- To confirm the appointment of Councillor S Hall as Chair of Planning Sub Committee (Heavy Woollen Area) for the remainder of the municipal year.
-

13: Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons

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

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

14: Key Discussion - Developing Dementia Design in Kirklees

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Council will receive a presentation from the Strategic Director for Adults and Health prior to the Key Discussion debate.

(Under the provision of Council Procedure Rule 5(5), the Key Discussion shall commence no later than 7.00pm. Council Procedure Rule 18 (23) permits a maximum of 60 minutes for this item).

15: Motion as to Forgotten Workers - Update

To receive an update from the Cabinet Member – Corporate Services on the progress of the resolution of Council on 18 September 2019.

16: Motion submitted in accordance with Council Procedure Rule 14 as to Pension Credit

To consider the following Motion in the names of Councillors Simpson, Pandor, Turner, McBride, O'Donovan, Zaman, Khan, Ahmed, Walker, Warner, Loonat, P Davies, Homewood and Lowe;

“This Council;

- (i) believes that the abolition of free TV licences is a terrible blow to many vulnerable older people who already struggle to make ends meet and particularly to those who are housebound or isolated and rely on their TV for company
- (ii) notes the pledge made in the Conservative Party 2017 manifesto to fully fund the TV licence for all over 75s
- (iii) notes the Independent Age Credit ‘Credit Where It’s Due’

campaign report, which found that £21m of support for Kirklees' most vulnerable pensioners is being held back by the barriers to accessing Pension Credit

- (iv) does not believe it is acceptable that almost half of all pensioners in Kirklees who are entitled to Pension Credit do not receive it. These vulnerable older residents will also now lose their free TV licences and will be pushed further into deprivation

This Council therefore resolves;

- (i) to write to the new Prime Minister to outline the unacceptable effect that this policy will have on Kirklees' most vulnerable pensioners and call upon him to back the 'Credit Where It's Due' campaign to reform Pension Credit to better support Kirklees' most vulnerable older residents
- (ii) to use opportunities that exist within the Council to promote the availability of Pension Credit to residents to ensure as many residents as possible are aware of its availability."

17: Motion submitted in accordance with Council Procedure Rule 14 as to Improving School Air Quality

To consider the following Motion in the names of Councillors Munro, Burke, Lawson, A Pinnock, K Pinnock, Iredale, Eastwood, P A Davies, A Smith and Marchington;

"This Council notes:

1. That clean air is one of the most fundamental requirements for a healthy environment;
2. That, according to Defra, the inhalation of particulate pollution can have adverse health impacts and there is 'understood to be no safe threshold below which no adverse effects would be anticipated'.
3. That polluted air is a silent killer, with an estimated 28,000 – 36,000 deaths in the UK attributed to long-term exposure to air pollution. It also costs our health system between £8.5bn and £18.6 billion each year and has been linked to the development of a range of medical issues, including respiratory disease, coronary heart disease, lung cancer and dementia;
4. That road transport is the principal source of both particulate matter and nitrogen dioxide pollution;

5. That Kirklees Council has an Air Quality Action Plan which outlines the need to improve the physical infrastructure across the district to ensure that walking and cycling is easier. The Council has also declared a 'climate emergency' and established a councillor-led working party to identify practical measures to reduce emissions, take environmental considerations in mind when developing new policies and to propose targets for future action;
6. Public Health England's *Review of Interventions to Improve Outdoor Air Quality and Public Health* (2019) report, which outlines measures to tackle air pollution, including improving air quality at schools;
7. Some schools in Kirklees have expressed concern about the impact of air pollution on pupils and would be supportive of measures and initiatives to improve air quality.

This Council believes that:

Air pollution particularly affects the most vulnerable in society. It poses a serious threat to the health of children, whose lungs are still developing;

1. Local authorities, including Kirklees Council, have a hugely important role in tackling air pollution and improving air quality across the district. Children need to be a priority in improving air quality and the Council need to do more to tackle air pollution at schools across Kirklees to ensure that our children are healthy;
2. The Government's *Clean Air Strategy* (2019) has failed to show adequate leadership in tackling air pollution at a national level. Local authorities, including Kirklees Council, need to respond and shift their focus towards preventative measures in tackling air pollution, rather than being reactive;
3. The Council needs to develop a dialogue and work more closely with local schools and parents to discuss air quality issues. The Council understands that tackling air pollution can require a holistic approach;
4. It is important that the Council promotes sustainable active travel, including walking and cycling to schools;
5. There are opportunities for the Council to work with local schools to devise and implement new initiatives to tackle air pollution, including conducting school air quality audits; creating 'no idling zones' for motor vehicles outside schools; promoting 'School Streets' and 'Street Play'. It is also vital to regularly monitor air quality outside all schools across the

district.

This Council, therefore, resolves to:

1. Ask Cabinet to engage with local schools to prepare school air quality audits in order to help identify bespoke and tailored local measures to tackle toxic air pollution;
2. Ask Cabinet to engage with schools to design and deliver air pollution campaigns that engage with and encourage pupils to learn about air pollution in their area;
3. Ask Cabinet to consider pilot schemes to tackle air pollution at schools across Kirklees. This might include 'Street Play' and 'Car Free School Streets', which enables local authorities to use existing powers to allow temporary road closures outside schools. These types of initiatives cut down on traffic and parking pressures outside schools, provide greater opportunities for children to play outdoors, improve road safety and promote a healthy environment;
4. Promote vehicle 'no idling' zones outside schools and ask Cabinet to investigate the possibility of implementing a programme of work to educate pupils and parents about the dangers of vehicle engine idling on health;
5. Actively encourage local businesses to sponsor green walls and pollution-absorbing trees near schools"

18: Motion submitted in accordance with Council Procedure Rule 14 as to Interest Rates Starving NHS Trusts

To consider the following Motion in the names of Councillors Munro, Burke, Lawson, A Pinnock, K Pinnock, Iredale, Eastwood, P A Davies, A Smith and Marchington:

"This Council notes that:

1. Following Freedom of Information requests by the national Liberal Democrat party, it has been revealed that health trusts across England have paid more than £607m in interest payments since 2013-14;
2. Calderdale and Huddersfield NHS Foundation Trust has paid at least £2,841,049 in interest on outstanding debt since 2013-14. Yorkshire Ambulance Service NHS Trust has paid £575,776 in interest, while Mid Yorkshire Hospitals NHS Trust has paid at least £4,734,551 in the same period;

3. NHS health trusts paid almost £63m of interest on outstanding debt in 2013/14, rising dramatically to over £205m in 2017/18. NHS trusts across England are more than £1.2bn in debt;
4. Health trusts can request repayable loans from the Department of Health and Social Care if they face a shortfall in funding, but the Government charges interest of up to 6% on the loans. Currently, nearly a third of loans have rates of 3.5% or more;
5. The scheme of 'deficit loans', which requires health trusts to pay back the loans with interest, replaced the system of permanent public investment in 2014;
6. Kirklees Council has responsibility for improving local public health services. The *Health and Social Care Act 2012* conferred new duties on local authorities, including Kirklees Council, to improve public health as well as existing social care obligations, which are impacted by NHS services.

This Council believes that:

1. The excessive interest rates and the compounding lack of investment in our NHS is putting the future of health trusts, including Calderdale and Huddersfield NHS Foundation Trust, in jeopardy by forcing them to take out loans to stay afloat day-to-day and impacting the residents in Kirklees;
2. The budget deficits experienced by health trusts are often the result of underfunding, rather than overspending;
3. The current system of loans and interest payments does little to provide long-term planning or improve the quality of patient care. There need to be changes to the way that money moves around the NHS. The current system is forcing our local health trusts to make further cuts in spending on patients to pay interest charges. In doing so, it is undermining local health care across Kirklees.

This Council, therefore, resolves:

That the Leader of the Council writes to the Secretary of State for Health and Social Care, requesting an urgent review of the current system of loans and interest payments in the health sector.”

19: Motion submitted in accordance with Council Procedure Rule 14 as to Proportional Representation in Local Elections

To consider the following Motion in the names of Councillors Cooper, Lee-Richards and Allison;

This Council notes that;

The electoral system used for local elections in England and Wales, First Past the Post (FPTP), is not a fair system, because it means that votes do not have equal weight and many votes are wasted. This leads to voter apathy and a feeling of disconnection from local democracy. Certain parties are over-represented, the most extreme example in May 2019 being Havant, where the Conservative Party took all of the seats up for election on Havant Council with just 43.9% of the vote.

The alternative to FPTP is a system of proportional representation (PR), where votes cast for parties translates more or less directly into seats won. There are many variants of PR. The Single Transferable Vote system (STV) variant of PR is already in use for local elections in Scotland and Northern Ireland. With this system, voters rank candidates and those who receive the most backing (including second and subsequent choices) are elected to serve in multi-member wards.

Kirklees Council (in common with most other Metropolitan councils) already has multi-member wards and thus the transfer to a similar system would be easier than if the wards were single-member.

The introduction of PR for local elections in Scotland has led to an increase in turnout, which was 47% at the last elections, held in 2017. In contrast turnout in Kirklees in 2019 was 33%.

A move to a system of PR for local elections would necessitate moving to all-out elections every four years, rather than the current one-third system. This would benefit the council and Kirklees residents too, since it would mean more time for decision-making.

This Council believes that a move to the use of proportional representation for local elections would boost turn-out, make the council more representative of the political make-up of its residents, and improve the quality of its decision-making, thereby benefiting all Kirklees residents.

This Council resolves to;

- write to the Minister responsible for Housing, Communities and Local Government requesting that Kirklees be allowed to pilot a system of Proportional Representation on the Scottish model at the earliest possible election
- signal our interest to be a pilot area for Proportional

- Representation to the Electoral Commission
- work through the Local Government Association to promote Proportional Representation more widely in English and Welsh Local Authorities.
-

20: Response to Motion of Council - Universal Credit

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To receive the response of the Department for Work and Pensions to the Motion of Council, approved on 16 October 2019, as to Universal Credit.

By Order of the Council



Chief Executive

Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Council Chamber - Town Hall, Huddersfield on Wednesday 13 November 2019**

PRESENT

The Mayor (Councillor Mumtaz Hussain) in the Chair

COUNCILLORS

Councillor Masood Ahmed	Councillor Mahmood Akhtar
Councillor Karen Allison	Councillor Bill Armer
Councillor Gulfam Asif	Councillor Martyn Bolt
Councillor Cahal Burke	Councillor Aafaq Butt
Councillor Andrew Cooper	Councillor Nosheen Dad
Councillor Paola Antonia Davies	Councillor Paul Davies
Councillor Richard Eastwood	Councillor Donald Firth
Councillor Charles Greaves	Councillor David Hall
Councillor Steve Hall	Councillor Lisa Holmes
Councillor James Homewood	Councillor Yusra Hussain
Councillor Christine Iredale	Councillor Manisha Roma Kaushik
Councillor Viv Kendrick	Councillor Musarrat Khan
Councillor John Lawson	Councillor Vivien Lees-Hamilton
Councillor Susan Lee-Richards	Councillor Fazila Loonat
Councillor Gwen Lowe	Councillor Aleks Lukic
Councillor Terry Lyons	Councillor Andrew Marchington
Councillor Naheed Mather	Councillor Peter McBride
Councillor Bernard McGuin	Councillor Alison Munro
Councillor Richard Murgatroyd	Councillor Darren O'Donovan
Councillor Shabir Pandor	Councillor Nigel Patrick
Councillor Carole Pattison	Councillor Mussarat Pervaiz
Councillor Amanda Pinnock	Councillor Andrew Pinnock
Councillor Kath Pinnock	Councillor Mohammad Sarwar
Councillor Cathy Scott	Councillor Will Simpson
Councillor Elizabeth Smaje	Councillor Anthony Smith
Councillor Richard Smith	Councillor Mohan Sokhal
Councillor John Taylor	Councillor Kath Taylor
Councillor Mark Thompson	Councillor Graham Turner
Councillor Sheikh Ullah	Councillor Harpreet Uppal
Councillor Rob Walker	Councillor Lesley Warner
Councillor Paul White	Councillor Habiban Zaman

86 Announcements by the Mayor and Chief Executive

Council observed a two minute silence in respect of Councillor Paul Kane and former Councillor Molly Walton. Tributes were paid to Councillor Kane, who had represented the Dewsbury East Ward since 1995 and had been Mayor of Kirklees for the 2015/2016 municipal year, and former Councillor Molly Walton, who had represented Crosland Moor and Netherton Ward for 26 years following her election in 1990.

The Mayor informed Council that Woodley School, Huddersfield, had received national recognition for its work in relation to autism, and that the award recognised the contribution of staff in providing effective support for the pupils and their needs. The thanks of the Council were conveyed to the Head Teacher of the School, Ann Lawton.

The Mayor also advised of an award that had been received from East Ayrshire Council, in recognition of support that Kirklees had provided through a partnership, assisting in the transformation of their customer service centres.

The Chief Executive conveyed the congratulations of Council to Councillor Hill upon the recent birth of her daughter.

87 Apologies for absence

Apologies for absence were received on behalf of Councillors Hill, Grainger-Mead, Goodwin and Watson.

88 Minutes of Previous Meeting

RESOLVED - That the Minutes of the Meeting held on 16 October 2019 be approved as a correct record.

89 Declaration of Interests

No interests were declared.

90 Petitions (From Members of the Council)

A petition was submitted by Councillor Alison Munro requesting a reduction to the speed limit on Penistone Road, Fenay Bridge and safer road junctions.

91 Deputations & Petitions (From Members of the Public)

Council received deputations from (i) Dr Richard Stow in response to the Climate Emergency Working Party Report (Agenda Item 8) (ii) Sarah Newton in regards to the impact of the A644 widening scheme and new link road, specifically upon the surrounding woodland and natural habitat and (iii) Chris Herring regarding the increasing urgency of the climate emergency.

The Cabinet Member for Culture and Environment (Councillor Walker) responded to (i). The Cabinet Member for Regeneration (Councillor McBride) responded to (ii). The Cabinet Member for Greener Kirklees (Councillor Mather) responded to (iii).

92 West Yorkshire Combined Authority - Minutes

RESOLVED - That the Minutes of the Meeting of West Yorkshire Combined Authority, held on 1 August 2019, be received and noted.

93 Kirklees Climate Emergency Declaration and the Kirklees Air Quality and Five Year Air Quality Action Plan

It was moved by Councillor Mather, seconded by Councillor Murgatroyd, and

RESOLVED - That the decision of the meeting of Cabinet, held on 12 November 2019, in regards to the Kirklees Climate Emergency and Air Quality Strategy, be received and noted.

(During the debate on this matter it was moved by Councillor Bolt, and seconded by Councillor J Taylor, that in accordance with Council Procedure Rule 16(2), the meeting be extended if required in order to allow the consideration of Agenda Item 12)

94 Peer Challenge Feedback Report and Action Plan (Reference from Cabinet)

Item not considered (due to time constraints).

95 Key Discussion - Developing Dementia Design in Kirklees

Item not considered (due to time constraints).

96 Motion submitted in accordance with Council Procedure Rule 14 as to Armed Forces

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

RESOLVED - That this Council recognises the invaluable contribution made to our community and country by members of the Armed services, the life and professional skills they gain through military service and our debt to them in perpetuity.

This Council also recognises that their service whilst equipping them with many practical skills does not always equip them with administrative and literary skills needed to satisfy some of today's initial employment application questionnaires and procedures.

This Council therefore commits to offering all former service personnel a guaranteed interview for any vacancy applied for where they meet the essential criteria and will encourage our arm's length partner organisations and the wider Kirklees business community to also offer interviews.

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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

Name of meeting: Council

Date: Wednesday 15th January 2020, at 17.30pm – Council Chamber, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Proposed Revision to Statement of Licensing Policy 2020-2025.

Purpose of report: To consider the revised policy

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?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by Strategic Director & name	Russell Williams as agreed by Karl Battersby
Is it also signed off by the Service Director (Finance)?	[to be inserted]
Is it also signed off by the Service Director for Legal Governance and Commissioning?	[to be inserted]
Cabinet member portfolio	Cllr Rob Walker

Electoral wards affected: ALL

Ward councillors consulted: ALL

Public or private: Public

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended.

1 Summary

1.1 The Licensing Act 2003 requires the Council, in its capacity as Licensing Authority to review its statement of licensing policy every five years. The purpose of this report is to request Members approve the proposed policy attached at Appendix A, as the Councils Statement of Licensing Policy, issued under the Licensing Act 2003, for the next five year period.

1.2 This revision of the policy does not propose any major amendments. The changes that have been made are summarised as follows: –

- The structure of the policy
- Expanding guidance around promoting the four Licensing Objectives
- Adding guidance in relation to the Equalities Act 2010
- Expanding guidance on completing operating schedule
- Updating information on Closure Notices, Reviews and Expedited reviews
- Updating the guidance on safeguarding

2 Information required to take a decision

2.1 Introduction

2.1.1 The Licensing Act 2003 requires each authority to carry out its various licensing functions so as to promote the following four licensing objectives;

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

2.1.2 To achieve these objectives, the authority is required to publish a Statement of Licensing Policy every five years. The policy is what the authority will generally apply to promote the four licensing objectives when making decisions on applications applied for under the Licensing Act 2003.

2.1.3 The Statement of Licensing Policy provides guidance for everyone from applicants who require direction on how to apply for a licence to residents who may wish to make a formal representation against an application.

2.1.4 The proposed revised policy, including representations made, was considered by members at the 6th January 2020 Licensing & Safety Committee.

2.1.5 Having considered the proposed revised policy, representations made, and changes made as a result of those representations, members of the 6th January 2020 Licensing and Safety Committee agreed to recommend the proposed revised policy, as presented at Appendix A, to Full Council for formal adoption with two amendments. Those amendments were to remove paragraph 6.30 as members felt it was too open and ambiguous. Members requested officers tighten the wording of that section and instead include it in a separate guidance document that officers will be

producing; and the second amendment being to clarify section 13.4 and 13.5 in line with representations from Trading Standards.

2.2 Licensing Policy

2.2.1 Under Section 5 of the Licensing Act 2003, the Secretary of State may make regulations governing the determination and revision of policies and the preparation and publication of policy statements.

2.2.2 The Licensing Authority will give appropriate weight to the views of those consulted in respect of the draft policy. In determining what weight to give a particular representation, the factors that will be taken into account should include;

- Who is making the representations (what is their interest);
- Relevance to the four licensing objectives;
- How many other people have expressed the same or similar views;
- How far the representation relates to the matters that the licensing authority should be including in its statement of policy.

2.2.3 It is important to demonstrate that in reviewing responses to the consultation, due weight and consideration has been given to all representations including, where appropriate, why some (if any) have been disregarded. This is so that in the event that the policy is challenged, the Authority can make evident to a court how it arrived at the policy.

2.3 Secretary of State Guidance

In considering this proposed revised policy Members must have regard to guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. The Secretary of State's Guidance at paragraph 1.11 and 1.12 provides:–

1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.

1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step [...]

3 **Implications for the Council**

3.1 **Working with People**

Residents of Kirklees need to be confident that under the Licensing Act 2003 licence holders under the Licensing Act 2003 are in a position to uphold the four licensing objectives. The committee is required to take appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003. This will support both the licensing objectives and support the corporate outcomes of citizens in Kirklees living in cohesive communities, feeling safe and protected from harm.

The proposed revised policy aims to support the Council in achieving this objective.

3.2 Working with Partners

The Council's licensing team work closely with partnering agencies, named 'Responsible Authorities' under the Licensing Act 2003. Responsible authorities include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safe Guarding Children team.

3.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority, by having a robust licensing policy, can address issues within the districts that make up Kirklees.

3.4 Improving outcomes for children

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, will have to have regard to this objective, and the guidance laid down in this proposed revised policy.

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

It is a legal requirement of the Licensing Act 2003 that the Council is required to review and publish a statement of licensing policy every five years. The policy, or any part of it, can be reviewed at any time within that five year period.

In preparing this report due consideration has been given to the Council's equality duties under the Equality Act 2010 and an Integrated Impact Assessment has been carried out. The assessment indicated the proposed revised policy had no specific discriminatory impact. A copy of the Integrated Impact Assessment can be found at - <https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments.aspx>

There are no direct financial implications associated with this report.

3.6 Climate Change

The introduction of the policy is taken into account in the IIA above. The Council will continue to work with licence holders and applicants to raise awareness of Climate change and the need for them to consider the impact of their activities on it.

4 Consultation

4.1 The proposed revised policy attached (Appendix A) has been consulted on in accordance with the requirements of the Licensing Act 2003. A list of those consulted can be found at Appendix B.

4.2 Consultation took place between 4th November 2019 and 15th December 2019; with five responses being received.

4.3 The responses, along with officer's comments on those responses, and any proposed amendments as a result, are attached at Appendix C.

5 Next steps and timelines

- 5.1 Members are asked to consider the proposed revised Statement of Licensing Policy, as presented at Appendix A, and adopt the policy as the Council's Statement of Licensing Policy for the five year period.

6 .Officer recommendations and reasons

- 6.1 Members are recommended to adopt the proposed revised policy, as presented at Appendix A, as the Council's Statement of Licensing Policy for the next five year period.
- 6.2 Members are recommended to adopt the revised policy in order for the Council to fulfil its duties under the Licensing Act 2003.

7 Cabinet portfolio holder's recommendations

- 7.1 Councillor Rob Walker, Cabinet Member for Culture and Environment recommends that the proposed revised policy be approved by Council for adoption.

8 Contact officer

Stephanie Mashiter, Senior Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 70530
Email: stephanie.mashiter@kirklees.gov.uk

9 Background Papers and History of Decisions

- 9.1 Appendix A – Copy of the Proposed Revision to Statement of Licensing Policy 2020-2025
- 9.2 Appendix B – List of consultees
- 9.3 Appendix C – Consultation responses

10 Strategic Director responsible

Karl Battersby – Strategic Directory, Economy and Infrastructure
Tel: 01484 221000
Email: karl.battersby@kirklees.gov.uk

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Licensing Policy

2020 – 2025

DRAFT

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DRAFT

1 Executive Summary

- 1.1 Under the provisions of the Licensing Act 2003 ('the 2003 Act'), Kirklees Council ('the Council') is the Licensing Authority for the administration and enforcement of the 2003 Act, associated orders and regulations within its administrative district.
- 1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council must have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.
- 1.3 The Council's Corporate Plan (2018-2020) is a two year document which sets out our shared outcomes, aims and impact measures. It includes our strategic vision, which is for Kirklees is to be a district which combines a strong, sustainable economy with a great quality of life – leading to thriving communities, growing business, high prosperity and low inequality where people enjoy better health throughout their lives.

It also sets out our seven shared outcomes, plus a cross-cutting one, which have been developed with partners, and describes what we are all working to achieve for the people of Kirklees. The outcomes are set out below;

- Children have the best start in life.
 - People in Kirklees are as well as possible for as long as possible.
 - People in Kirklees have aspiration and achieve their ambition through education, training, employment and lifelong learning.
 - People in Kirklees live in cohesive communities feel safe and are safe/protected from harm.
 - People in Kirklees experience a high quality, clean, sustainable and green environment.
 - Kirklees has sustainable economic growth and provides good employments for and with communities and businesses.
 - People in Kirklees live independently and have control over their lives.
 - Cross-cutting outcomes – Kirklees works smart and delivers efficiently and effectively.
- 1.4 This policy sets out how the Licensing Authority will deal with applications made under the Act. It sets out in detail who can make a representation under the Act. The policy contains a clear commitment not to use licensing provisions to duplicate other legislation.

- 1.5 This policy refers to the impact of licensing on cultural strategies. The policy also sets out the Licensing Authority's approach to integrating licensing with respect to other local plans and strategies, and to cumulative impact and special policies.
- 1.6 The Licensing Authority's approach to licensing hours and the presence of children on licensed premises is set out. The policy states that standard **operating** conditions will not be applied to licences. The policy considers the process of reviewing a premises licence or club premises certificate, and sets out the approach to enforcement. **The policy also sets out the Licensing Authority's commitment to a shared responsibility between organisations and agencies to safeguard and promote the welfare of all children and vulnerable adults in the local area.**
- 1.7 The Licensing Act 2003 gives the council additional opportunities to further its **four** corporate priorities. The powers and duties contained within the Act will complement and reinforce the council priorities. The Council will be able to build on its existing excellent record of working with and consulting with partners to help to achieve the objectives of the Act.

2 Purpose

- 2.1 The Policy is prepared to meet the requirements of the Licensing Act 2003 and is done so in accordance with Section 5 of the same Act. **It will be kept under review and as a minimum will be reviewed no later than 2025.**
- 2.2 **In preparing this policy, the council has consulted with and considered the views of a wide range of people and organisations including:**
- Elected members – ward councilors and local members of parliament
 - Representatives of local businesses
 - Local residents and their representatives
 - Parish and Town councils
 - Representatives of existing licence holders
 - Kirklees Community Safety Partnership
 - Kirklees Drugs Action Team
 - Council Services
 - The responsible authorities, namely:
 - West Yorkshire Police
 - West Yorkshire Fire and Rescue Service
 - Kirklees Council – Environmental Health
 - Kirklees Council – Planning
 - Kirklees Council – Public Health
 - West Yorkshire Trading Standards
 - Secretary of State (Immigration Enforcement)

This policy was reviewed between April 2019 and December 2019, and the revised policy will come into force January 2020.

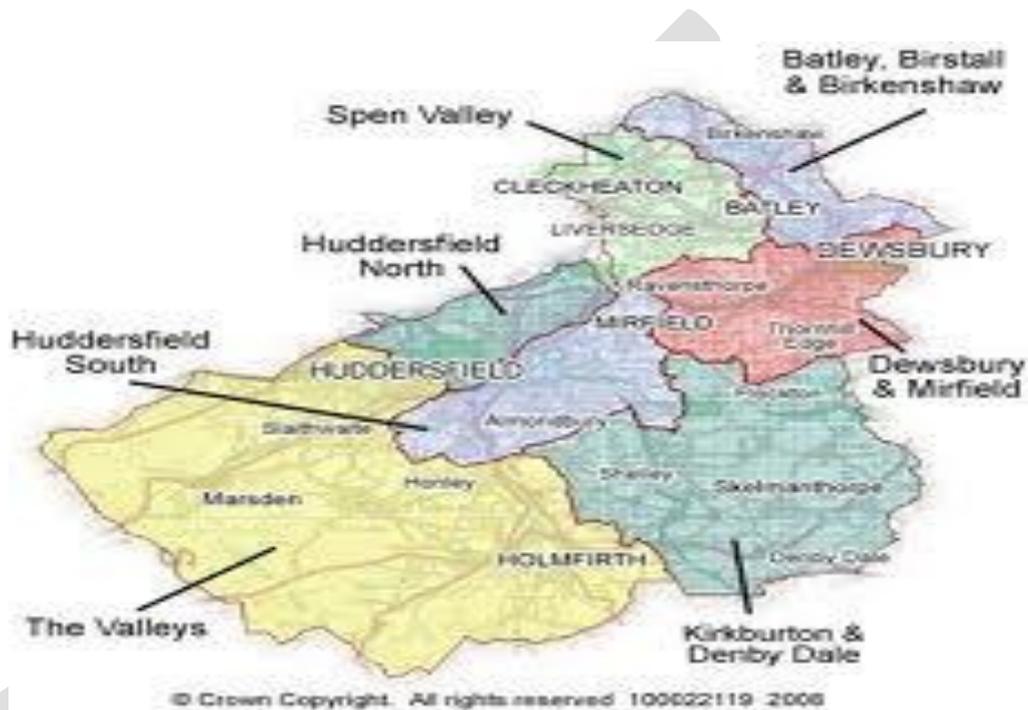
- 2.3 This policy has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 2.4 The Licensing Authority will carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives contained in the Act and each has equal weight.
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.5 The Council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interest of all its residents, it will not tolerate irresponsible licensed activity. Following relevant representations, the Licensing Authority will refuse applications, restrict hours and activities, or impose conditions where it is appropriate to do so to promote the licensing objectives and/or use effective enforcement to address premises where there are problems, in partnership with key agencies such as West Yorkshire Police, Trading Standards, Immigration Enforcement and other crime and disorder reduction partnerships.
- 2.6 The Policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the Council attaches to various licences will focus on matters that are relevant to the four licensing objectives, and will centre upon the premises that are being used for licensable activities.
- 2.7 The Licensing Authority will monitor the effect of this Policy throughout the period it covers through licensing liaison meetings with representatives of licence holders, such as PubWatch meetings and also by way of regular meetings with the responsible authorities.
- 2.8 The Policy has four main purposes:
- To provide the basis for elected Members to make decisions on applications.
 - To inform licence applicants of the basis on which decisions will be taken and therefore give some indication of how they will be able to operate.
 - To inform the wider community of the basis on which decisions will be taken and therefore how their needs will be addressed.

- To inform the Courts how decisions have been made and to support those decisions.
- 2.9 The Policy balances the objective of improving the local economy, tourism, and cultural development against noise, nuisance, safeguarding and crime and disorder.
- 2.10 The Policy covers the following licensable activities **within the Kirklees district, as defined by the Licensing Act 2003**:
- The sale of alcohol.
 - The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
 - The provision of regulated entertainment.
 - The provision of late night refreshment.
- 2.11 **The principles set out within this Policy apply equally to new applications, applications for variations and consideration of any request to review a licence.**
- 2.12 The Licensing Authority recognises that the 2003 Act is not a mechanism for a general control of nuisance, anti-social behaviour and environmental crime by individuals once they are away from the premises and beyond the direct control of the licence holder. The Licensing Authority will not therefore, attempt to control such through its exercise of licensing functions. The licensing process can only seek to control those measures within the control of the licensee, and in the 'vicinity' of the premises. Whether or not incidents can be regarded as being in the 'vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of each individual case. The Licensing Authority will focus primarily on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area.
- 2.13 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. **If an application is lawfully made and no relevant representations are made in respect of an application, the Licensing Authority is under a duty to grant the licence on the terms sought. Only if relevant representations are made will the Council's discretion be engaged.**

- 2.14 The policy will promote the licensing objectives through the issue of licences and the assessment of notices covered by the Act. These are
- Personal Licences for individuals – necessary where alcohol is to be sold or provided on premises.
 - Premises Licences and Club Premises Certificate – subject to suitability of premises and measures taken by applicant
 - Temporary Event Notice – simplified process for events of a smaller scale.
- 2.15 The Licensing Authority may depart from this policy if the individual circumstances of any case merit such a decision, in the interests of promoting the licensing objectives. Full reasons should be given to justify any departure from this policy.
- 2.16 Applicants for premise licences should be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives. Applicants should demonstrate knowledge of their local area when describing the steps they propose to take to address these.
- 2.17 Advice on whether a licence is required for premises or an event can be obtained by contacting Licensing direct on 01484 456868. Contact details can be found at Kirklees.gov.uk.

3 Kirklees

- 3.1 Kirklees Council is situated in West Yorkshire, which contains five metropolitan councils in total. The Council area has a population of approximately 440,000 making it the largest metropolitan district not based on a city in terms of population. In terms of area, it is the third largest in West Yorkshire, covering 157 square miles. The council area is mainly rural in the south with a central urban area around the large towns. The area also comprises of several smaller towns of varying sizes. These areas are shown on the map below:



- 3.2 There are around 1698 licensed outlets including pubs, nightclubs, registered clubs, off licences, cinemas, theatres, casinos, bingo halls, community halls, and takeaways etc. These are spread across the district. Licensed premises are located across the district of Kirklees, offering a diverse selection of leisure and entertainment to visitors. It is recognised that these businesses provide social and community spaces, facilities for residents and business, and a vital support infrastructure for related sectors such as retail and tourism

The district of Kirklees covers 254 square miles and stretches from the high moor lands of the Pennines (including part of the Peak National Park) in the West to the edges of Bradford, Leeds and Wakefield in the East. The M62 motorway traverses the northern edge of the district. Being at the centre of the country with excellent transport links makes Kirklees easy to get to from all areas of the country.

The main towns are Huddersfield, Dewsbury and Batley with many other smaller towns. The area is essentially split into east and west with the former

being mainly industrial and densely populated and the latter rural in nature. Night time activity centres on the towns and the Bradford Road corridor near Batley.

- 3.3 Kirklees has a varied population – many ethnicities are represented, speaking a range of languages, and bringing a cultural diversity to the region. A thriving student community based around the University of Huddersfield attracts students from around the world. Life expectancy and healthy life expectancy (the number of years lived in good health) are increasing across Kirklees.

The people of Kirklees represent many cultures, faiths, languages and races. A wide range of minority groups including Pakistani, Indian, Black Caribbean as well as many other smaller communities make up almost 21% of the population.

- 3.4 The Kirklees Partnership brings together public, private and voluntary sector representatives along with community members. It has produced a Sustainable Community Strategy aimed at bringing about significant improvement in Kirklees. The Partnership's strategic aims and the most up to date Partnership Plan can be found at Kirklees.gov.uk.

4 Other Policies, Objectives and Strategies

- 4.1 In preparing the Policy the Licensing Authority has been driven by the policies, aims and objectives set out under the Council's top-tier plans. These include:

- Kirklees Council Corporate Plan 2018-2020
- Joint Health and Wellbeing Strategy for Kirklees
- Kirklees Economic Strategy and Corporate Plan
- Communities Partnership Plan
- Strategic Intelligence Assessment
- Drug and Alcohol Strategy for Kirklees
- Kirklees Partnership Sustainable Community Strategy
- Kirklees JSNA (Joint Strategic Needs Assessment) Crime and Community Strategy
- Public Rights of Way Improvement Plan 2010 – 2020
- Creative Kirklees
- The Unitary Development plan and the Emerging Local Development Framework
- Local Area Agreements
- Kirklees Partnership Alcohol Strategy
- Tourism Visitor Strategy
- Equality & Diversity Strategy 2012 – 2016
- Kirklees Safer Communities Strategy

● Place Directorate Enforcement Strategy

- 4.2 Details of these, and other relevant plans and strategies which affect and are affected by the Kirklees Licensing Policy can be found at the Council's website – www.kirklees.gov.uk
- 4.3 Wherever possible the Policy is intended to promote other policies and strategies for the wider cultural benefit of communities. The Licensing Authority will monitor the impact of the Policy to ensure that it does not unnecessarily deter or prevent cultural or community events, or have a negative impact on other cultural or community activities.
- 4.4 Protocols will be developed to ensure the Policy will take into account the ongoing needs of local tourism, the cultural strategy and regeneration activities in the area.
- 4.5 The effects of licensing activity in the area will be fed into local transport plans so that proper regard can be taken of the need to disperse people away from town centres swiftly and safely at all times of the day and night.
- 4.6 The Licensing Authority is aware of its obligations under equalities legislation and the **Public Sector Equality Duty Local Government Equality Standard**. The implementation of the Act will be monitored and its impact of this Policy on **Kirklees employees, residents and service users has been on different communities in Kirklees** assessed using the Council's Equality Impact Assessment tool. The Policy aims to ensure that every citizen receives equal opportunity, rights and treatment when applying for licences and making representations.
- 4.7 The Council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the Committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives, it may have regard to them when making licensing decisions.
- 4.8 The Committee may, after receiving such reports, make recommendations to the Council or other bodies about the impact of the Licensing Policy on such policies, strategies and initiatives. Equally, the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the Licensing Policy. This may include recommendations to amend the Licensing Policy itself.

5 Promotion of the Licensing Objectives

- 5.1 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the Council at all times.
- 5.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 5.4 The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.
- 5.5 Applicants are reminded that responsible authorities or other people may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.
- 5.6 The Council recommends early consultation with responsible authorities. Many responsible authorities have produced guidance which applicants can take into account when assessing whether they need to include any measures in their application to promote the licensing objectives. In addition, many responsible authorities would be prepared to discuss matters on site with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities in the Kirklees district are available on the Council's website.

Crime and Disorder

- 5.7 Under the Crime and Disorder Act 1998, the Council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.

- 5.8 Where its discretion is engaged, the Council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports local crime reduction strategies.
- 5.9 There are many steps an applicant may take to prevent crime and disorder. The Council will look to the police for the main source of advice on these matters.
- 5.10 If relevant representations are made in relation to a premises licence or a club premises certificate, the Council will consider whether it is necessary to impose conditions to regulate behaviour of customers accessing or utilising premises in order to adequately promote the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave. Conditions will be targeted on deterrence and the prevention of crime and disorder.
- 5.11 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity, and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety, or the protection of children from harm if they relate to the occasional use of the premises for adult entertainment.

Public Safety

- 5.12 The public safety objective is concerned with the physical state of people using the premises. Public safety includes safety of performers appearing at any premises.
- 5.13 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The Council will not seek to impose fire safety conditions as conditions on licences where the Order applies.
- 5.14 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.

- 5.15 Applicants are advised to consult with the Environmental Health department, who can offer advice as to appropriate measures to be included in risk assessments, and potentially in operating schedules, and also in relation to workplace health and safety matters. On receipt of relevant representations, the Council will have regard to the views of the Environmental Health department.
- 5.16 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on the premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, these types of conditions may be considered.
- 5.17 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of event is given.

Public Nuisance

- 5.18 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on people living and working in the area around the premises which may be disproportionate and unreasonable.
- 5.19 The Council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance, affecting only a few local residents, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 5.20 Where applicants are completing operating schedules, the Council encourages them to have regard to the location of the proposed or actual premises, and in particular whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, old people's accommodation, hospitals, hospices or places of worship.
- 5.21 Applicants are recommended to consult Environmental Health Services for advice on measures that may need to be incorporated into an operating schedule.

- 5.22 If relevant representations are made, the Council will consider whether it is necessary to impose conditions to regulate the behaviour of customers accessing or utilising premises in order to adequately promote the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The Council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.
- 5.23 The Council will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.
- 5.24 When considering such matters, the Council will have regard to representations made by Environmental Health Services and by local residents.
- 5.25 The Council recognizes that it is necessary to balance the rights of local residents, businesses and others, with those wishing to provide licensable activities, and those who wish to use such facilities.
- 5.26 Ultimately, if it is necessary, for the prevention of public nuisance where conditions do not adequately address the issues, an application can be refused.

Protection of Children from Harm

- 5.27 The Council recognizes the Kirklees Safeguarding Children Partnership (KSCP) as the responsible authority for the protection of children from harm.
- 5.28 The protection of children from harm includes protection from physical and psychological harm.
- 5.29 The Council notes that the admission of children to premises holding a premises licence or club premises certificate should be freely allowed unless there is good reason to restrict entry or exclude children completely.
- 5.30 Issues about access of children to premises may give rise to concern in some situations, including but not limited to:
- Where adult entertainment is provided on an occasional basis and is not already licensed under other legislation
 - Where there have been convictions of the current management for serving alcohol to minors

- Where the premises have a reputation for allowing under-age drinking
- Where requirements of proof of age is not the norm
- Where premises have a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

5.31 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others, and seek only to exclude children from areas of highest risk.

5.32 On receipt of relevant representations, the Council will consider whether conditions are necessary. In such cases, representations by Kirklees Safeguarding Children Partnership (KSCP) and the Police will be given considerable weight where they address issues regarding the admission of children.

5.33 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. Schemes such as Challenge 25/Check 25 volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

5.34 No condition will be imposed by the Council requiring the admission of children to any licensed premises except in the case of exhibition of film, where a mandatory condition is applied to all licences with this activity.

Online Sales of Alcohol and Delivery of Alcohol

5.35 The Licensing Authority recognises offering online sales of alcohol is a legitimate way in which to operate a business. However, applicants wishing to provide online ordering and deliver of alcohol should pay particular attention to how they will verify a person ordering alcohol online or accepting a delivery of alcohol, is over the age of 18. Applicants should ensure they have a robust age-verification policy in place both at the point of order and in particular at the point of delivery.

5.36 Guidance suggests that your couriers or delivery drivers should be instructed to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

Consultation

5.1 In order that the Policy links effectively with the other initiatives mentioned above and is founded on a sound basis, a wide consultation of stakeholders has taken place in its preparation.

5.2 Some consultees are statutory but the Licensing Authority recognises the need for a wider consensus if the Policy is to be effective. In view of this the following have been consulted:

- Elected Members.
- West Yorkshire Police.
- West Yorkshire Fire Service.
- Representatives of local businesses.
- Representatives of local residents.
- Representatives of existing licence holders.
- Kirklees Community Safety Partnership.
- Kirklees Drugs Action Team.
- Council Services e.g. Planning, Highways, Environmental, Culture and Leisure, etc.

This policy was reviewed between April 2019 and December 2019, and the revised policy will come into force January 2020

5.3 The Policy will be formally reviewed every five years. Notwithstanding this mechanisms will be established to determine whether the licensing objectives are being satisfied on an ongoing basis. Should the ongoing scrutiny reveal the necessity for change, the Policy can be formally reviewed before the end of the five year period.

6 General Principles

6.1 In determining a licensing application, the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy, the Council will give clear and cogent reasons for doing so.

6.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

Human Rights

6.3 The European Convention on Human Rights makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

Article 6 - that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

- Article 8 - that everyone has the right to respect for his home and private life.
- Article 1 - of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

Protection of Privacy and Data

6.4 In line with General Data Protection Regulation and Data Protection Act 2018, the Council are Data Controllers of the information you provide as part of your licence application. The Council have a duty to process and maintain licences and permissions, and conduct enforcement activities in accordance with the Licensing Act 2003. This means the Council are duty bound to serve information on responsible authorities. This is part of a legal obligation to meet the requirements for the licensing of the sale of alcohol, regulated entertainment and late night refreshment.

6.5 We may, if necessary, share certain information pertaining to licensed premises or individuals with third parties. These may include other services within the Council (e.g. the Greenspace Action Team), or external third parties including, but not limited to, the Information Commissioner's Office, the Health and Safety Executive, West Yorkshire Joint Services and West Yorkshire Fire and Rescue Service. This information will be shared in order to make further enquiries regarding your application under the Licensing Act 2003 or where required by law for the detection and prevention of crime.

6.6 The Council's corporate privacy notice, which includes details of the authority's Data Protection Officer and your information rights is available at: <https://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>

Equality Act 2010

6.7 The Council is committed to eliminating unlawful discrimination, harassment and victimization, advancing equality of opportunity and fostering good relations within and between our communities.

6.8 It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of:

- Age
- Being or becoming a transsexual person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex
- Sexual orientation

Further guidance is available at

<https://www.gov.uk/guidance/equality-act-2010-guidance#guidance-on-the-equality-act>

6.9 The Council cannot enforce the Act, but those who experience discrimination may take legal action following a complaints procedure. Where complaints are received by the Council, we advise the complainant of their rights under the Equalities Act.

Other Regulatory Regimes

6.10 The Policy is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators. e.g. The Health and Safety at Work, etc. Act 1974, The Environmental Protection Act 1990, the Fire Safety Regulatory Reform Order, Violent Crime Reduction Act 2006, Cleaner Neighbourhoods Act, Smoke-free Legislation.

6.11 Conditions in respect of public safety will only be attached to licences if they are appropriate for the promotion of that licensing objective.

Safeguarding

- 6.12 The licensing authority is committed to a **shared responsibility between organisations and agencies to safeguard and promote the welfare of all children and vulnerable adults in the local area.** **protecting children from harm and views this as an important licensing objective.**
- 6.13 The **Council's licensing team** **Licensing Authority** worked with the Council's Children's Services and Adult Services during the development of **licensing this** policy where the protection of **children vulnerable individuals** is concerned. Intelligence sharing and the exchange of current strategy developed by the Kirklees Safeguarding Children Partnership ensure that the protection of children from harm remains key.
- 6.14 The Licensing Authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.

Exploitation

- 6.15 Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement **(Jay, 2014).**
- 6.16 Kirklees Safeguarding Children **Partnership (KSCP)** works with other statutory authorities **(Local Authority, Police and Public Health)** and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The **KSCP** can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.
- 6.17 The Licensing Authority encourages license holders and operators of licensed premises:
- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
 - To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

- 6.18 The Kirklees Safeguarding Children Partnership has a webpage dedicated to providing local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms:
<http://www.kirkleessafeguardingchildren.co.uk/>
- 6.19 The licensing authority has though taken account of the view of the Government that the use of licensed premises by children should be encouraged.
- 6.20 The Licensing Authority will not seek to require that access to any premises is given to children at all times. Under normal circumstances this will be left to the discretion of the licensee. However the Licensing Authority strongly recommends that applicants address the access of children in the operating schedule.
- 6.21 The Licensing Authority will also not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 6.22 Areas that will give rise to particular concern in respect of children include the following premises, the list is not exhaustive:
- Where entertainment of a sexual or adult nature is commonly provided.
 - Where there have been convictions of members of staff for serving alcohol to minors or there is a reputation for underage drinking.
 - Where there is a known problem with sales of alcohol for consumption off the premises by underage persons.
 - Where there is a known association with drug taking or dealing.
 - Where there is a strong element of gambling (not the simple presence of a small number of cash prize gaming machines)
 - Where the supply of alcohol for consumption is the exclusive or primary purpose of the services provided.
- 6.23 The Licensing Authority welcomes and supports any campaign aimed at preventing underage consumption of alcohol
- 6.24 In these circumstances the conditions which are likely to be attached to any licence are:
- Limitations on the hours when children will be permitted.
 - Stating a minimum age for access by children.
 - Limiting or prohibiting access when certain activities are taking place.
 - Permitting access only when the child is accompanied by an individual aged 18 years or over.
 - A combination of the above.
 - A full exclusion of all individuals aged under 18 years.

- 6.25 The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. Where applicants intend children to be present on licensed premises or where the sale of alcohol takes place the Licensing Authority will expect the Code of Practice to be fully implemented.
- 6.26 In the case of premises giving film exhibitions the Licensing Authority will expect licensees or clubs to include in their operating schedule arrangements for restricting children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification or the Licensing Authority itself.
- 6.27 The Licensing Authority expects that employers will make careful checks where premises or entertainment is specifically targeted towards children to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity. An example of such a check would be the completion of a Criminal Records Bureau check to the appropriate standard.

Impact of Licensing Activity

- 6.28 The Licensing Authority will determine any application by considering the Act, the statutory guidance, this Policy and the four licensing objectives including how it may support other key aims, strategies and objectives.
- 6.29 The following factors would normally be considered (although other relevant matters may be considered as the individual case dictates):
- The type of use, the numbers and type of customers likely to attend the premises;
 - The proposed hours of operation;
 - The level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that would be used by the customers;
 - The adequacy and impact of car parking on local residents or businesses;
 - The scope for mitigating any impact.
 - How often the activity occurs.
- 6.30 In considering any application for a variation the Licensing Authority may also take into account:
- Historical evidence, whether favourable or adverse, relating to activities carried out at the premises, especially on local residents or businesses
 - Where adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

Representations

- 6.31 In relation to premises licences and club premises certificates, the Licensing Authority must consider relevant representations as part of its determination. Relevant representations can only be made by interested parties or responsible authorities within prescribed time periods. Where the Licensing Authority is of the opinion that representations are frivolous or vexatious, the 2003 Act prohibits them being considered as relevant representations.
- 6.32 Relevant representations relate to:
- matters about the likely effect of the grant of a premises licence or club premises certificate on the promotion of the licensing objectives; or
 - a proposed designated premises supervisor if made by the Chief Constable.
- 6.33 Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do.
- 6.34 Responsible authority means any of the following:
- The Chief Officer of Police
 - The local Fire & Rescue Authority
 - The local enforcement authority for the Health & Safety at Work etc. Act 1974
 - The local authority with responsibility for environmental health
 - The local planning authority
 - A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm
 - The local weights & measures authority (trading standards); and
 - The relevant Licensing Authority, and any other Licensing Authority in whose area part of the premises is situated.
 - Each local authority's Director of Public Health (DPH)
- 6.35 In relation to a vessel:
- A navigation authority having functions in relation to waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be navigated at a time when it is used for licensable activities;
 - The Environment Agency
 - The British Waterways Board
 - The Secretary of State for Transport, acting through the Maritime and Coastguard Agency.

- 6.36 In promoting the licensing objectives, the Licensing Authority will, for reasons of appropriateness and efficiency, refer complaints about licensed premises/club premises/temporary events or licensed individuals to its own appropriate service team (e.g. Health & Safety, Pollution & Noise Control) or to another agency (e.g. West Yorkshire Police, West Yorkshire Fire & Rescue Service) for their consideration, in accordance with any enforcement protocols.
- 6.37 As well as responsible authorities mentioned above, any other person can make representations to licensing authorities. A person may also request that a representative makes the representation to the licensing authority on their behalf. For example, a legal representative, a friend, a Member of Parliament, a member of the National Assembly for Wales, or a local ward or parish councillor could all act in such a capacity.
- 6.38 Nothing in this policy will override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

Delegation

- 6.39 The Licensing Authority will appoint a Licensing Committee of 15 Councillors. Licensing decisions will generally be delegated to a licensing subcommittee of 3 Councillors or, in appropriate cases to officers of the Licensing Authority.
- 6.40 Many of the decisions will be purely administrative in nature and the Licensing Authority will operate the delegations in line with the Council's 'Scheme of Delegation' which is published on the Council's website – www.kirklees.gov.uk. highlighted in Appendix D to achieve the correct balance between proper consideration of applications and an efficient use of resources.
- 6.41 If no relevant representations are received and the operating plan sufficiently demonstrates steps to promote the licensing objectives, the application will be granted.
- 6.42 During the licensing process where representations are received and the issues raised are relevant and cannot be resolved by mediation, the application will be heard by Elected Members, as indicated in Appendix D.
- 6.43 Every decision made whether by the Licensing Committee, the Sub- Committee or by officers shall be accompanied by clear reasons for that decision.
- 6.44 Where a Councillor who is a member of the Licensing Committee or Sub-Committee has a prejudicial interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application.

7 Personal Licences

- 7.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all material times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.
- 7.2 The council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with paragraphs 7.6 to 7.8 8.34 to 8.36 on the role of the 'Designated Premises Supervisor'.
- 7.3 The Licensing Authority recognises that it has no discretion regarding the granting of personal licenses where the applicant:
- is 18 years or over;
 - possesses a licensing qualification;
 - has not been convicted of a relevant offence and
 - has not forfeited a licence in the last five years.
- 7.4 An application must be made in the form specified by regulation and must be accompanied by the requisite fee together with evidence of the relevant licensing qualification.
- 7.5 Applicants must also produce one of the following:
- from the DBS (Disclosure and Barring Service) a criminal conviction certificate issued under S.112 of the Police Act 1997
 - from the DBS, a criminal record certificate issued under S.113 of the Police Act 1997
 - the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the national Identification Service and,

In any case such a certificate or search results shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority.

- 7.6 Where the application discloses relevant unspent convictions the Licensing Authority will notify the police of that application and the convictions. The police may then make objection on the grounds of an unspent relevant or foreign offence. If an objection is lodged a hearing has to be held.
- 7.7 The Licensing Authority will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.
- 7.8 All personal licence holders should note that on their first appearance in any court, when charged with a relevant offence (see Annex C of Guidance under section 182 of the Licensing Act 2003); they must declare their status as a holder of a personal licence to that court. Where subsequently convicted they must declare that conviction to the Licensing Authority.

8 Premises Licences and Club Premises Certificates

Application Process

- 8.1 When processing applications the Licensing Authority will not be influenced by the question of need. Need for any particular premise is a commercial matter or it may be part of a Planning consideration.
- 8.2 An application for a premises licence or a club premises certificate must be made in the form specified by regulation. The form must be accompanied by the requisite fee and a floor plan indicating the safety features of the premises such as alarm systems, access and egress points, fire doors, fire extinguishers, etc.
- 8.3 The applicant must also send copies of completed application forms and operating schedules to the responsible authorities named in Appendix A and advertise the application on or near the premises in accordance with the relevant regulations.
- 8.4 Applicants must provide an operating plan with the application. The plan must include those matters that are prescribed by the Act.
- 8.5 The plan is crucial as it demonstrates to the Licensing Authority how the applicant will meet the four licensing objectives. It must therefore contain sufficient information to allow the Licensing Authority to determine the licence and ought to include an assessment of the risks associated with the application.

- 8.6 The Licensing Authority strongly recommends that applicants seek advice from the appropriate agencies, for example West Yorkshire Police and West Yorkshire Fire Service prior submitting the operating plan
- 8.7 The applicant must conduct an assessment of issues based upon the potential for crime and disorder and it is strongly recommended this is carried out in consultation with local police. Where any crime prevention measures are agreed, they should be implemented in accordance with the West Yorkshire Police Licensing Policy - Crime Prevention Measures. Failure to involve the local police at an early stage may result in them making representations against the application.
- 8.8 Guidance on what the Licensing Authority expects and on the completion of operating plans is provided in Appendix B. Notwithstanding this plans must be completed in a manner specific to an application rather than in general terms.
- 8.9 The Licensing Authority requests that holders of a premises licence are requested to make timely applications for variation of the designated premises supervisors. Applicants should note that the legislation allows West Yorkshire Police to object to the designation in order to promote the crime prevention objective.
- 8.10 Any application not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the application correctly before it is accepted by the Licensing Authority.
- 8.11 The council may use the information submitted in any application form for any licence and/or permission provided for under the terms of the Act for the purpose of its statutory function(s) in its capacity as the relevant Licensing Authority.
- 8.12 The Council may disclose all such information to its agents or service providers. The Licensing Authority may also share this information with other Council services.

Planning and Building Regulations

- 8.13 The use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is usually required for the establishment of a new premises or change of use of premises.

- 8.14 In general, all premises that are the subject of an application under the Licensing Act may also need to seek the appropriate planning permission, or be deemed permitted development. The grant of a Premises Licence or Club Premises Certificate does not negate the need to seek and be granted any required planning consent.
- 8.15 In addition, it is also the responsibility of the applicant to ensure that any necessary building control approval has been obtained where structural alterations have taken place.
- 8.16 A hearing on any licence application will not consider whether any decision to grant or refuse planning permission was lawful and correct. The licensing process is not a re-run of the planning process.
- 8.17 In order to ensure proper integration, reports on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder may be taken to the Planning committee.

Licensing Hours

- 8.18 The Government states that flexible licensing hours may reduce the level of conflict / anti-social behaviour / disorder caused by concentrations of young drinkers, allowing a more gradual dispersal of customers from premises.
- 8.19 The Council accepts that use of more flexible hours can provide customers and businesses with a greater choice and may help to promote the evening economy in Kirklees, particularly in our town centers. However there is no general presumption in favor of lengthening licensing hours and the four licensing objectives should be paramount.
- 8.20 The Licensing Authority will consider supporting longer hours where:
- There is likely to be no significant effect on crime and disorder or public nuisance.
 - The operating schedule clearly demonstrates that the applicant is taking appropriate measures to minimise any adverse effects on residents and businesses in the vicinity. Measures to reduce the impact of customers using external facilities in and around premises (e.g. beer gardens, car parks, and pavements) are increasingly important, since the introduction of the Health Act 2006 (smoke free premises)
 - Transport facilities are available to take customers away from the venue.

- 8.21 Shops, stores and supermarkets will normally be permitted to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open unless there are very good reasons for restricting those hours.

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Operating Schedules

- 8.22 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. They are expected to have regard to the Council's Statement of Licensing Policy. They must also be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote these.
- 8.23 Operating schedules are the key to ensuring that the four licensing objectives are promoted. An operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 8.24 Whilst applicants are not required to seek the views of the responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimize the scope for disputes to arise.
- 8.25 Although not a licensing objective, matters relating to public health and alcohol are an important factor to consider, and applicants may find it useful to contact Kirklees Public Health team for advice on how to reduce potential negative impact alcohol can have on the residents of Kirklees and for support on operating responsibly.
- 8.26 Applicants may find contacting their local ward Councillor helpful. Councillors provide a voice to the people living in the ward they represent. They are aware of the needs of their community and are in touch with the issues that local people face. As well as influencing council decisions on funding and development, they work with other organisations, such as the police, local schools and health services, to help bring about improvements to services and the environment for their local community.
- 8.27 The Council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on, rather than in general or standard terms. Information should be given to demonstrate how the individual applicant proposes to address and promote the licensing objectives.

8.28 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by the Council.

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Conditions

- 8.29 The Licensing Authority will only impose conditions on a licence (other than the statutory mandatory conditions) which are appropriate for the promotion of the licensing objectives, following scrutiny of the applicants operating plan and any relevant representations.
- 8.30 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
- 8.31 The Licensing Authority may also impose conditions other than those set out in the guidance, in circumstances where this is appropriate to properly promote the licensing objectives.
- 8.32 More stringent conditions will usually be considered on new or variation applications or when reviewing a licence where applicants have a previously documented failure to comply with licence conditions.
- 8.33 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the Council.

Designated Premises Supervisors

- 8.34 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment.
- 8.35 The Licensing Authority accepts that not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be authorised by such a licence holder. The Licensing Authority would normally expect that personal licence holders give specific written authorisation to individuals that they are authorising to sell alcohol on their behalf. This would assist personal licence holders in demonstrating due diligence. Although the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales made.
- 8.36 The requirements relating to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises where a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the Licensing Act 2003.

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Live Music, Dancing and Theatre

8.37 The Live Music Act 2012 extends the range of live music performances that can take place without a licence under the 2003 Licensing Act. Where live music performances and other regulated entertainment impacted by the Live Music Act 2012 are licensable, the Council, when determining which conditions should be attached to licences and certificates are aware of the need to avoid measures which deter live music and dancing and theatre etc. by imposing indirect costs of a disproportionate nature. The Licensing Authority is aware that the absence of cultural provision can itself lead to young people being diverted into anti-social behaviour.

9 Early Morning Alcohol Restrictions Orders (EMARO)

9.1 The power conferred on licensing authorities to make, vary or revoke an EMARO is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on 31st October 2012 and the government has provided guidance as part of the S182 Guidance to Licensing Authorities.

9.2 The power enables a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it satisfied that this would be appropriate for the promotion of the licensing objectives.

9.3 EMARO's are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

9.4 Further information on the process of requesting and implementing EMAROs can be found within the Government's Section 182 Guidance to Licensing Authorities.

9.5 There are currently no EMARO's in place in Kirklees.

10 The Late Night Levy

10.1 The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late night economy, and the reduction or prevention of crime and disorder.

10.2 The decision to introduce the levy is an option available to all licensing authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate, in relation to premises in the authority's area, which authorises the sale or supply of alcohol on any days during the period beginning at or after midnight and ending at or before 6am (late night supply period).

~~10.3 Further information on the implementation and charging structure for late night levies can be found at:~~

~~https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/183490/Late_night_levy_guidance__amended_.pdf~~

10.4 Currently Kirklees Licensing Authority area does not have a late night levy.

11 Cumulative Impact Assessments

11.1 Cumulative impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area.

11.2 The licensing policy is not the only means of addressing such problems.

Other controls include:

- Planning and Environmental controls.
- Positive measures to create cleaner greener and safer environment
- Provision of CCTV.
- Provision of transport facilities including taxi ranks
- Police enforcement and closure powers
- Joint agency action to address under age and binge drinking.

11.3 The Policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime once consumers are away from the vicinity of the premises.

- 11.4 There are places in the area which on occasion raise concerns in relation to numbers of people congregating in and moving around certain confined locations and the effect of this on crime and disorder, public safety and public nuisance. This is particularly so at night time when large numbers of alcohol-fuelled revellers are present. However the Policy does not propose to undertake a full cumulative impact assessment at this time.
- 11.5 The Licensing Authority, in consultation with the police and other relevant parties, will regularly review the issue of cumulative impact in light of the practical experience of the operation of the Licensing Act 2003 and of the demand for premises licences. Such reviews will be conducted as part of regular liaison meetings.
- 11.6 Any imposition of special provisions to combat the effect of cumulative impact will only be introduced after widespread consultation, including those bodies/persons indicated in section 5(3) of the Act, and the establishment of clear evidence of a problem and its links with licensed activities. Any special policy, once adopted, will be the subject of regular reviews.
- 11.7 Should special provisions be introduced they will not be applied universally or override the right of each application to be dealt with on its merits. Where licences are unlikely to add significantly to the cumulative impact, the presumption is that they will be granted.

12 Temporary Events

- 12.1 The system of permitted temporary activities is intended as a light touch process and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the 'premise user') gives notice to the Licensing Authority of the event (a 'temporary event notice' or TEN).
- 12.2 Temporary Event Notices make provision for small scale, one-off events. This could be in a situation where a venue does not benefit from a premises licence, or where the premises licence does not meet the need of a particular function on a particular night.
- 12.3 Temporary event notices are subject to various limitations. These are concerned with:
- The number of times a premise user may give a TEN (50 times in a calendar year for a personal licence holder and 5 times in a calendar year for other people);

- The number of times a TEN may be given for any particular premises (12 times in a calendar year);
 - The maximum duration of an event authorised by a TEN is 168 hours (7 days);
 - The maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year)
 - The maximum number of people attending at any one time (fewer than 500); and
 - The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).
- 12.4 The most important aspect of the system of temporary event notices is that no permission is required for these events from the Council. In general, only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.
- 12.5 Many premise users giving temporary event notices will not have commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds, at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.
- 12.6 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. The notice periods do not include the day the authority receives the notice or the day of the event.
- 12.7 The Council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings.
- 12.8 The council will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

Police or Environmental Health intervention in relation to TENs

- 12.9 The Act provides that in exceptional circumstances, the police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The Police or Environmental Health must issue an objection notice within three working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled and licensable activities are not authorised.
- 12.10 The ability of Police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the council not to rely on giving the minimum amount of notice and to contact the local Police and Environmental Health at the earliest possible opportunity about their proposals.

Additional limitations

- 12.11 The council, on receiving temporary event notices, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.
- 12.12 The Act defines an associate as being:
- the spouse or civil partner of that person;
 - a child, parent, grandchild, grandparent, brother or sister of that person;
or
 - an agent or employee of that person;
 - the spouse or civil partner of a person listed in either of the two preceding bullet points.
- 12.13 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

13 Review of a Premises Licence or Club Premises Certificate

- 13.1 The Licensing Authority recognises the importance of its ability to review premises licences. The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection concerning problems associated with crime and disorder, public safety, public nuisance and the protection of children from harm. Partnership working is important to achieve the promotion of the licensing objectives. Responsible Authorities are encouraged to give licensees early warning of any concerns identified at a premise.

13.2 Responsible Authorities and other persons can apply for the review of a premise licence or club premises certificate. At a Licensing Panel hearing, reasons should be given for any decisions, and details recorded of any conditions to be attached to the licence. A copy of the decision notice will be kept on the relevant premises file.

13.3 The Licensing Authority must, having regard to the application and any relevant representations, take such steps mentioned below (if any) as it considers **necessary** **appropriate** for the promotion of the licensing objectives.

The steps are:

- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

13.4 For cases which are being considered as a result of a review or potential enforcement action, the council will take into account all relevant circumstances, but will view the following matters particularly seriously:

- Failure to promptly respond to a warning properly given by a responsible authority
- Failure to engage with the responsible authorities in an effective manner
- Previous convictions for licensing offences
- Previous failure to comply with licence conditions

13.5 In cases where the crime prevention objective is being undermined through the premises being used for criminal activities, such as the supply of drugs and money laundering, it is expected that revocation of the licence, even in the first instance, will be seriously considered.

13.6 Where there has been a request for a review, the Licensing Authority must advertise that an application for a review has been made. Further representations may then be made within 28 days from the original application for review. A hearing must be held within 20 working days of the end of the 28 day period. Anyone who has made a representation and who wants to attend the hearing must inform the Licensing Authority at least 5 working days before the day of the hearing.

13.7 Appeals against licensing decisions will be heard by Magistrates Court

Closure Orders

13.8 Where a Magistrates Court makes a Closure Order under Part 8 of the Licensing Act 2003 on the grounds of disorder, the Council must carry out a review of the licence.

13.9 Where a Magistrates Court makes a Closure Order under Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014, the police or the Council's Public Protection section may request a review of the licence.

Expedited Reviews

13.10 The provisions in the Licensing Act 2003, inserted by Section 21 of the Violent Crime Reduction Act 2006, allow for a quick process to attach interim conditions to a licence and to fast track a licence review when a senior police officer submits a certificate alongside a review application stating that, in their opinion, the premises concerned is associated with serious crime or serious disorder (or both).

13.11 On receipt of an application for an expedited review of a premises, the Licensing Authority shall, within 48 hours, supply a copy of the review and certificate to the premises licence holder and consider whether it is necessary to take any interim steps pending the completion of the review process. These steps may include:

- The modification of the conditions of the premises licence
- The exclusion of the sale of alcohol by retail from the scope of the licence
- The removal of the Designated Premises Supervisor from the licence; and
- The suspension of the licence

14 Enforcement

14.1 The Licensing Authority has adopted the **Place Directorate Enforcement Strategy Kirklees Guide to Enforcement**, which sets out the Council's general approach to enforcement in the district. ~~establishes enforcement protocols which will target.~~ The policy includes restorative practice and justice (where available) and the aim is to encourage the development of the use of education and behaviour change where appropriate. This will allow for greater attention to high risk premises and lighter touch approach to those which are well maintained and managed and represent a lower risk. **This can be found on the Council website – www.kirklees.gov.uk**

- 14.2 Where appropriate the Licensing Authority will work in partnership with other agencies in enforcement around the licensing objectives.
- 14.3 Enforcement activity will be directed using intelligence from many sources including other services, and agencies.
- 14.4 Risk is linked to many issues but one of these will be premises encouraging excessive drinking via aggressive drinks promotions leading to nuisance and disorder.
- 14.5 The Licensing Authority will consider whether other direct powers should be used to address a problem for example Police, Fire and Environmental Services have their own powers.
- 14.6 The ~~Place Directorate Enforcement Strategy~~ **Kirklees Guide to Enforcement** is intended to protect the public, the environment, consumers and workers through:
- Providing clear advice and guidance to help businesses and residents meet their responsibilities
 - Enforcing the law in a fair, equitable and consistent manner
 - Assisting broadly compliant businesses to meet their legal obligations
 - Taking firm action where it is necessary and appropriate to do so
 - Trained professional officers who monitor compliance
- ~~Key principles of consistency, transparency and proportionality will be maintained.~~
- 14.7 The Licensing Authority will maintain an online register of licences and licence applications which can be accessed via the Council's website.
- 14.8 Where Responsible Authorities or other parties make representations in connection with the licensing objectives, in order to seek a review of a licence, provided the representations are not frivolous, vexatious or repetitious, the Licensing Authority will review the licence.

15 Appendices

15.1 Appendix A: Contact Information – Licensing Authority, responsible authorities/useful contacts

15.1.1 Licensing Authority

Kirklees Council – Licensing Department
Flint Street
Fartown
Huddersfield
HD1 6LG
Tel: 01484 456868
licensing@kirklees.gov.uk

15.1.2 Responsible Authorities

Kirklees Primary Care Trust
Public Health Directorate
Kirklees Council
Civic Centre 1 - 4th Floor North
High Street
Huddersfield
HD1 2NF
publichealthlicensing@kirklees.gov.uk

Kirklees Environmental Health
Pollution & Noise Control / Health & Safety
Flint Street Depot
Fartown
Huddersfield
HD1 6LG
Tel: 01484 221000
Environmental.health@kirklees.gov.uk

Kirklees Safeguarding Children Partnership
3rd Floor Somerset Building
Church Street
Huddersfield
HD1 1DD
Tel: 01484 221000
KSCB.Admin@kirklees.gov.uk

West Yorkshire Trading Standards
PO Box 5
Nepshaw Lane South
Morley
Leeds
LS27 0QP
Tel: 0113 2530241
licensing@wyjs.org.uk

West Yorkshire Police Licensing Office
Flint Street Depot
Fartown
Huddersfield
HD1 6LG
Tel: 01484 456868
Rw913@westyorkshire.pnn.police.uk

Kirklees Council Planning Services
Development Control
PO Box B93
Civic Centre III
Huddersfield
Tel: 01484 221000
planning.contactcentre@kirklees.gov.uk

Home Office – Immigration
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
alcohol@homeoffice.gsi.gov.uk

Fire Protection Department
Oakroyd Hall
Birkenshaw
BD11 2DY
Tel: 0113 3875738
Fire.safety@westyorksfire.gov.uk

15.1.3 Useful Contacts

British Institute of Innkeeping
Wessex House
80 Park Street
Camberley
Surrey
GU15 3PT
Tel: 01276 684449

Security Industry Authority (SIA)
PO Box 1293
Liverpool
L69 1AX
Tel: 0844 8921025
www.the-sia.org.uk/register

NCFE
Q6 Quorum Business Park
Benton Lane
Newcastle Upon Tyne
Tel: 0191 2398000

Disclosure & Barring Service
PO Box 110
Liverpool
L69 3EF
Tel: 0870 9090822

City and Guilds
1 Giltspur Street
London
EC1A 9DD
Tel: 020 7294 2468

Huddersfield Magistrates Court
PO Box B37
The Court House
Civic Centre
Huddersfield
Tel: 01484 423552

DRAFT

15.2 Appendix B – Operating Plan considerations

15.2.1 The operating plan is a key document in the licensing process. It is one of the primary means by which the Licensing Authority and the consultees can assess whether the licensing objectives have been satisfied within a particular application.

15.2.2 The following is a list of matters to which applicants should give consideration, if relevant to the premises in question. Applicants should note the outcome within the operating plan. Please note the matters are not exhaustive and it is recognised that some may fall outside the remit of the Act. Notwithstanding this, if all the matters have been addressed they are more likely to lead to a successful, safe well managed premise.

15.2.3 The matters are listed under each of the four licensing objectives:

Crime and Disorder

- Within the trading hours requested, consideration of the times within which alcohol is to be sold or supplied, other times at which the premises are to be open to the public, drinking up time, last entry policies etc.
- Crime prevention through application of ‘secure by design’ principles to the premises e.g. all areas visible from the bar. The use of CCTV systems, both within and outside the premises, installed and operated under West Yorkshire Police guidelines.
- Regular participation in the local ‘Pubwatch’ group run in partnership by a volunteer group of licence holders, and attended by invited representatives of West Yorkshire Police, other local authority services and sister agencies. These informal meetings present an opportunity for two way dialogue on local issues.
- Applicants are encouraged to consider whether the designated premises supervisor is expected to be on the premises at all times when the sale or supply is taking place. Where this will not be the case, then arrangements should be put in place to ensure proper management of the venue and licensable activities.
- Whether door supervisors (licensed under the Security Industry Authority) and other security measures are required in respect of the venue and the licensable activities proposed. Supervision inside and outside the premises by properly trained staff can have a significant impact on crime and disorder, and therefore public safety in and around the premises, by for example: the non-admission of persons who are drunk, screening for weapons and drugs, dealing with disorderly behaviour. Premises may operate an incident book to log events involving crime and disorder.
- Measures to combat drug dealing and the use of drugs in the premises. The Licensing Authority and West Yorkshire Police support the guidance detailed in the Safer Clubbing Guide produced by the Home Office – this guide can be viewed at www.csdp.org/research/safer-clubbing-txt.pdf

- Participating in the retail radio scheme in the town centre areas covered by the Council's CCTV centre and the police can help to minimise disorder occurring within the vicinity of premises.
- Operating 'proof of age checks to combat underage drinking e.g. proof of age card schemes carrying a PASS logo, passport or photo driving licences.
- Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods.
- Any policies for the use of toughened, shatterproof or polycarbonate/plastic glasses and the refusal to serve drinks in glass bottles. Preventing the removal of glasses and bottles from premises and timely clearing of empties from internal/external drinking areas can also prevent them being used as weapons.
- Measures to exclude known troublemakers and those identified under local banning schemes or anti-social behaviour orders.
- Security in premises seeking to sell alcohol for consumption off the premises. Displayed stock may be sited to be in view of staff at all times and/or covered by CCTV and spirits may be kept behind the counter.
- Level of transport facilities available to aid customers in leaving premises quickly and quietly.

Public Safety

- Demonstrate that proposed occupancy levels are safe and that sufficient management control exists to prevent the levels being exceeded. Where the premise is split into different parts it would be prudent to identify the occupancy for each individual part.
- Provision of adequate sanitary accommodation – for advice contact Kirklees Environmental Health, Health and Safety Section (see Appendix A)
- Reasonable access and facilities for people with disabilities including the safe evacuation of disabled persons, identifying the staff trained to implement emergency egress plans, sanitary accommodation, etc.
- Details of the management arrangements put in place to ensure adequate installation, testing, maintenance and certification of the following.
 - fire detection and alarm systems
 - firefighting equipment/fire suppression systems
 - emergency lighting system
 - electrical installation to the premises
 - portable electrical appliances
 - music cut out systems
 - fire retardant treatments for materials used in drapes, furnishings and
 - decorations, include for frequency of treatment

- heating systems and cooking appliances e.g. gas boilers/pressure systems
- hot and cold water systems e.g. certain air con units re: Legionella

And make general fire precautions. Fire safety features should be denoted on the floor plans accompanying the licence application.

- Details of the regime for regular inspection and maintenance of structural elements such as walls, floors, roof members, beams, mezzanine floors, stairs, lintels, ceilings etc. It is similarly important to ensure that the integrity of materials providing fire resistance to these elements of structure is also maintained.
- Written procedures for the inspection and maintenance of items of general housekeeping e.g.
 - escape routes are kept clear with escape doors being easily operable without the use of key, card, code or similar means
 - fire doors and the door operating furniture
 - fire safety signs are adequately illuminated
 - removable security fastenings are removed from exit doors whenever the premises are open to the public or occupied by staff
 - damage to furnishings and fabrics
 - guarding to stairs, balconies, landings and ramps
 - general condition of floor surfaces (e.g. trip hazards, non-slip surfaces)
 - provision of safety glazing and manifestation in critical locations
 - suspended decorations, lights and amplification systems
 - guarding to fires, candles and open flames
 - edges of treads to steps and stairways are kept conspicuous
 - systems for the collection of glass and bottles
- Controls exercised by management of premises, regarding any drinks promotions
- Safety measures when hot food and drink is prepared in close proximity to the public
- Number of first aid trained staff with suitable equipment to provide first aid on the premises. Training may include treatment to those persons affected by drugs or alcohol, including the policy of providing free drinking water.
- Transport facilities serving premises do not provide a safety hazard at points where customers leave the premises.
- Means for controlling noise levels to prevent damage to the hearing of employees and to the public visiting premises.

- A number of the above issues may be contained within Health and Safety Policies, which will form any part of any Operating Plan (for guidance on H & S Policies contact Kirklees Environmental Health, Health and Safety Section—see Appendix A)

Public Nuisance

- With reference to the proposed hours of operation and audibility at noise sensitive premises in the vicinity, the measures taken to prevent noise and vibration emanating from within premises and from external sources (under the control of the applicant) causing nuisance or disturbance, such as:-

- amplified and non-amplified music levels
- singing and speech
- disposal to waste and bottle bins
- plant and machinery (including extract systems)
- food preparation, the cleaning of premises and equipment
- noise associated with vehicles arriving at and departing from the premises
- e.g. car doors, horns, stereos, engine noise etc
- firework displays etc

Measures may include:-

- the installation/adoption of soundproofing
- air conditioning to allow windows to be kept closed
- sound limitation devices
- use of lobby doors
- cooling down period with reduced music levels at the end of the night
- adopting hours of operation appropriate to the activities in question and the location
- adopting a schedule for the delivery of goods and collection of waste at times appropriate for the locality
- advice notices and announcements requesting customers and staff to behave with 'good conduct' to neighbouring premises.
- controls exercised by management over excessive drinking encouraged by drinks promotions
- arrangements to prevent disturbance by customers leaving the premises or congregating or queuing outside premises, this being of most importance between the hours of 11pm to 7am
- identifying good transport facilities that serve the venue

- In considering applications from pubs, clubs, concert venues and similar premises and activities, the Licensing Authority expects licensees to have regard to any guidance published, such as Good

Practice Guide on the Control of Noise from Pubs and Clubs published by the Institute of Acoustics, the Code of Practice on Environmental Noise Control at Concerts published by the Noise Council, and to other local, regional or national standards.

- Particular care must be taken where the noise source is in the open air, e.g. beer garden, car park, access roads, or queues.
- Other potential causes of nuisance to which consideration should be given:
 - Light is a category of statutory nuisance. Exterior lighting should be carefully sited, directed and operated so as not to cause disturbance to occupiers of nearby premises.
 - Arrangements to prevent the release of noxious odours affecting the occupiers of adjacent premises.
 - Steps taken to prevent any impact of inadequate refuse storage or littering on the surrounding area, including the responsible use of flyers or promotional materials.
- Fly posting should not be used to promote events
- For further information relating to public nuisance please contact Kirklees Environmental Health, Pollution and Noise Control Section – see Appendix A

Protection of Children from Harm

- Times within which children, whether accompanied or not, will be allowed access to whole or any part of the premises – will restrictions be specified by a notice at the entrance
- At premises or events where entertainment is specifically targeted towards children employers take steps to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity e.g. Disclosure and Barring Services check to the appropriate standard.
- In the case of 'children only' events, for example, an under 18 disco, production of a play, a pantomime or similar event, provision of a suitable number of adult supervisors to children on the premises.
- The normal minimum ratio will be one supervisor per 50 children plus one supervisor for each floor and supervisor for each exit e.g. this would mean at an event where 300 children are expected, which take place on premises which have 2 floors and 4 exits there would need to be 6 supervisors for the capacity of the premises, plus 2 for the two floors, plus 4 for the number of exits giving a total of 12 supervisors on duty throughout the duration of the event.
- Supervisors should receive instruction on fire procedures and be made aware of all dangerous equipment particularly 'backstage' to ensure supervision of children performing at such premises.
- Arrangements for safe entry and departure from the premises

- Precautions to avoid unsupervised children being seated in the front row of a balcony or box.
- Arrangements for restricting children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification or the Licensing Authority itself. NB licensees should note that this is a mandatory condition required by s20 Licensing Act 2003
- Limiting use of special effects which can trigger adverse reactions, especially with regard to children
- Operating 'proof of age' checks to combat underage drinking e.g. proof of age card schemes carrying a PASS logo, passport or phot driving licences.
- Compliance with the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks to be fully implemented
- Steps taken to ensure the safety of play areas and equipment
- Any arrangements to supply children's drinks in safety glasses or bottles
- Provision of safe child seating for young children in premises selling meals
- Any provision of smoke free areas
- Provision of child friendly lavatories, family toilet and nappy changing facilities

15.3 Appendix C – Other reading

www.culture.gov.uk – Government website showing full versions of Licensing Act 2003 and Secretary of State’s Guidance issued under Section 182 of Licensing Act

The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999), (The Purple Book), ISBN 0 7176 2453

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804

The Guide to safety at Sports Grounds (the Stationary Office 1997) (The Green Guide) ISBN 0 11 300095 2

Safety for Street Arts, Carnivals, Processions and Large Scale Performances published by the Independent Streets Arts Network, copies which may be obtained through www.streetartsnetwork.org.uk/pages/publications.htm

Good Practice Guide on the Control of Noise from Pubs and Clubs – published by the Institute of Acoustics, 77A St. Peter’s Street, St. Albans, Hertfordshire AL1 3BN (tel. 01727 848195) – March 2003.

Code of Practice on Environmental Noise Control at Concerts (1995) – published by The Noise Council (ISBN 0 900103515). Available from the Chartered Institute of Environmental Health Library (0207 8275821) or from information@cieh.org

Alcohol Harm Reduction Strategy for England – Prime Minister’s Strategy Unit, Admiralty Arch, The Mall, London SW1A 2WH (www.strategy.gov.uk)

Kirklees Drug and Alcohol Strategies – available from Kirklees Safe and Cohesive Communities, Civic Centre 1, High Street, Huddersfield (tel. 01484 224291)

Safer Clubbing Guide (reducing harm from drug use in club environments) – available from Drug Prevention Advisory Service ISBN 1840827807 (www.drugs.gov.uk)

Responsible Retailing of Alcohol: Guidance for the Off Trade – available from the Association of Convenience Stores (www.thelocalshop.com) tel. 01252 515001

West Yorkshire Police Licensing Policy – available from the Licensing Officer, Flint Street Depot, Fartown, Huddersfield, HD1 6LG. Tel: 01484 456868

Kirklees Planning Services – ‘Going Smokefree’ – A planning advice note on smoking shelters and related features www.kirklees.gov.uk/planning

Home Office „Practical Guide for Preventing and Dealing with Alcohol Related Problems
www.alcoholpolicy.net

Home Office Designated Public Place Order (DPPO) Guidance www.homeoffice.gov.uk

LACORS/TSI Code of Practice on Test Purchasing www.lacors.gov.uk

Related Legislation

The Live Music Act 2012

Police and Social Responsibility Act 2011 Policing and Crime Act 2009

Anti-Social Behavior Act 2003 / Crime and Disorder Act 1998 / Crime and Security Act 2010

Criminal Justice and Police Act 2001 / Private Security Industry Act 2001

Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 The
Clean Neighbourhoods and Environment Act 2005 / The Health Act 2006 Violent Crime
Reduction Act 2006

Relevant case law regarding policy statements

Limits of Licensing policy: *BBPA & Others v Canterbury City Council* (2005) EWHC 1318
(Admin)

‘Strict’ licensing policies and exceptions to policy: *R (Westminster City Council) v
Middlesex Crown Court and Chorion plc* (2002) LLR 538

Cumulative impact policies and hours: *R (JD Wetherspoon plc) v Guildford Borough Council*
(2006) EWHC 625(admin)

Duplication and conditions: *R (on the application of Bristol Council) v Bristol Magistrates
Court* (2009) EWHC 625 (Admin)

Extra-Statutory notification by the Licensing Authority: *R (on the application of Albert
Court Residents Association and others) v Westminster City Council* (2010) EWHC 393
(Admin)

The prevention of crime and disorder: ambit of the objective: *Blackpool Council, R (on the
application of) v Howitt* (2008)

15.4 Appendix D – Delegation

Sub-committee is comprised of 3 members of the full licensing committee.

Matters to be Dealt with	Full Licensing Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection made	If no objection made
Application for Personal Licence with unspent convictions		If a police objection made	If no objection made
Application for Premises Licence / Club Certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation made	If no relevant representation made
Application to vary Premises Licence / Club Certificate		If a relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor		If a police objection made	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a police objection made	All other cases
Application for Interim Authority		If a police objection made	All other cases
Application to review Premises Licence / Club Certificate		All cases	
Decision on whether a complaint is irrelevant / frivolous / vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Responsible Authority objection to a Temporary Event Notice (Police / Environmental Health)		All cases	

15.5 Appendix E – Glossary of terms

15.5.1 Licensable Activities

- a) the sale by retail of alcohol;
- b) the supply of alcohol by or on behalf of a club to, or to the Order of, a member of the club;
- c) the provision of regulated entertainment;
- d) the provision of late night refreshment.

15.5.2 Qualifying Club Activities

- a) the supply of alcohol by or on behalf of a club to, or to the Order of, a member of the club;
- b) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place, and
- c) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

15.5.3 Regulated Entertainment

- a) a performance of a play,
- b) an exhibition of a film,
- c) an indoor sporting event,
- d) a boxing or wrestling entertainment,
- e) a performance of live music,
- f) any playing of recorded music,
- g) a performance of dance,
- h) entertainment of a similar description to that falling within paragraph (e), (f) and (g), where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

15.5.4 As a result of the amendments to the Licensing Act 2003 by the 2012 Live Music and 2013 Order, no licence is required for the following activities to the extent that they take place between 08:00 and 23:00 on any day:

- Performance of a play in the presence of any audience of no more than 500 people.
- An indoor sporting event in the presence of any audience of no more than 1000 people
- The performance of dance in the presence of an audience of no more than 500 people.
- Live music where the live music comprises :-
 - a performance of unamplified live music

- a performance of live amplified music in a work place with an audience of no more than 200 people or;
- a performance of live music on licensed premises which takes place in the presence of an audience of no more than 200 people.

15.5.5 Exemptions for the provision of entertainment and entertainment facilities — note if alcohol is to be supplied, or late night refreshment provided, a licence will be required for those activities:

- i) for the purposes of or purposes incidental to religious services or meetings or at places of public religious worship
- j) morris dancing or dancing of a similar nature
- k) incidental music
- l) garden fetes
- m) film exhibitions for the purposes of advertisement, information, education, etc.
- n) use of television or radio receivers
- o) vehicles in motion

15.5.6 Interested Parties

- a) a person living in the vicinity of the premises,
- b) a body representing persons who live in that vicinity,
- c) a person involved in a business in that vicinity,
- d) a body representing persons involved in such businesses.

15.5.7 Responsible Authority

- a) the chief officer of police for any police area in which the premises are situated,
- b) the fire authority for any area in which the premises are situated,
- c) the enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
- d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (C.8) for any area in which the premises are situated,
- e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health,
- f) a body which:
 - a. represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - b. is recognized by the Licensing Authority for that area for the purposes of this section as being competent to advise it or such matters.

- g) any Licensing Authority (other than the relevant Licensing Authority) in whose area part of the premises is situated;
- h) Primary Care Trusts (PCTs)³ and Local Health Boards (in Wales); and
- i) the local weights and measures authority (trading standards);
- j) in relation to a vessel;
 - a. a navigation authority (within the meaning of Section 221(1) of the Water Resources Act 1991 (C.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities;
 - b. the Environment Agency;
 - c. the British Waterways Board, or
 - d. the Secretary of State;
 - e. a person prescribed for the purposes of this subsection.

15.5.8 Temporary Event

The use of the premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence covering the licensable activity is not in place — see ‘limitations’ in paragraph 7.21.

15.5.9 Late Night Refreshment

A person “provides late night refreshment” if:

- a) at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
- b) at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises,

unless the supply is an exempt supply by virtue of paragraph 3, 4 or 5 of Schedule 2 to the Act.

15.5.10 Hot Food or Hot Drink

Food or drink supplied on or from any premises is “hot” for the purposes of this schedule if the food or drink, or any part of it:

- a) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
- b) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

15.5.11 Personal Licence

A licence which:-

- a) is granted by a Licensing Authority to an individual, and
- b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.

15.5.12 Premises Licence

A licence which authorises the premises to be used for one or more licensable activities.

15.5.13 Representations

- a) Relevant – If it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives
- b) Frivolous – Frivolous representations would essentially be categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent in order to be relevant.
- c) Vexatious – Vexation may arise because of disputes between rival businesses or persons.
- d) Repetitious – A repetitious representation would be categorised by its similarity to a
- e) previous representation which has already been decided upon.

15.5.14 Disclosure of Convictions – Disclosure and Barring Service (DBS)

A disclosure showing all convictions held at national level which are not spent – for contact details see appendix A

15.5.15 Licensing Authority

Reference to the Licensing Authority in this policy indicates Kirklees Council operating in its role specified under the Licensing Act 2003, and not in any other role.

For the proposed revised Licensing Act 2003 Statement of Policy 2020 -2025, the Council consulted with the following -

- All Kirklees Councillors
- All Responsible Authorities
- West Yorkshire Police
- West Yorkshire Fire service
- Kirklees Environmental Health Kirklees Planning Authority
- Kirklees Planning Authority
- Kirklees Safeguarding Children Board
- Weights and Measures
- Home Office (Alcohol Licensing)
- Public Health
- Safer Kirklees
- KNH
- Adult Safeguarding
- Federation of licensed Victuallers Associations
- Honley Business Association
- Holmfirth Enterprise and Development
- Kirklees Community Association
- Kirklees Federation of small businesses
- Calderdale & Kirklees Manufacturing Association
- CHART Kirklees
- Kirklees Better Outcome Partnership
- Accent Group
- Connect Housing
- Together Housing
- Hanover Housing Association
- Stonham Housing
- Sadeh Lok Housing
- St Anne's Community Service
- Unity Housing
- Existing licence holders
- Members of the public

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West Yorkshire Fire & Rescue

Dear Kirklees Licensing Service

Thank you for giving this Authority the opportunity to comment on the proposed statement on future licensing policy.

I am certain that it will help to secure public safety, protect children from harm, prevent public nuisance and prevent crime and disorder whilst encouraging a sustainable leisure and entertainment industry within Kirklees.

The West Yorkshire Fire & Rescue service looks forward to working with the Council in promoting the four licensing objectives.

Yours faithfully

Nigel Thompson Charlston QFSM, MCGI, GFireE.
Head of Fire Engineering, Planning & Licensing

Councils Response

The Council welcomes the support from West Yorkshire Fire & rescue.

West Yorkshire Trading Standards

The supply of cheap and illicit tobacco significantly undermines the government's policy of using tax to maintain the high price of tobacco and help reduce smoking. Dealers in cheap and illicit tobacco products reap the financial benefits of supplying cheap cigarettes and tobacco at the expense of legitimate retailers by providing unfair competition to shops selling the genuine tax paid products. This may lead to honest retailers closing down and causing local economies to suffer. The supply of illicit and counterfeit tobacco products costs the taxpayer over £2.5 billion per year in lost revenue. This money is diverted into the pockets of organised criminal gangs with links to modern slavery and even terrorism.

Section 13.4 of the current licencing policy states that when the premises is being used for criminal activities, it is expected that revocation of the licence, even in the first instance, will be seriously considered.

This has been replaced in the draft of the proposed licencing policy with section 13.5 which states when the premises is used for criminal activities, such as the supply of drugs or money laundering, it will be viewed particularly seriously.

This appears to be a softening of the council's stance against the trade in counterfeit/Illicit tobacco with the prompt for licence revocation being removed.

It has also become normal practice now, when a licence is revoked, for a new application to be immediately submitted. This is clearly being done by an associate of the licence and is done in the appeal period or even prior to the review hearing taking place. This undermines the whole process as although the licence has been

revoked, due to deliberate criminal activity, the premises never actually stops selling alcohol.

This organisation would like to recommend that once a review application has been submitted then no new or transfer applications will be considered until the review hearing has taken place. If the licence is revoked then a minimal time period is set by the panel, during which no new applications will be considered.

Best regards
West Yorkshire Trading Standards

Councils Response

The Council have noted Trading Standards comments however the Licensing Act 2003 places the Council, in its capacity as Licensing Authority, under a duty to accept any and all applications for a licence irrespective of whether a review is taking, or has taken, place; and each application has to be considered on its own merits. As such, it is not within the Licensing Authorities powers to refuse to consider and application until a review hearing has taken place, nor is it within the Licensing Authorities power to stipulate a minimum time period elapse before a new application is submitted, if a licence has been revoked.

Member of the Public

I just wanted to make the observation that in my opinion the sale of alcohol in premises which is then consumed in the street, pavement or road adjoining should be routinely prohibited.

Thank you.

Councils Response

The Council welcomed the member of public's observations however under the Licensing Act 2003 there are no powers that allow us to restrict the consumption of alcohol in public places. We do however take note of other powers such as 'Public Space Protection Orders'.

Member of the Public

I believe that licensing hours are far too long and should be reduced, the reason for this is obvious & I believe the West Yorkshire Police would have requested this too. The Police are tied up in Huddersfield town Centre when really they should be patrolling the outlying areas. Due to the fact Licensing hours are far too long which has an adverse effect on the West Yorkshire Police, Para Medics and the Huddersfield Royal Infirmary A and E Dept.

a: Due to the lack of Police Officers because of austerity it has put a big strain upon the force, with more Police Officers having to work overtime to keep a presence on our streets.

b: Police Officers are tied up in town from about 22.00hrs until the very early hours of the morning due to the binge drinking, fighting and knife crime within the town centre.

c: Also Police Officers can be tied up from about 22.00hrs till the early hours of the morning with those arrested that have had to attend the Huddersfield Royal Infirmary A and E Dept.

d: Surely Kirklees Council have a Duty of Care for the Police that are out on the streets as well as the Para Medics and the NHS staff too.

I believe the Licencing Authority should allow drinking in Pubs from 10.00hrs till 23.00hrs, Last Orders 22.30hrs.

The Clubs should then open at 22.00hrs and close at 02.00hrs, Last Orders 01.30hrs.

This would alleviate the stress and strain on the Police and on the Para Medics which have a difficult job as it is, without this hassle every Friday and week end when they are on shift.

It would certainly help if the Take Away shops also shut their doors at 02.00hrs also then the crowds would dissipate off home.

It is the rowdiness of the town centre that stops the older person coming into the town for a pleasant drink and a nice meal at a restaurant.

I hope you take on board these ideas as it is certainly common sense.

Councils Response

The Council welcomed the member of public's observations however the council do not have any jurisdiction on what applicants can request for when applying for a premises licence to sell alcohol.

The Council and/or the applicant must however consult with West Yorkshire Police as part of the application process. The Police then have the powers to request reduced hours or condition a licence to help promote one or more of the licensing objectives.

Member of the Public

As a Kirklees resident, volunteer and career environmentalist, I am often involved in projects to remove litter from open spaces, riversides and canals throughout our borough. The summer of 2019 saw me working as a volunteer at festivals and events to tackle the growing problem of single use plastics which often end up as

litter and never recycled. Kirklees MC have declared a 'Climate Emergency' with the reduction of waste and increase in recycling high on the agenda.

I would like to put forward a case to restrict the sale of non – biodegradable (polystyrene) packaging and food utensils (plastic cutlery) and implement the condition to the licensee that only biodegradable (cardboard / paper) packaging be available from late night licensed premises offering refreshment in order to prevent public nuisance on the following bases:

- Plastic and polystyrene litter is persistent, unsightly and does not biodegrade. It is harmful to wildlife and ecosystems and makes its way into our rivers, canals and oceans. Cardboard packaging is less harmful, recyclable and will eventually degrade
- The litter associated from fast food outlets is a high proportion of all litter representing between 33% and 54% of litter collected by voluntary groups in 2018 – 19 according to Keep Britain Tidy (see appendix below)
- Litter collection is an unnecessary burden on Kirklees Council Funds. The national average litter collection fee is £28 per household per year – valuable funds which could be used for other more pressing services according to the Ministry of Housing Communities and Local Government

A number of residents, colleagues and volunteers are in support of the comments enclosed and we would ask you kindly to consider these adjustments to the Licensing Policy 2020 – 2025.

Kind regards

Councils Response

The Council welcomes the suggestions made by the member of public and thanks them for their comments. Although the Council supports this matter, the Council hold no jurisdiction under the Licensing Act 2003 to restrict take-a-ways use of single use plastics.

Kirklees Public Health

Public Health asked for the following points to be considered;

- Online businesses – there isn't anything that specifically relates to this but it seems more common now and wonder if there should be something highlighted about this; often there needs to be emphasis on age verification and avoiding purchase/consumption by minors
- The section on Impact of activity – wondering if there could be something mentioned about considering the impact of licensed activity in its widest sense (e.g. impact of low pricing which can encourage harmful drinking by those most likely to be vulnerable)

- Section 8.24 – also relating to the above point – perhaps something about a source of advice from public health that might help to reduce negative impact on citizens and support responsible operating.

Councils Response

The Council welcomes the suggestions made by Kirklees Public Health, and can respond to say that the suggestions made are being added to the policy.

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Addendum to Agenda Item 8 – Proposed Revision to Statement of Licensing Policy

Agenda Item 8 is seeking approval from Full Council to adopt a proposed revised Statement of Licensing Policy. Officers have noted that due to a printing error the proposed revised policy as presented at Appendix A, does not show all the amendments made by Members of the Licensing and Safety Committee as summarised at paragraph 2.1.5 of the report being presented to Full Council.

The following clarifies those amendments.

Section 6 – General Principals (paragraph 6.30)

Members of the Licensing and Safety Committee agreed to remove paragraph 6.30 from the policy as they felt it too open and ambiguous. Members requested officers tighten the wording of that section and instead include it in a separate guidance document that officers will be producing.

The paragraph Members of the Licensing and Safety Committee requested be removed read as follows -

6.30 The Licensing Authority, where necessary and appropriate, may also consider the impact low cost alcohol may have and the potential for it to encourage harmful drinking.

Section 13 – Review of Premises Licence or Club Premises Certificate (paragraph 13.4 and 13.5)

The following Sections were amended to reflect the representation made by trading standards, which were agreed by Members of the Licensing and Safety Committee.

13.4 For cases which are being considered as a result of a review or potential enforcement action, the council will take into account all relevant circumstances, but will view the following matters particularly seriously:

- ~~Use of premises for criminal activities, such as the supply of drugs or money laundering~~
- Failure to promptly respond to a warning properly given by a responsible authority
- Failure to engage with the responsible authorities in an effective manner
- Previous convictions for licensing offences
- Previous failure to comply with licence conditions

13.5 In cases where the crime prevention objective is being undermined through the premises being used for criminal activities, such as the supply of drugs and money laundering, it is expected that revocation of the licence, even in the first instance, will be seriously considered.

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Name and date of meeting: Council 15 January 2020

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 endorsed by Cabinet on 3rd 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.

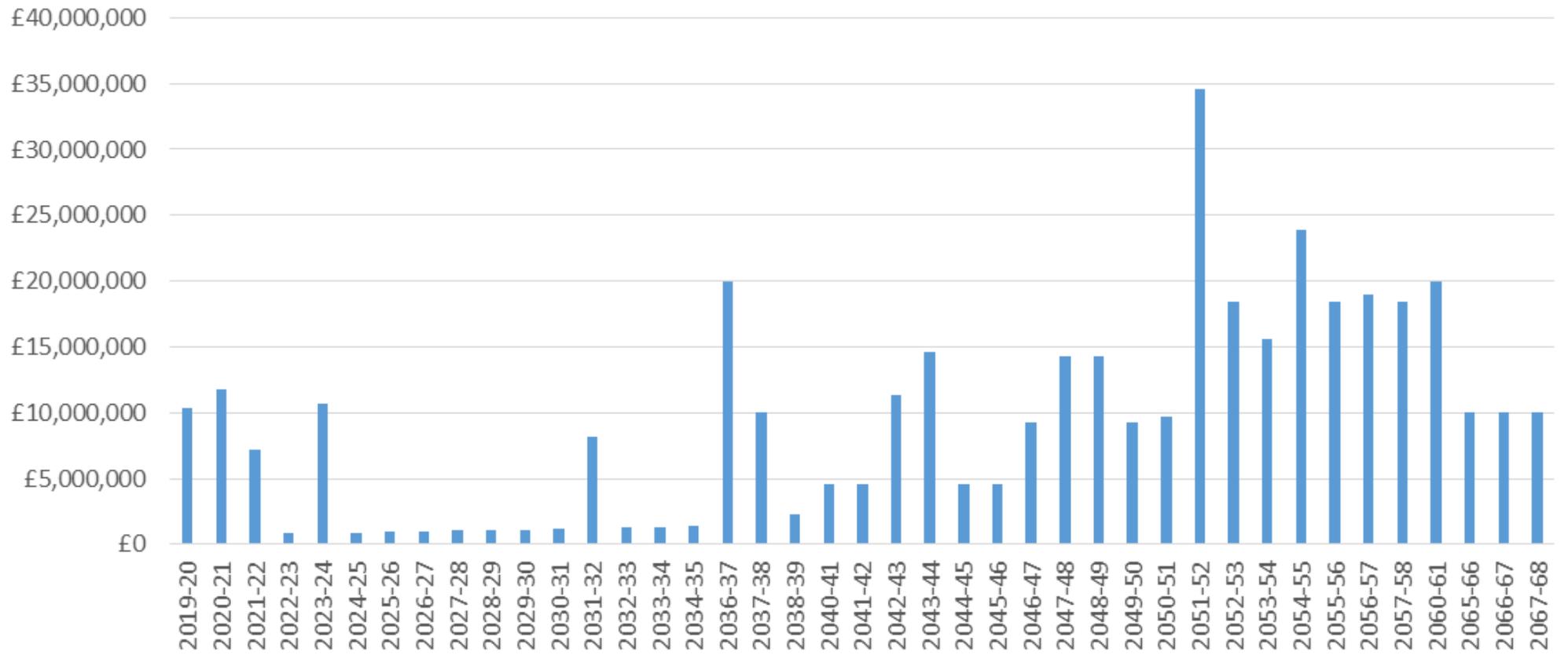
***Specialised property fund available for Local Authority investors.

Key – Fitch’s credit ratings:

Appendix 1 Continued

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

Debt Maturity - By Year

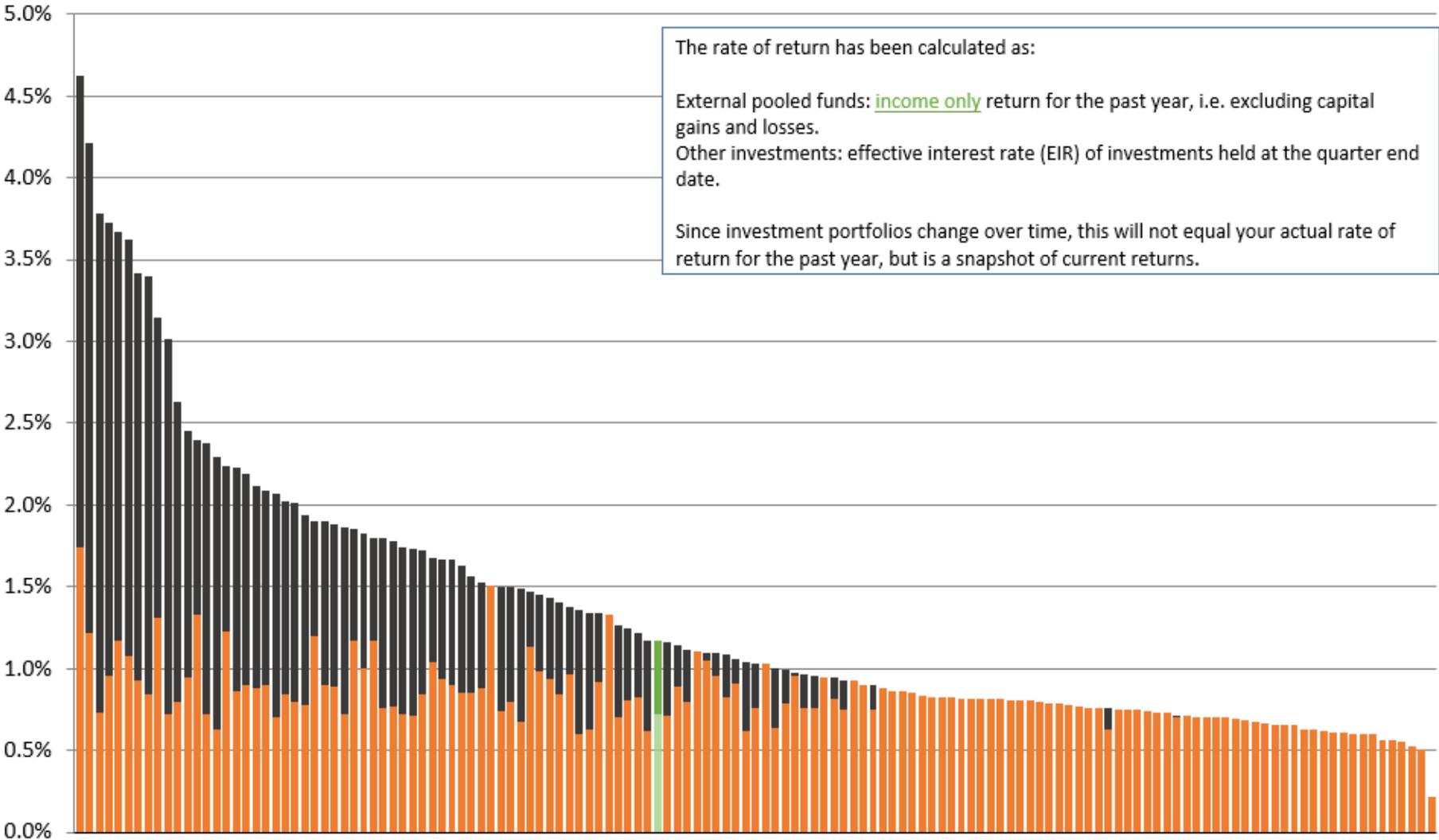


Income Only Return on Total Investments (Internal plus External Funds)

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.



■ Average income on internal investments ■ Over-performance of external funds ■ Kirklees - 30/09/19

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.

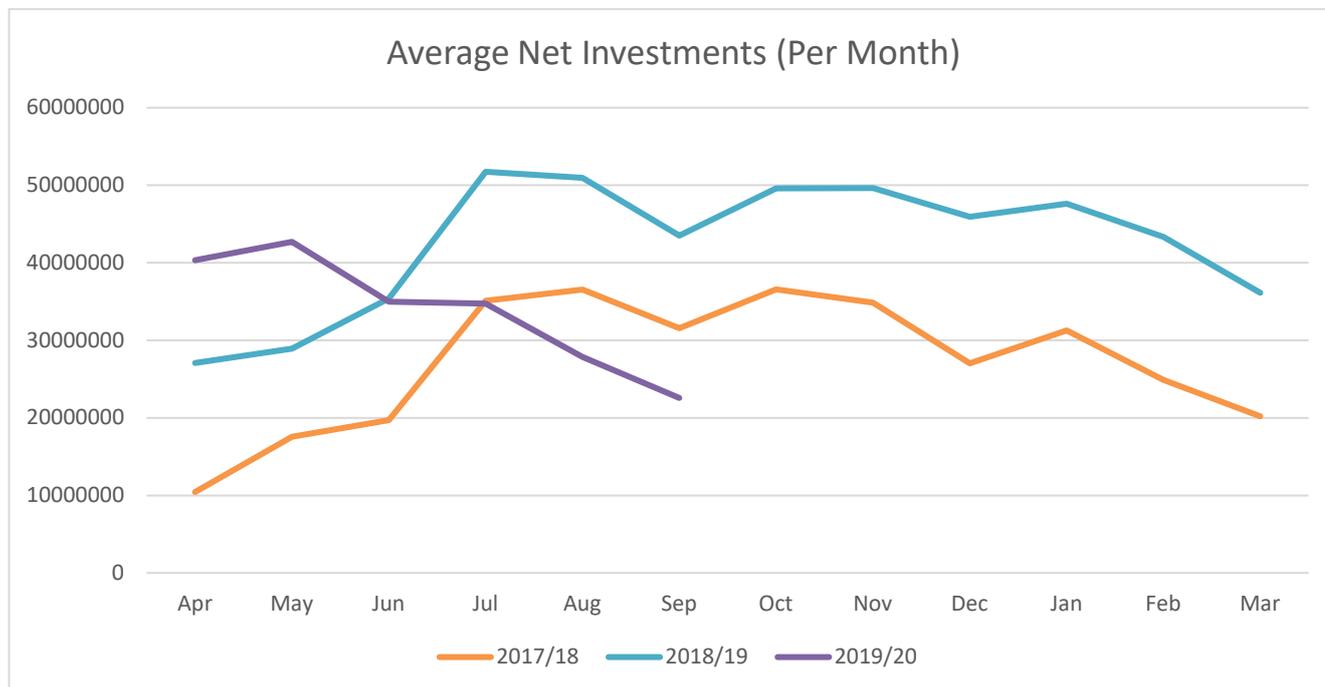
The Council has adopted and has implemented the key principles of the Code. This, together with the other arrangements detailed in the schedule to this document, are considered vital to the achievement of proper corporate governance in treasury management, and the Chief Finance Officer will monitor and, 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 14 January 2020, then Council 15 January 2020

Title of report: Calculation of Council Tax Base 2020/21

Purpose of report: To seek approval of the Council for the various tax bases, this will apply to the Kirklees area for the financial year 2020/21 in connection with the Council Tax. There are no proposed changes to the current Council Tax Reduction Scheme (CTRS) for 2020/21.

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 calculation of the Council Tax base affects all wards in the Kirklees area.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports?)</u>	Yes 28 June 2019
The Decision - Is it eligible for call in by Scrutiny?	No – Full Council decision
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall - 16 December 2019
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 23 December 2019
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft – 23 December 2019
Cabinet member <u>portfolio</u>	Cllr Graham Turner

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

Have you considered GDPR: Yes - there is no personal data within the Council Tax Base report or calculation.

1. Summary

Section 67(2) of the Local Government Finance Act 1992 requires that the tax base for Council Tax should be approved by the Authority (i.e. the Council).

The regulations covering setting the tax base are covered and updated under Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (as amended).

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

- (a) they are present at a meeting of the Council, the Cabinet or a Committee and at the time of the meeting an amount of Council Tax is payable by them and has remained unpaid for at least two months, and
- (b) any budget or Council Tax calculation, or recommendation or decision which might affect the making of any such calculation, is the subject of consideration at the meeting.

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

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

2. Information required to take a decision

In determining the level of local taxation, each local authority calculates a tax base annually so that, once the level of expenditure has been approved, the determinations of the level of local taxation becomes an arithmetical exercise.

The Council Tax Base for an authority is the amount of income which would be received by levying a Council Tax of £1.00 on band D properties and taking into account the differential rates which would be applied to properties in the other bands.

In view of the fact that there are Parish and Town precepts, it is necessary to calculate a tax base for:

- a) the whole of Kirklees; and
- b) each parish and town council area

The valuation listing received from the Inland Revenue (valuation office) places each domestic property in Kirklees into one of eight valuation bands.

In order to calculate the tax base, the following factors must be taken into account and applied to the valuation bandings:

- a) Fixed ratios between valuation banding;
- b) Number of exempt properties;
- c) Number of properties eligible for a discount

- d) Properties subject to an Empty Homes premium (long term empty properties, empty over 2 years and over 5 years) subject to premium charge(s).
- e) Number of appeals against bandings which will be successful;
- f) Number of new properties which will be added to the list during the year; and
- g) Council Tax Reduction Scheme (CTRS) – continuing the local scheme as in 2019/20 at 20%.
- h) An allowance for losses on collection.

For the purpose of calculating the tax bases, it should be noted that a collective adjustment has been made to the current Council Tax Base (CTB) as at 30th November 2019. The current tax base figure based on 30th November 2019 figures is 122,585.77. Allowing for the factors above the overall collective adjustment for 2020/21 has been calculated at 1.43407% to take into account the above factors and adjustments in the tax base. The Council Tax Base as set out in the report will be used to inform the demand on the collection fund amount to be considered at full budget Council on 12 February 2020.

It is recommended that the 2020/21 tax base for the whole of Kirklees area, and the tax bases for the five Parish and Town Council areas be approved as follows:

Whole of Kirklees	120,827.80
Denby Dale	5,855.94
Holme Valley	10,149.79
Kirkburton	9,047.44
Meltham	2,859.75
Mirfield	6,693.77

In order to demonstrate the methodology used in the calculation, the Appendices show the current number of properties in each band, the current effect of discounts, exemptions and the collective adjustment referred to earlier in the report. This is broken down into the Whole of Kirklees and the five Parish and Town council areas above.

Council Tax Reduction Parish Grant

A Council grant had been distributed to Parish Councils to supplement the Parish precept, so as to provide top-up funding to mitigate the effect of the Localisation legislation introduced in 2013/14. The effect of Localisation was to reduce individual Parish tax bases, resulting in a consequential loss in their income. This grant had been maintained at the 2013/14 level, over successive years. However, over this period, Parish (CTB's) had grown to the extent where the original purpose of the grant was no longer justified.

As part of last year's approved CTB, Council approved the phasing out of the grant, the phasing dependent on the extent of individual Parish CTB growth over the intervening period. Based on the tax bases recommended in this report, the remaining grant payable in 2020/21 will be for Mirfield parish Council, at £2,633.64.

3. Implications for the Council

3.1 Working with People

The setting of the tax base is related to all domestic properties in Kirklees and is not based on individual circumstances. It applies to every property.

The Local Government Finance Act 1992 requires each authority to devise a Local Council Tax Reduction Scheme it does not specify the extent of any such reduction.

By providing a scheme that reduces liability to an affordable level, it prevents the need to take unnecessary and costly recovery action that would inevitably result in courts finding the customer did not have the means to pay.

3.2 Working with Partners

N/A

3.3 Placed based working

N/A

3.4 Improving Outcomes for Children

N/A

3.5 Reducing demand of services

N/A

3.6 Climate Change

N/A

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

The setting of the tax base is related to the annual budget process.

Setting a budget specifically to meet Council Tax liability of those that would otherwise be unable to pay, means we have greater clarity as to the amount of Council Tax we might collect. That in turn allows the Council to plan more accurately based on anticipated revenue from the collection of Council Tax.

The decision to agree the tax base determines the levels of income received by the Council through the levy of Council Tax for residents of Kirklees.

The Council must consider any legislative changes as part of the Council Tax Base setting process, as any changes will materially affect the Council Tax Base. Any legislative changes (if any) have been considered and incorporated in the Council Tax base setting process.

4. Consultees and their opinions

Councillor Graham Turner - supports the calculations and judgments made in determining the proposed Council Tax Base.

5. Next steps

- Cabinet to agree Council Tax Base for recommendation to Council on 15th January
- The Council Tax Base forms part of agreeing the level of Council Tax for 2020/21- Budget Council on 12 February 2020.

6. Officer recommendations and reasons

It is recommended that the 2020/21 Council Tax Base for the whole of the Kirklees area, and the Council Tax Bases for the five Parish and Town council areas as set out in this report be approved by Cabinet.

7. Cabinet portfolio holder's recommendations

The Cabinet Portfolio Holder recommends that Cabinet approve the Council Tax Base for the whole of the Kirklees area, and the Council Tax Bases for the five Parish and Town Councils for 2020/21 as listed in the report.

The Cabinet Portfolio Holder recommends the approval of the 2020/21 Council Tax Base as set out in the report.

8. Contact officer

Steve Bird – Head of Welfare and Exchequer Services

Mark Stanley – Senior Manager Welfare and Exchequer Services

9. Background Papers and History of Decisions

N/A

10. Service Director responsible

Eamonn Croston – Service Director, Finance

Council Tax Base Calculation for whole of Kirklees 2020/2021

2020/2021

Less : collective adjustment

Tax Band	Number of Properties	Number of Exempt Properties	Number of Taxable Properties	Number of Properties with Discounts Equated to 25% Discount	Reduction in Tax Base due to Council Tax Reduction	Number of Properties with Empty premium Equated to 100% 200% extra charge	Family Annex	Effect of Discounts & Empty premium on Number of Taxable Properties	Fixed Ratio (9ths)	Band 'D' Equivalent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
A Disabled	109	0	109	9.75	29.35	0.00	0.00	69.90	5	38.83
A	85,350	3,106	82,244	10,077.50	18,160.75	517.00	4.60	54,518.15	6	36,345.43
B	34,846	589	34,257	2,974.75	3,280.89	188.00	0.50	28,188.86	7	21,924.67
C	31,880	369	31,511	2,122.00	1,666.45	80.00	0.50	27,802.05	8	24,712.93
D	16,867	272	16,595	896.50	515.76	27.00	0.00	15,209.74	9	15,209.74
E	11,805	90	11,715	484.25	211.89	27.00	0.00	11,045.86	11	13,500.50
F	5,303	37	5,266	214.75	52.17	18.00	0.00	5,017.08	13	7,246.89
G	2,149	21	2,128	84.25	20.18	10.00	0.00	2,033.57	15	3,389.28
H	118	1	117	10.25	0.00	2.00	0.00	108.75	18	217.50
	188,427	4,485	183,942	16,874.00	23,937.44	869.00	5.60	143,993.96		122,585.77
									0.00	
										1,757.97
									1.43407%	
										120,827.80

Less :
collective
adjustment

Council Tax Base for KMC -
Chargeable Dwellings Band
'D' Equivalent

Council Tax Base Calculation for area of Denby Dale Parish Council 2020/2021

2020/2021

Less : collective adjustment

Tax Band	Number of Properties	Number of Exempt Properties	Number of Taxable Properties	Number of Properties with Discounts Equated to 25% Discount	Reduction in Tax Base due to Council Tax Reduction	Number of Properties with Empty premium Equated to 100% extra charge	Family Annex	Effect of Discounts & Empty premium on Number of Taxable Properties	Fixed Ratio (9ths)	Band 'D' Equivalent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
A Disabled	6	0	6	0.25	0.94	0.00	0.00	4.81	5	2.67
A	1,927	27	1,900	224.00	340.66	4.00	0.00	1,339.34	6	892.89
B	1,245	15	1,230	115.50	85.56	9.00	0.00	1,037.94	7	807.29
C	1,206	12	1,194	89.00	45.32	3.00	0.00	1,062.68	8	944.60
D	1,420	10	1,410	73.50	29.61	1.00	0.00	1,307.89	9	1,307.89
E	969	5	964	37.50	9.99	0.00	0.00	916.51	11	1,120.18
F	414	2	412	21.25	2.02	1.00	0.00	389.73	13	562.94
G	173	0	173	6.25	1.64	0.00	0.00	165.11	15	275.18
H	14	0	14	0.25	0.00	0.00	0.00	13.75	18	27.50
	7,374	71	7,303	567.50	515.74	18.00	0.00	6,237.76		5,941.14
								Less : collective adjustment		85.20
								1.43407% Council Tax Base for Denby Dale Parish Council		5,855.94

Council Tax Base Calculation for area of Holme Valley Parish Council 2020/2021

2020/2021

Less : collective adjustment

Tax Band	Number of Properties	Number of Exempt Properties	Number of Taxable Properties	Number of Properties with Discounts Equated to 25% Discount	Reduction in Tax Base due to Council Tax Reduction	Number of Properties with Empty premium Equated to 100% extra charge	Family Annex	Effect of Discounts & Empty premium on Number of Taxable Properties	Fixed Ratio (9ths)	Band 'D' Equivalent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
A Disabled	5	0	5	0.50	2.50	0.00	0.00	2.00	5	1.11
A	2,711	48	2,663	343.25	457.30	26.00	0.00	1,888.45	6	1,258.97
B	2,158	29	2,129	208.50	125.70	23.00	0.00	1,817.80	7	1,413.84
C	2,664	28	2,636	207.00	98.27	14.00	0.00	2,344.73	8	2,084.20
D	1,666	13	1,653	100.75	37.43	3.00	0.00	1,517.82	9	1,517.82
E	1,714	14	1,700	72.25	23.70	6.00	0.00	1,610.05	11	1,967.84
F	974	5	969	33.00	4.20	1.00	0.00	932.80	13	1,347.38
G	425	3	422	14.50	3.42	2.00	0.00	406.08	15	676.80
H	15	0	15	0.25	0.00	0.00	0.00	14.75	18	29.50
	12,332	140	12,192	980.00	752.52	75.00	0.00	10,534.48		10,297.46
								Less : collective adjustment		147.67
								1.43407% Council Tax Base for Holme Valley Parish Council -		10,149.79

Council Tax Base Calculation for area of Kirkburton Parish Council
2020/2021

2020/2021

Less : collective adjustment

Tax Band	Number of Properties	Number of Exempt Properties	Number of Taxable Properties	Number of Properties with Discounts Equated to 25% Discount	Reduction in Tax Base due to Council Tax Reduction	Number of Properties with Empty premium Equated to 100% extra charge	Family Annex	Effect of Discounts & Empty premium on Number of Taxable Properties	Fixed Ratio (9ths)	Band 'D' Equivalent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
A Disabled	2	0	2	0.25	0.75	0.00	0.00	1.00	5	0.56
A	2,332	146	2,186	263.00	383.16	17.00	0.00	1,556.84	6	1,037.89
B	2,025	25	2,000	205.75	138.40	7.00	0.00	1,662.85	7	1,293.33
C	2,516	18	2,498	169.00	87.30	4.00	0.00	2,245.70	8	1,996.18
D	1,757	113	1,644	90.00	27.44	6.00	0.00	1,532.56	9	1,532.56
E	1,440	5	1,435	56.75	10.72	2.00	0.00	1,369.53	11	1,673.87
F	742	5	737	25.25	5.95	1.00	0.00	706.80	13	1,020.93
G	367	3	364	9.25	1.00	1.00	0.00	354.75	15	591.25
H	17	0	17	0.75	0.00	0.00	0.00	16.25	18	32.50
	11,198	315	10,883	820.00	654.72	38.00	0.00	9,446.28		9,179.07
								Less : collective adjustment		131.63
								1.43407% Council Tax Base for Kirkburton Parish Council		9,047.44

Council Tax Base Calculation for area of Meltham Parish Council
2020/2021

2020/2021

Less : collective adjustment

Tax Band	Number of Properties	Number of Exempt Properties	Number of Taxable Properties	Number of Properties with Discounts Equated to 25% Discount	Reduction in Tax Base due to Council Tax Reduction	Number of Properties with Empty premium Equated to 100% extra charge	Family Annex	Effect of Discounts & Empty premium on Number of Taxable Properties	Fixed Ratio (9ths)	Band 'D' Equivalent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
A Disabled	1	0	1	0.00	0.00	0.00	0.00	1.00	5	0.56
A	1,262	20	1,242	155.25	253.72	9.00	0.00	842.03	6	561.35
B	525	6	519	51.25	25.91	1.00	0.00	442.84	7	344.43
C	978	11	967	73.75	30.55	2.00	0.50	864.20	8	768.18
D	427	4	423	22.50	8.36	1.00	0.00	393.14	9	393.14
E	450	4	446	17.25	6.44	0.00	0.00	422.31	11	516.16
F	157	0	157	6.00	1.14	0.00	0.00	149.86	13	216.46
G	56	0	56	0.75	0.00	0.00	0.00	55.25	15	92.08
H	5	0	5	0.50	0.00	0.00	0.00	4.50	18	9.00
	3,861	45	3,816	327.25	326.12	13.00	0.50	3,175.13		2,901.36
								Less : collective adjustment		41.61
								1.43407% Council Tax Base for Meltham Parish Council -		2,859.75

**Council Tax Base Calculation for area of Mirfield Parish Council
2020/2021**

2020/2021

Less : collective adjustment

Tax Band	Number of Properties	Number of Exempt Properties	Number of Taxable Properties	Number of Properties with Discounts Equated to 25% Discount	Reduction in Tax Base due to Council Tax Reduction	Number of Properties with Empty premium Equated to 100% extra charge	Family Annex	Effect of Discounts & Empty premium on Number of Taxable Properties	Fixed Ratio (9ths)	Band 'D' Equivalent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
A Disabled	3	0	3	0.25	0.00	0.00	0.00	2.75	5	1.53
A	2,574	46	2,528	342.75	570.42	25.00	0.40	1,639.43	6	1,092.95
B	1,449	14	1,435	148.00	109.42	4.00	0.00	1,181.58	7	919.01
C	2,591	25	2,566	183.75	101.23	1.00	0.00	2,282.02	8	2,028.46
D	1,150	10	1,140	63.25	21.95	2.00	0.00	1,056.80	9	1,056.80
E	807	6	801	40.50	14.66	0.00	0.00	745.84	11	911.58
F	369	1	368	12.50	2.75	0.00	0.00	352.75	13	509.53
G	155	0	155	5.75	0.67	1.00	0.00	149.58	15	249.30
H	13	1	12	2.00	0.00	1.00	0.00	11.00	18	22.00
	9,111	103	9,008	798.75	821.10	34.00	0.40	7,421.75		6,791.16
								Less : collective adjustment		97.39
								1.43407% Council Tax Base for Mirfield Parish Council -		6,693.77

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Name of meeting: Council
Date: 15 January 2020

Title of report: Peer challenge feedback report and action plan

Purpose of report:

To receive the report and consider the draft action plan for approval, as recommended by Cabinet on the 12 November 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 <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – No 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	Richard Parry: 31 October 2019
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston: 30 October 2019
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft: 31 October 2019
Cabinet member portfolio	Cllr Pandor

Electoral wards affected: All

Ward councillors consulted: Elected members were involved in the peer challenge visit in July. Scrutiny members and Group Leaders have had input into the draft action plan. Democracy Commission working group members have shaped the proposals for the recommended actions that overlap with that area of work.

Public or private: Public

Has GDPR been considered? This report and the action plan contain only aggregated and/or anonymised data and no personal data that identifies a living individual, no sensitive personal data such as health, religion, sexuality and ethnicity and no information about members of staff, users of services, or details of Kirklees citizens.

1. Summary

- 1.1 This report summarises recommendations of the corporate peer challenge that was undertaken in summer 2019, and sets out a draft action plan to address the subsequent recommendations shared by the peer challenge team.

2. Information required to take a decision

- 2.1 Peer challenges are improvement focused and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals.
- 2.2 The Kirklees corporate peer challenge took place from 9 - 12 July 2019. It involved substantial input from a wide range of staff, elected members and stakeholders.
- 2.3 The peer team considered the following five questions which form the core components covered by all Corporate Peer Challenges. These are the areas the LGA believe are critical to councils' performance and improvement:

1. *Understanding of the local place and priority setting:* Does the Council understand its local context and place and use that to inform a clear vision and set of priorities?

2. *Leadership of Place:* Does the Council provide effective leadership of place through its elected Members, officers and constructive relationships and partnerships with external stakeholders?

3. *Organisational leadership and governance:* Is there effective political and managerial leadership supported by good governance and decision-making arrangements that respond to key challenges and enable change and transformation to be implemented?

4. *Financial planning and viability:* Does the Council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?

5. *Capacity to deliver:* Is organisational capacity aligned with priorities and does the Council influence, enable and leverage external capacity to focus on agreed outcomes?

- 2.4 In addition, the Council asked the peer team to take a sense check of whether the Council has the right focus, how the Council's 'journey' might be speeded up and what more the Council could do.
- 2.5 The peer team have shared their feedback report, attached at Appendix 1. The report identified key strengths including:
- Strong communities with strong identities.
 - Incredibly dedicated and committed staff.
 - An ambitious investment budget.
- 2.6 The report also set out a series of key recommendations to the Council:
1. *Craft and tell your story, externally and internally; and put strategic communications at the heart of the organisation.*
 2. *Develop and promote a high profile, permanent listening and dialogue action plan with residents and ensure system-wide coordination of engagement activity to harness the voice of residents.*
 3. *Implement the 'Collaborate' recommendations around place-based working and harmonise place-based initiatives, using the lessons learned from Community Plus.*

4. *Strengthen the corporate centre to develop its capacity; and invest in the Council's ICT systems.*
5. *Prioritise a decision on the long-term future of the ALMO.*
6. *Streamline decision-making and bring greater clarity to the roles and responsibilities of Members and officers, including greater congruence between officer and Member structures.*
7. *Consider reviewing the electoral cycle to bring it in line with councils that have adopted a longer, more stable electoral pattern with the strong leadership model.*
8. *Push for the establishment of a single CCG.*

- 2.7 The recommendations have been discussed at a meeting of cross party Leaders in October. The recommendations and draft action plan have been discussed at a meeting of the Overview and Scrutiny Management Committee on 4 November, and at a meeting of the Cabinet on 12 November. The Scrutiny Committee noted the proposals and agreed that there needs to be clarity around monitoring arrangements and ownership of agreed actions. The committee recommended that a progress report should be considered at Cabinet and Council. Cabinet endorsed the report and action plan and agreed that it be referred to Council for approval.
- 2.8 Reflecting the peer team's positive perspective of our direction of travel, some of their recommendations reflect work that is already in train. Actions to address the recommendations are set out in the draft action plan attached at Appendix 2. The action plan will form an addendum to the [Corporate Plan](#). Progress against it will be reported on a quarterly basis, aligned with Corporate Plan progress reports.

3. Implications for the Council

- **Working with People and Partners and Place-based working**
The peer challenge team saw much evidence of the "We're Kirklees" journey and its focus on people, partners and place during their time in Kirklees. The direction of travel it represents is supported in the recommendations in the feedback report, particularly around place-based working.
- **Improving outcomes for children**
There are no recommendations specifically focused on outcomes for children, though the action plan will ensure that children and young people are considered in follow up actions including communication and engagement.
- **Other (e.g. Legal, Financial or Human Resources)**
The peer challenge is not a statutory requirement and the recommendations made by the peer team are recommendations rather than requirements. The action plan being developed will form an addendum to the Corporate Plan which is part of the Council's Article 4 Policy Framework.

Workstreams within the action plan which require more detailed consideration will be subject to further decisions.

The peer team found staff on the ground to be a great asset to the Council, and recognised their energy, their will to support residents and their desire to respond to a vision. Ongoing delivery of the action plan will continue to emphasise the positive messages heard, ensure that staff are supported to shape delivery and are given the development, tools and training to fulfil their roles.

4. Consultees and their opinions

4.1 During the peer challenge period the peer team:

- Spoke to more than 300 people including a range of council staff together with councillors and external partners and stakeholders.
- Gathered information and views from more than 50 meetings, visits to key sites in the area and additional research and reading.
- Collectively spent more than 280 hours to determine their findings – the equivalent of one person spending more than 7 weeks in Kirklees Council.

5. Next steps and timelines

5.1 Monitoring of delivery will be aligned to the existing schedule of reporting progress against the Corporate Plan. There will be a strong Cabinet member input into progress monitoring and also identifying where there is a need for further decisions on the detail of action development and delivery.

5.2 A more detailed delivery plan will be developed in line with reporting progress at the end of the financial year 2019/20 for Quarter 4 delivery.

6. Officer recommendations and reasons

To receive the report and approve the draft action plan as an addendum to the Corporate Plan, as recommended by Cabinet. The action plan will form the basis for a response to the peer challenge recommendations that will assist the Council to progress with its improvement journey.

7. Cabinet Portfolio Holder's recommendations

To welcome the findings of the peer challenge team for its independent view of our services, our support for local communities and our focus for the future.

For Council to approve the draft action plan.

8. Contact officer

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Kate.mcnicholas@kirklees.gov.uk / 01484 221000 ext 72957

9. Background Papers and History of Decisions

Appendix 1: Peer challenge feedback report
Appendix 2: Draft action plan

OSMC: 4 November 2019

<https://democracy.kirklees.gov.uk/documents/s32177/Peer%20Challenge.pdf>

Cabinet: 12 November 2019

<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=139&MId=6243&Ver=4>

10. Service Director responsible

Andy Simcox, Service Director for Strategy and Innovation

Corporate Peer Challenge

Kirklees Council

9th – 12th July 2019

Feedback Report

1. Executive Summary

This is an exciting time for Kirklees Council in its improvement journey. There is a desire and civic pride among people to make Kirklees into an extraordinary place in the future. A fresh direction for the Council has been taken over the past two years and this is fuelling ambition and energy in the organisation. There is an opportunity now to set a path to ongoing success. The peer team found residents, staff, partners and Members they met to be passionate about the Council's ambition for the future and ready to contribute to making it a reality. People are aware of the Council's vision for 'People', 'Partners', and 'Place', and its delivery in part through the Place Standard. The Council now needs to be bolder, clearer and outward-facing in its approach if it is to transform its communities and the place.

In the drive to move from "average" (as previously self-defined) to ambitious the Council has several priorities, all of these are important and interlinked but they now need to be crystallised into the desired outcomes the Council is trying to achieve. The vision should be long-term and bold with a constancy of purpose. The Huddersfield Blueprint (the ten-year £250million vision to create a thriving, modern-day town centre) is a good example of a long-term and bold vision with a constancy of purpose. It shows ambition and will generate pace and results for Kirklees. It will also ensure that all the good work that is going on will automatically gravitate towards that direction and the Council will start 'punching at its weight'.

The Council should be confident that it is and can be the catalyst for regeneration, development and investment for Huddersfield, Dewsbury and other towns across the district. Kirklees has a rich industrial heritage, breath-taking countryside, beautiful buildings, and a young, energetic and diverse community. These are assets that can and must be maximised.

The Leader and the Chief Executive are highly-regarded and are ready to lead change. The ambition in Kirklees is exciting and palpable. Cabinet Members have the opportunity to own and drive forward the Council's ambition and priorities with clarity and more strategic focus. The Council has highly skilled officers who can do the detail, freeing up Cabinet Members to lead Kirklees in a coordinated way. Council staff are dedicated and committed and are at the heart of everything the Council does and achieves. They need consistent, energetic, high-level leadership and robust Information and Communication Technologies (ICT) and organisational development to support them.

The Council needs to invest in its corporate centre if it is to deliver on its ambition and priorities. The corporate centre of the organisation should be bolder to enable the Council to rediscover its "stand-out flair". The peer team sensed a desire and a need for the Council to re-invest in the corporate centre; to drive change across the Council and Kirklees for the benefit of residents so that the ambitions that the Council has can permeate right through the organisation and into local communities.

The Council has and continues to respond positively to the recommendations of the Children's Services inspection. The process of recovery created an environment of cross-departmental working which has reaped benefits for the organisation. Going forward it will be important to capture and build on the lessons identified to maximise opportunities.

Organisational culture across the Council has improved considerably and this is bearing fruit. Member and officer relationships have dramatically improved but there is more to do to streamline decision making and having clear lines of roles and responsibilities between Members and officers. Members should develop policy and officers should deliver and implement it. Furthermore, given the electoral cycle it is important that cross-party working continues and that there is cross-party buy-in to the Council's new strategic direction. This is vital to ensure consistency in the messages that are sent to the public and provide stability for the organisation. Going forward the Council may wish to review its electoral cycle to bring it in line with councils that have adopted a longer, more stable electoral pattern with the strong leadership model.

Kirklees Council has a very good story to tell and this needs to be developed, articulated and proudly shared by Cabinet Members and senior officers. Clear messages about the future, shared ownership of the vision, values and behaviours and modern communication technologies can be used to tell and share these stories among all its communities and potential investors.

2. Key recommendations

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions, in addition to the conversations onsite, many of which provided ideas and examples of practice from other organisations. The following are the peer team's key recommendations to the Council:

1. ***Craft and tell your story, externally and internally; and put strategic communications at the heart of the organisation.*** The Council has a very good story to tell but it is not yet well crafted and this should be done. It also needs the corporate capacity to tell the story successfully so that people can align themselves to it.
2. ***Develop and promote a high profile, permanent listening and dialogue action plan with residents and ensure system-wide coordination of engagement activity to harness the voice of residents.*** This will ensure an ongoing dialogue with residents on all matters, particularly those of strategic importance. It will also enable the Council to use data, intelligence and insights to inform future service design and policy development.
3. ***Implement the 'Collaborate' recommendations around place-based working and harmonise place-based initiatives, using the lessons learned from Community Plus.*** There is a lot of passion among people working in place-based initiatives but they are not yet fully coordinated and brought together. The Council should use this model as the foundation to build on.
4. ***Strengthen the corporate centre to develop its capacity; and invest in the Council's ICT systems.*** This will help to drive change across the Council and Kirklees for the benefit of residents so that the ambition that the Council has can permeate right through the organisation and into local communities. Investment in the Council's ICT

systems will improve morale, productivity, performance standards and should make the organisation more efficient and effective.

5. ***Prioritise a decision on the long-term future of the ALMO.*** If the ALMO is brought back in-house it will allow the Council to maximise the opportunity to embed place-based working into priority neighbourhoods. It would also provide much needed additional corporate capacity to deliver key Council objectives.
6. ***Streamline decision-making and bring greater clarity to the roles and responsibilities of Members and officers, including greater congruence between officer and Member structures.*** This will enable Members to focus on developing policy and officers to implement and deliver it. It will also strengthen Members' community leadership and Council ambassador roles.
7. ***Consider reviewing the electoral cycle to bring it in line with councils that have adopted a longer, more stable electoral pattern with the strong leadership model.*** This can provide stability, better continuity, and a platform for more longer term decision making.
8. ***Push for the establishment of a single CCG.*** This will help enable the health and care system to move away from planning based around acute trust footprints and improve strategic planning and commissioning across Kirklees to improve health and wellbeing outcomes for all residents. This, alongside strong, outward looking Primary Care Networks will also support a shared clinical and political dialogue for the benefit of residents and patients in Kirklees.

3. Summary of the Peer Challenge approach

The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the Council's requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed with the Council. The peers who delivered the peer challenge at Kirklees Council were:

- **Professor Donna Hall, CBE** (Former Chief Executive - Wigan Council and Accountable Officer of NHS Wigan Borough Clinical Commissioning Group)
- **Councillor Clare Coghill** (Leader - LB Waltham Forest)
- **Councillor Colin Noble** (Suffolk County Council)
- **Helen Isaacs** (Director for Communities - North East Lincolnshire Council)
- **Jim Ripley** (Chief Executive - Phoenix Community Housing)
- **Lynne Dowdican** (Local Authority Chief Executives Relationships lead - MHCLG)
- **Satvinder Rana** (Programme Manager - Local Government Association)

Scope and focus

The peer team considered the following five questions which form the core components covered by all Corporate Peer Challenges. These are the areas the LGA believe are critical to councils' performance and improvement:

1. *Understanding of the local place and priority setting:* Does the Council understand its local context and place and use that to inform a clear vision and set of priorities?
2. *Leadership of Place:* Does the Council provide effective leadership of place through its elected Members, officers and constructive relationships and partnerships with external stakeholders?
3. *Organisational leadership and governance:* Is there effective political and managerial leadership supported by good governance and decision-making arrangements that respond to key challenges and enable change and transformation to be implemented?
4. *Financial planning and viability:* Does the Council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
5. *Capacity to deliver:* Is organisational capacity aligned with priorities and does the Council influence, enable and leverage external capacity to focus on agreed outcomes?

In addition, the Council asked the peer team to take a sense check of whether the Council has the right focus, how the Council's 'journey' might be speeded up and what more the Council could do. All these are covered in the main body of the report.

The peer challenge process

It is important to stress that this was not an inspection. Peer challenges are improvement focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing. The team then spent 4 days onsite at Kirklees Council, during which they:

- Spoke to more than 300 people including a range of council staff together with councillors and external partners and stakeholders.

- Gathered information and views from more than 50 meetings, visits to key sites in the area and additional research and reading.
- Collectively spent more than 280 hours to determine their findings – the equivalent of one person spending more than 7 weeks in Kirklees Council.

This report provides a summary of the peer team’s findings, based on a triangulation of the information gathered above. It builds on the feedback presentation provided by the peer team at the end of their on-site visit (9th – 12th July 2019). In presenting feedback to the Council, they have done so as fellow local government officers and Members, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. The peer team appreciate that some of the feedback may be about things the Council is already addressing and progressing.

4. Feedback

4.1 Understanding of the local place and priority setting

Kirklees Council is ambitious for the local area and its residents. There is understanding and recognition among Members and officers of the many strengths and the potential Kirklees has as a place. The Council recognises and values its assets of strong communities with strong identities, impressive industrial heritage, the outstanding Yorkshire countryside and excellent connections to major northern cities. There is also recognition of the nature and scale of the challenges that Kirklees faces. For example, identity and belonging in towns and villages, community cohesion, local economy, isolation in rural areas, inequality and quality of life were some of the issues people spoke about.

There is a refreshed Council plan that focuses on place-based working with an emphasis on ‘People’, ‘Partners’, and ‘Place’; an economic strategy focusing on business development, skills development, partnerships, connectivity and revitalised town centres; and a ten-year £250million vision to create a thriving, modern-day town centre. All these are providing a renewed focus and direction for the Council. However, given the electoral cycle in Kirklees, cross-party buy-in to the Council’s new strategic direction is vital so that there is consistency in the messages that are sent to the public and stability for the organisation.

Members have a detailed understanding of their locality and the communities they represent. The Council is focused on place-based citizen engagement and uses the ‘Place Standard’ to engage with its residents. Members and staff talk to groups, individuals, businesses and young people to better understand the things that matter to them. Result summaries and score sheets are produced for target wards and areas to provide data and insights which are then fed into the Council’s decision-making processes. This approach is supplemented with a range of other research and engagement activities such as an e-panel, online budget simulation, CLiK surveys, etc.

Nevertheless, there is now potential for broader and more strategic conversations with the public and these should be grasped in order to; better engage with residents across

the whole place; to help develop a strong narrative for Kirklees; and to promote civic-pride in the whole area. The primary aim of a strong and compelling narrative for Kirklees should be to talk up the sense of place and belonging across the area and to continue attracting inward investment to help deliver the ambition around regeneration of town centres, jobs and housing. It should also be about helping to set the destination, while engaging, involving and inspiring staff, partners and communities to be part of that journey. Communication and marketing should be focused on ensuring that the right messages are sent out to all the stakeholders locally and to the outside world about where Kirklees is heading. This will inevitably require the Council to work with its strategic and business partners to get them to own and help deliver, not just the messages but also, the ambition.

4.2 Leadership of Place

Kirklees is a unique place, made up of towns, villages and communities with a rich and diverse history. The Council is focused on serving all towns, villages and communities and is passionate about its integrated place-based working. Staff and most partners are keen to progress together with the Council. Place-based working provides focus to 'Working with people not doing to them' and this is "sinking in". Whilst there is a genuine desire to work 'with, not to', there is a proliferation of similar but slightly different overlapping initiatives across different boundaries which feel dis-jointed. For example, Community Plus, Community Hubs, 'with, not to', restorative solutions, school community hubs, Neighbourhood Policing Areas, Primary Care Networks and a large number of Housing patches etc. There is the potential to simplify and unify this work to have greater impact by implementing the recommendations of the 'Collaborate Report' into place-based working in Kirklees.

In addition, greater clarity is needed on the actual modus operandi in place-based working. To make a genuine difference to families and communities the practical arrangements for place-based working need to be quickly put in place. For example, while in its infancy, the work of Community Plus is clearly valued by residents and partners and is having a significant positive impact, but there is a lack of awareness and clarity about its purpose and capacity – "tell us what the end product is going to be".

There are trusting relationships and good partnership arrangements in place, for example the Kirklees Partnership Executive – which is the Local Strategic Partnership for Kirklees. Kirklees has a very strong, active and willing partner in its Voluntary and Community Sector (VCS) and the peer team saw a number of community initiatives being delivered in partnership with the VCS. Partners generally are very keen to be drawn into delivering the Council's ambition for Kirklees, so they actively need to be brought into the process to enable them to do so. This means fully defining the working relationships between the Police, the Council, housing providers, NHS Services, GPs, schools and the University. While acknowledging some joint working with the University, for example teaching partnership, community safety, etc., the peer team would urge the Council to strengthen this key strategic partnership as it will help deliver against the ambition for Kirklees.

The focus of the Economic Development Strategy is strong and ambitious but can be delivered more effectively and with greater pace if it is driven from the corporate centre.

Senior Members and officers should understand and own this drive and how their role relates to it. The Council is ambitious to create “jobs, more jobs and better paid jobs” and there is a strong business base which can be used by the Council to generate these better paid jobs. The business community is keen to work with the Council and its voice needs to be strengthened as they currently feel a little “outside the tent”.

The Council is now a key player within the sub-regional partnerships and has a presence on strategic forums such as the Health and Care Partnership, the Key Cities Network, and representation at a national level on several Local Government Association (LGA) Boards. It has also developed its voice and can now move confidently to define its bespoke offer to the city region and benefit from its place in the region – “Kirklees voice is now very strong via Leader and Chief Executive”. As the sub-regional partnerships develop the Council may need to develop strategic capacity to manage the demands so that it is able to lead and help influence the sub-regional agenda and work effectively across boundaries, thereby capitalising on future emerging growth and funding opportunities.

Given the levels of health inequalities in Kirklees and challenges facing many local health and care organisations in relation to quality and/or finance, the local health and care system needs to play more of a leadership role in place based working. Working relationships across the local health and care system have developed in the last two years, but can still be stronger. At present there is a concern that Kirklees’ residents are being left behind by a health and care system that is more fragmented than in other places in West Yorkshire. Kirklees is the only place in West Yorkshire that will not have a coterminous footprint between the Council and the Clinical Commissioning Group (CCG) from 1 April 2020 and that is not beneficial to patients and residents in enabling a coherent strategic commissioning approach to improving outcomes and services. Instead there is too much of a disjointed, transactional approach to commissioning. A single CCG and effective Primary Care Networks playing a system leadership role in local communities could result in a shared clinical and political voice acting on behalf of residents and patients across Kirklees.

The Council’s ‘with, not to’ mind-set is powerful and the way to go, but it does not align with the outmoded paternalistic approach which the peer team heard still exists in some parts of the organisation. If Kirklees is to truly work ‘with, not to’ there needs to be a highly visible, consistent set of messages from Members and officers as a two-way dialogue with residents, including the VCS. Also, with the developing confidence of the organisation, the Council can be bolder and develop more trusting relationships with residents and staff. Strategic communications is starting to evolve and has been used, for example the way the new Kirklees Masterplan has been communicated and shared. However, given the Council’s passion for place-based working an on-going conversation with the public on strategic issues is not consistently in place across the Council and its partners, and this should be developed.

Community safety and community cohesion remain challenges for Kirklees - as they are across the country. Whilst an in-depth analysis of community safety and community cohesion was outside the scope of this peer challenge, the peer team would urge the Council to continue delivering and reviewing its ‘Prevent Programme’ and ensure that

safeguarding is relentlessly prioritised and that existing resources are used more strategically to reduce serious risk of harm.

4.3 Organisational leadership and governance

There has been a dramatic improvement in Member and officer relations in Kirklees Council and it is evident there is now respect both ways. The work of the Democracy Commission and the Member development programme has helped in this. Good relations have enabled improved decision making, for example there is now better decision-making in the Planning Committee. Going forward the peer team would encourage the Council to speed up decision making across the Council by developing a more agile and efficient decisions making system. This may include reviewing the level of decision making and the number of meetings held to reach a decision.

The Cabinet and the senior leadership team work well together, however sharper delineation of roles between Cabinet Members and seniors officers needs to be articulated as there is some confusion between the roles of Members and officers. Members should develop policy and officers should implement and deliver it. Members should feel confident and empowered to be community leaders and Council ambassadors. Furthermore, there should be a focus on the congruence between officer and Member structures: either a matrix or an organisational delivery approach, but which ever it is they should reflect one another

In 2017 the Council established the Democracy Commission to embrace a strategic approach to reforming how decisions are made. However, the peer team heard that there has been mission creep on the Democracy Commission's work. Therefore its recommendations should be re-visited by leading Members, re-prioritised and implemented.

The Council currently operates a one third electoral cycle where one third of the Council is elected each election year, with no elections every fourth year. This can be destabilising for the Council and impacts on continuity and shared political ownership of long-term ambition, which is desirable. The peer team would therefore urge the Council to consider reviewing its electoral cycle in line with councils that have adopted a longer, more stable electoral pattern with the strong leadership model. This will provide a platform for more longer term decision making. Nevertheless, it is positive to see strong cross-party working in Kirklees Council, which is crucial in a one third electoral pattern. These relationships should be particularly fostered and emphasised as it motivates frontline Members and Members of opposition groups.

The peer team heard how the organisation previously compared itself against national and regional averages. It is now keen to move from "average to ambitious" and plans to do so by moving away from the previous budget top-slicing approach to a more strategically planned and a strategically resourced approach. The building blocks to enable this are in place and there is a will to manage demand, invest and deliver genuine strategic financial future planning. However, at present there are a blend of several key messages, priorities, actions and objectives which overlap and can make it difficult to grasp what the Council is focused on achieving. For example, there is 'We're Kirklees' approach to 'People', 'Partners' and 'Place'; then there is place-based working

and the 'with, not to' strapline; the eight shared outcomes; and a number of community based initiatives and approaches – there is a “tendency to tell the journey, not the outcome”. All these are important and interlinked but greater clarity of purpose and simplification of strategy and approach will enable all Council staff and partners to fully embrace the new approach and ensure its delivery and sustainability.

In addition, the Council would benefit by having identified owners of priorities at the political and managerial levels, who can drive change throughout the organisation and be accountable for the delivery of those priorities over an extended period of time. This may mean reviewing the management team structure so that it better reflect the ambition for the place, ensures better use of resources and releases capacity to deliver.

Kirklees Council has highly regarded Leader and Chief Executive, dedicated Members and highly skilled and committed staff who are at the heart of everything the Council does and achieves. Nevertheless, there is still some work to be done to win hearts and minds among the workforce. The peer team would suggest some quick wins which may help with morale and internal efficiency. For example, sort out Systems, Applications and Products (SAP) and telephony (booking of leave, claiming mileage and procurement and customer waiting times all cited as frustrations); strengthen internal communications; improve awareness of the 'High Five Awards' recognition scheme and how it works; carry out a regular staff survey among all employees; provide consistent, energetic, high-level leadership; provide access to robust ICT; and put in place an organisational development programme to put all this in place. This can be complemented with a strategic workforce plan across the partnership to ensure that Kirklees has the skills and capacity for the future. This will enable shared values across the organisation and the right skills in the right place, and might involve bringing new skills where they are needed. It is likely that more human resource and organisational development capacity will be needed to enable this.

There are generally constructive relationships between the Council and the trades unions. However, relationships between the unions are an issue in Kirklees and one trades union in particular has a bullish relationship with the others; this is not working in the best interests of hard-working Council staff and urgent steps should be taken to improve this relationship.

Whilst there are positive efforts to improve the organisational culture through a stronger and shared set of priorities and place-based approaches, these initiatives need to be driven at pace through every part and at every level of the organisation through well-defined and agreed set of values and behaviours.

4.4 Financial planning and viability

The Council has a medium-term financial strategy covering the period to 2022/23 that provides for service pressures and addresses the need to find savings in the budget.

The Council has good financial management arrangements in place and consideration is given to risks through a Risk Panel of senior officers and the Corporate Governance and Audit Committee. The peer team identified a lack of risk appetite in the Council, which could constrain the Council's pace and ambition. A bolder approach to risk and

opportunity is required throughout the organisation and existing governance processes should be strengthened to support this. Taking calculated risks will help the Council to move forward with the delivery of its long term ambitions for the place and people – “haven’t dipped our toes yet where other councils just get on with it”.

The Council faces savings of £20m over two years and it plans to deliver these savings by focusing on better outcomes for people and improved collaboration with communities and partners to deliver a balanced budget. In order to achieve the £20m budget savings target, greater alignment between the ‘with, not to’ mind-set and budget reductions is key. For example, residents want to recycle more - by helping them to do this will save unnecessary costs. In addition, the Council acknowledges that there is work to do with partners to get the most out of assets across Kirklees. One Public Estate Programme could generate opportunities and benefits by maximising assets across Kirklees and release efficiencies through co-location and more integrated ways of working on the ground. Closer working with strategic partners can also help the Council to increase capacity to achieve its ambition and deliver better outcomes for residents.

Whatever savings strategies the Council pursues, the savings programme should be backed up with visible delivery plans and regularly reported to the appropriate performance board and Members; and the senior leadership team should ensure that this is the focus of their deliberations. There is an opportunity to ensure that all departments and services are full engaged in the development and ownership of the savings plan.

The Council has set a revenue budget and a capital programme. The revenue budget includes proposed savings. However, the required savings for 2020/21 and subsequent years have yet to be identified. The Council is planning to increase its revenue balances. The capital programme is mainly dependent on external grants and borrowing and the current capital financing charges as a percentage of net revenue expenditure are at below 8%.

Departments across the board have made good progress on delivering very challenging savings without a reduction in service. Despite financial challenges, the Council has been able to produce an ambitious Investment Budget which will improve Huddersfield and Dewsbury town centres as well as other parts of the Kirklees area, which will help to tackle inequality and create jobs and opportunities for local people.

Robust financial management should continue to address areas of severe (and growing) demand and a more informed sense of spend amongst officers and Members will be very beneficial. Learning can be drawn from Children’s Services where services should be re-imagined with outcomes as the focus.

The Capital Investment Plan and corporate strategy should be synergised and the Medium Term Financial Plan needs to be refreshed to better reflect the Council’s new ambition and priorities so that the Council can have meaningful discussions internally and externally with its partners and citizens on how the money will be spent and what impacts they can expect. Although existing governance structures are in place and

effective, they can be used to a greater extent to do more to ensure that money continues to be spent on the right things at the right time and in the right place.

4.5 Capacity to deliver

The Council has adopted a voluntary approach to redundancy and early retirement as its response to austerity. However, a more strategic approach to workforce re-design would ensure that gaps in capacity are filled. The peer team found staff on the ground to be a great asset to the Council. Their energy, their will to support residents and their desire to respond to a vision from the corporate centre is palpable. However, the peer team also noted that Kirklees has yet to fully realise the potential of a diverse workforce that reflects its communities at all levels of the organisation. It should therefore aim to make rapid progress with staff towards boosting inclusion and diversity of the Council's workforce in order to better reflect the demographic of and the considerable talent in Kirklees - "don't just follow the numbers, create the right environment".

In the past, the organisation has to some extent relied on consultants and now has an opportunity to put in place long-term capacity to build its own sustainable home-grown talent. Staff development will be key because the right training and tools will enable staff to innovate, show initiative within a defined framework that is focused relentlessly on the over-arching vision as defined by the Leader, Cabinet and the senior leadership team. Reward and recognition is now being systematically applied to residents and staff and there are a number of good staff events that are used to communicate key messages and promote the 'one organisation' ethos. There is a good opportunity to celebrate Council staff and residents, and the 'Staff Thank-Yous', 'High Five Awards' and other such initiatives are excellent and will bear fruit for Kirklees Council.

In comparison to other similar sized organisations the corporate centre at Kirklees Council is light and this has an effect on the Council's capacity to deliver its strategic objectives. It is imperative that the resources to transform are fully in place otherwise this will hold the organisation back. Investment in the Council's ICT systems to improve morale, productivity and performance standards should be a priority for the corporate centre. It is not necessarily the basic kit but the SAP system and other software that needs more development time and buy in as some staff seem to be pushing against it.

Given the importance of housing among the Council's priorities, the peer team did not get a sense of how the Council's Arm's-Length Management Organisation (ALMO) is contributing to delivering on this. There was also some uncertainty about its future and the peer team would suggest that the consideration of the future of the ALMO should be brought forward. This could release talent out of the silo of the ALMO into the wider organisation to have a much greater impact and support the delivery of the Council's vision, especially around place-based working.

There is a very strong and inspirational Voluntary and Community Sector in Kirklees and therefore its ability to contribute to the Council's ambition should not be underestimated. A bolder approach to risk appetite and risk management would power up the pace with which the Council can deliver its objectives.

5. Next steps

Immediate next steps

The peer team appreciate the senior managerial and political leadership will want to reflect on these findings and suggestions in order to determine how the organisation wishes to take things forward.

As part of the peer challenge process, there is an offer of further activity to support this. The LGA is well placed to provide additional support, advice and guidance on a number of the areas for development and improvement and we would be happy to discuss this. Mark Edgell, Principal Adviser is the main contact between Kirklees Council and the Local Government Association (LGA). His contact details are: Tel: 07747 636 910 and email: mark.edgell@local.gov.uk.

In the meantime the peer team is keen to continue the relationship it has formed with the Council throughout the peer challenge. It will endeavour to provide signposting to examples of practice and further information and guidance about the issues they have raised in this report to help inform ongoing consideration.

Follow up visit

The LGA Corporate Peer Challenge process includes a follow up visit. The purpose of the visit is to help the Council assess the impact of the peer challenge and demonstrate the progress it has made against the areas of improvement and development identified by the peer team. It is a lighter-touch version of the original visit and does not necessarily involve all members of the original peer team. The timing of the visit is determined by the Council. The LGA's expectation is that it will occur within the next 2 years.

Next Corporate Peer Challenge

The current LGA sector-led improvement support offer includes an expectation that all councils will have a Corporate Peer Challenge or Finance Peer Review every 4 to 5 years. It is therefore anticipated that the Council will commission their next Peer Challenge before 2024.



Satvinder Rana
Programme Manager

(On behalf of the peer challenge team)

Examples of good practice

The following is an example of good practice that the peer team identified during the peer challenge at Kirklees Council which might be suitable for an LGA case study and sharing across the sector.

Kirklees High Five Awards

As part of the Council's culture of working 'with and not to', and its high support and high challenge approach, it wanted to adopt a more inclusive, user-friendly, peer approach to formally recognising the good work its employees do and to acknowledge the commitment they have to delivering services to the residents of Kirklees.

The Council wanted to recognise that team members can see the day-to-day effort and hard work that individuals put in and it wanted an opportunity for them to acknowledge their colleagues and decide who deserved this special recognition.

The goals were to ensure that all staff felt recognised, valued and appreciated, it was critical to ensure that the dispersed workforce felt included and engaged; that it helped improve staff morale and motivation and enhanced loyalty to the council.

Celebrating success helps build a culture of innovation across the organisation. The Council's rewards and recognition programme 'High Five' allows team members to show their appreciation to others. The programme provides well-deserved recognition for the employee receiving the High Five and, also helps share positive and innovative ways of working and behaviours. The nominations also demonstrate how employees are helping the Council achieve their strategic priorities.

The Council launched its rewards and recognition programme 'High Five' during November 2018, and engagement with the programme is good; in the first two months alone, had a total of 228 High Five award nominations.

Going forward, the priority is to encourage more engagement from the dispersed workforce. This year's staff awards in October will celebrate people's contribution to role-modelling the Council's stated behaviours and values and to contributing to working with people, partners, and places.

Further information on the awards can be gained from Deborah Lucas, Head of People Services (deborah.lucas@kirklees.gov.uk) or Adele Humble, HR Manager (adele.humble@kirklees.gov.uk)

Corporate Peer Challenge: Draft Action Plan

January 2020

1. Introduction

- 1.1 Peer challenges are improvement focused and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals.
- 1.2 The Kirklees corporate peer challenge took place from 9 - 12 July 2019. It involved substantial input from a wide range of staff, elected members and stakeholders.
- 1.3 The peer team considered the following five questions which form the core components covered by all Corporate Peer Challenges. These are the areas the LGA believe are critical to councils' performance and improvement:
 1. *Understanding of the local place and priority setting:* Does the Council understand its local context and place and use that to inform a clear vision and set of priorities?
 2. *Leadership of Place:* Does the Council provide effective leadership of place through its elected Members, officers and constructive relationships and partnerships with external stakeholders?
 3. *Organisational leadership and governance:* Is there effective political and managerial leadership supported by good governance and decision-making arrangements that respond to key challenges and enable change and transformation to be implemented?
 4. *Financial planning and viability:* Does the Council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
 5. *Capacity to deliver:* Is organisational capacity aligned with priorities and does the Council influence, enable and leverage external capacity to focus on agreed outcomes?

2. Feedback

- 2.1 The peer team have shared their feedback report. The report identified key strengths including:
 - Strong communities with strong identities.
 - Incredibly dedicated and committed staff.
 - An ambitious investment budget.
- 2.2 It also set out a series of key recommendations to the Council:
 1. Craft and tell your story, externally and internally; and put strategic communications at the heart of the organisation.
 2. Develop and promote a high profile, permanent listening and dialogue action plan with residents and ensure system-wide coordination of engagement activity to harness the voice of residents.

3. Implement the 'Collaborate' recommendations around place-based working and harmonise place-based initiatives, using the lessons learned from Community Plus.
 4. Strengthen the corporate centre to develop its capacity; and invest in the Council's ICT systems.
 5. Prioritise a decision on the long-term future of the ALMO.
 6. Streamline decision-making and bring greater clarity to the roles and responsibilities of Members and officers, including greater congruence between officer and Member structures.
 7. Consider reviewing the electoral cycle to bring it in line with councils that have adopted a longer, more stable electoral pattern with the strong leadership model.
 8. Push for the establishment of a single CCG.
- 2.3 The peer challenge is not a statutory requirement and the recommendations made by the peer team are recommendations rather than requirements.

3. Developing the action plan

- 3.1 This draft action plan sets out how the Council proposes to respond to the recommendations above.
- 3.2 The action plan follows a framework based on the eight recommendations from the peer team. Responses and proposed actions are set out against these recommendations. In addition the action plan includes details from the full feedback report that are not covered by the eight key recommendations above – particularly around risk appetite and delivery planning.

4. Draft action plan

- 4.1 The information below forms the draft action plan. Reflecting the peer team's positive perspective of our direction of travel, some of this plan draws on work that is already in train. Some of the recommendations identify new improvement proposals, and in those areas the approach to be adopted is outlined.
- 4.2 We will use the recommendations and proposed actions to more effectively measure the outcomes in the Corporate Plan. In so doing this action plan will effectively form an addendum to the Corporate Plan which is part of the Council's Article 4 Policy Framework.
- 4.3 Monitoring of delivery will be aligned to the existing schedule of reporting progress against the Corporate Plan. There will be a strong Cabinet member input into progress monitoring and also identifying where there is a need for further decisions on the detail of action development and delivery.
- 4.5 A more detailed delivery plan will be developed in line with reporting progress at the end of the financial year 2019/20 for Quarter 4 delivery.

From the peer team....

1. *Craft and tell your story, externally and internally; and put strategic communications at the heart of the organisation.*

“The Council has a very good story to tell but it is not yet well crafted and this should be done. It also needs the corporate capacity to tell the story successfully so that people can align themselves to it.”

Response....

We welcome the recognition of the peer team that we have a good story to tell, and recognise that there is more to do to develop our capacity and tell our story well, to the multiple audiences that are stakeholders of the Council, including residents, businesses, investors and other public and voluntary sector organisations in the borough and beyond.

We also agree that we should engage with partners in developing and telling our story, to help create a coherent voice for Kirklees, which achieves buy in to an ambitious direction of travel as well as the messages to describe it.

Proposed actions....

Ensure ***strategic communication capacity*** is embedded at the heart of the Council by building capacity and reshaping resources to align them to a clear focus on supporting the delivery of the corporate plan and related strategic communications, by developing a strategic communication strategy.

Since the peer team’s visit in the Summer, we’ve restructured the communications team and created more capacity. This includes roles focused on:

- Risk and reputation, which will help shape our strategic narrative as we go forward – addressing risks, horizon scanning and enhancing our reputation through strong messaging and work across our departments and partners.
- Design and brand, to manage our corporate brands and ensure that they assist in supporting a clear narrative for the Council.
- Digital, to support our move to developing our digital channels, to complement our use of traditional media, and work more closely with partners to the same end.

These resources are feeding into the development of a ***communication strategy*** which will set out *how* we deliver communication strategically. Developing our approach will involve working closely with elected members and staff, including Leading Members and scrutiny.

Officer lead: Service Director for Strategy and Innovation

By when: communication strategy to be developed by early December 2019.

Use the work developed with a set of partners including the University of Huddersfield, SWYFT and the Chamber of Commerce around a place narrative for Kirklees as a borough as an input to work with heads of communication across key organisations in Kirklees to firm up a ***clear narrative*** that can form the basis of communication across a range of partners. We will ensure that the place standard and other citizen engagement work (below) is utilised to ensure that the narrative is rooted in local perceptions and priorities.

Officer lead: Strategic Director for Corporate Strategy, Commissioning and Public Health– and via cross organisation heads of communications group

By when: final narrative agreed March 2020

Internal staff communication around “**We’re Kirklees**” to describe the journey the Council is on in terms of how it works with people, partners and places has resonated across the organisation and we’re proud the peer team recognised its success. We will continue to deliver internal communication to our staff around “We’re Kirklees” and ensure the next version of the corporate plan reflects this journey. We will develop different materials and campaigns that deliver for frontline and office-based staff teams. And as the programme becomes fully embedded in the Council we will investigate the scope to roll it out to partner organisations, dependent on partner appetite to use and shape it.

Officer lead: Strategic Director for Corporate Strategy, Commissioning and Public Health

By when: ongoing

From the peer team....

2. *Develop and promote a high profile, permanent listening and dialogue action plan with residents and ensure system-wide coordination of engagement activity to harness the voice of residents.*

“This will ensure an ongoing dialogue with residents on all matters, particularly those of strategic importance. It will also enable the Council to use data, intelligence and insights to inform future service design and policy development.”

Response....

We are committed to moving away from traditional consultation to genuine engagement and ongoing dialogue with our citizens, based on local identity. Our developing approach to place-based engagement using the place standard tool evidences our ambition, as does our commitment to co-ordinate such engagement across the wider partnership landscape in order to ensure we maximise the totality of resource and insight.

Integrating such insight with the intelligence we hold will enrich our dialogue with citizens as we work together to translate engagement into action in developing our operating model for place-based working (see recommendation 3 below).

Proposed actions....

We will continue to progress the use and awareness of the **place standard** tool both within the Council and across our partners. Our approach, overseen and co-ordinated by our cross-partnership **Citizen Engagement Reference Group**, will continue to be organic based on either opportunistic, councillor-initiated or citizen-initiated approaches to place-based engagement. This will create an ongoing dialogue with citizens which will draw on day to day contact with officers and will help to ensure that decisions are co-produced.

Officer lead: Head of Democracy

By when: The organic programme of place-based engagement activity is now in place. It is operationally overseen by the Reference Group described above. This will be used as a basis for ongoing monitoring and reporting to both Cabinet and Overview and Scrutiny Committee who have established specific mechanisms for scrutinising the work.

To support an ongoing dialogue with citizens, good quality surveys provide valuable intelligence about people’s needs, what they think, feel and experience, what differences and inequalities exist between communities and places and what is changing. This intelligence underpins decisions about what we commission, deliver and prioritise with people and communities. We will continue to undertake our **Current Living in Kirklees (CLiK) Survey** on a regular basis, the next one being planned for early Autumn 2020 on a partnership footprint. To that end we will take initial proposals to the Health and Wellbeing Board in late November 2019.

The CLiK survey will provide us with Kirklees-wide intelligence to support our understanding of what is helping or hindering progress to achieving our shared outcomes and to inform council and partnership priorities. Key indicators collected via the CLiK survey will help all of our key partners to monitor and understand collective progress and identify opportunities for collaboration and partnership working. Information will also be accessible to communities so

they can hold public services to account and use it to make decisions and develop solutions together.

Triangulating findings from CLiK, Place Standard and other engagement activities will provide greater insights into strengths and needs within and across communities and places across Kirklees.

Lead officer: Head of Intelligence and Performance

By when: CLiK survey delivered early Autumn 2020

From the peer team....

3. *Implement the 'Collaborate' recommendations around place-based working and harmonise place-based initiatives, using the lessons learned from Community Plus.*

"There is a lot of passion among people working in place-based initiatives but they are not yet fully coordinated and brought together. The Council should use this model as the foundation to build on."

Response....

Place-based working is a priority for the Council and our partners. Since the peer team were in Kirklees, a number of strands of work have been coming together which demonstrate clearly that we are making progress in aligning the programme of work in a coherent way. We have begun to pilot and progress the Place Partnerships approach and are now beginning to link the outcomes of place-based engagement with the development of Ward and Sub-Ward Partnerships. We also recognise there is still much work to do in developing a shared understanding of where we have got to and where we are heading. This will only be addressed by working collaboratively and developing a cohesive and prioritised programme of work.

We have a clear commitment to progressing our approach to place-based working, drawing on the recommendations from Collaborate and our work with the New Citizenship Project (NCP). We will use the findings and recommendations from our work with NCP to begin to change our relationship with local citizens and progress the cultural change with our staff that will help us create the conditions for place-based working.

We also recognise that there is still much work to do in developing a shared understanding of where we have got to and where we are heading. This will only be addressed by working collaboratively.

In this context, each Strategic Director has taken responsibility for one of four operational footprint areas. Four Heads of Service have also taken the lead for an area, supported by the Head of Democracy. This work will form the basis of developing an operating model, and the required cultural change, to facilitate place-based working.

Proposed actions....

We have begun to prioritise and finalise the programme of work that will assist us in creating the conditions for place-based working. In the interim we have prioritised three key areas which we are currently working on. We see these as core foundations from which to build:

1. We are developing the ***governance arrangements*** for place-based working and will have these finalised and signed off by the beginning of December 2019.
2. We will identify a ***core suite of policies*** (e.g. assets, funding) that we would wish to review in order to ensure that they are enablers to place-based working. We want to ensure that place-based working runs through all our strategies and work moving forward. These will be finalised by the beginning of December and detailed review work will take place thereafter.

3. We have agreed with Council colleagues and partners to begin to work to develop, in partnership, the ***operating model for place-based working***. In practice this means:
- Looking at all the great work that our staff already do in towns, villages and communities. We need to understand fully the good stuff we are doing and build from it.
 - Understanding the positive impact that work has for our citizens.
 - Developing an awareness of what and how we could improve even further what we do.
 - Using the insight we gather to help us create the conditions for our staff to work systemically in a place based way.

Four staff engagement events have been organised (in November and December) to get people who work in these areas together. These events will help to widen the understanding of place-based working and understand the great work that is already taking place. They will also help us to appreciate the challenges we face and where best to focus our thinking and efforts. We are committed to doing this work in a restorative and co-produced way.

Area	Strategic Director	Head of Service
Kirklees Rural	Richard Parry	Michelle Wheatcroft
Huddersfield	Rachel Spencer Henshall	Jenny Frear
Dewsbury and Mirfield	Karl Battersby	Jill Greenfield
Batley and Spen	Mel Meggs	Carol Gilchrist

Alongside the above mentioned work we have made a commitment to prototype and iterate our work in a way that allows us to test our thinking and approach. Similarly we remain committed to putting councillors at the heart of our approach to place-based working, having acknowledged that while there are many geographical and administrative boundaries, the Ward is a core building block.

In addition Overview and Scrutiny Management Committee have agreed specific arrangements for the place-based working programme. This will involve the creation of a sub-group of the Corporate and the Economy and Neighbourhood Panels who will monitor progress between now and the end of the current municipal year.

Lead officer: Strategic Director for Corporate Strategy, Commissioning and Public Health

By when: It is intended that the programme of work that will assist us in creating the conditions for place-based working will be finalised by the end of November 2019.

From the peer team....

4. Strengthen the corporate centre to develop its capacity; and invest in the Council's ICT systems.

“This will help to drive change across the Council and Kirklees for the benefit of residents so that the ambition that the Council has can permeate right through the organisation and into local communities. Investment in the Council's ICT systems will improve morale, productivity, performance standards and should make the organisation more efficient and effective.”

Response....

We welcome the fact that the feedback on our staff is so positive, and are proud of the people who work for the Council and the difference they make to local people every single day.

We also welcome the recognition that we need to consider our capacity to achieve our shared outcomes and the need for investment in the corporate centre to support the impact of our work on residents, businesses and Kirklees borough.

Proposed actions....

We are producing an ***IT strategy*** to shape where we prioritise technology investment and systems development to achieve outcomes designed around the needs of people more effectively and efficiently. This will clearly focus on people, getting the basics right, capability and skills, as well as systems, data, intelligence and technology to ensure what we use is fit for purpose and embedded effectively in the organisation.

Quick wins include: Improvements in the first line support service, replacement of two HR systems, completing the rollout of new laptops and Office 365 and delivery of cyber security training videos.

Lead officer: Strategic Director for Corporate Strategy, Commissioning and Public Health

By when: strategy finalised by March 2020.

We recognise the importance of working with our staff teams to develop the workforce of the future that supports our transformation journey. Our ***People Strategy*** sets out a programme of culture change and organisational development focused around:

- Supporting cultural transformation
- Attracting and retaining high quality employees and growing our own
- Developing our workforce
- Building leadership and management capacity and capability
- Promote quality assurance and a high performance culture

Transforming our approach to wellbeing has already delivered significant improvements in workforce healthcare and associated reductions in sickness absence levels and this work continues.

Working with our partners and in our communities, we have created the connections and foundations upon which to further develop our approach to workforce planning, which is

intelligence-led and includes a focus on better talent attraction and talent development. Coupled with improved resourcing systems and new and innovative technology, which will be implemented in early 2020, we are confident that our modernised approach will improve our workforce capacity and capability as well as improve staff morale.

Our planned senior leadership development programme which will commence in Spring 2020 will focus on key areas such as system leadership and place-based working which will complement our ongoing programme of workforce development focused on embedding a restorative approach to the way we work together in Kirklees.

Having reviewed our approach to performance appraisal, a planned roll-out of a new approach will take place during 2020, the aim of this is to promote a high performance culture which focuses on engaging and empowering staff, enabling them to build confidence in risk-taking.

This programme of work will underpin our cultural transformation journey.

Lead officer: Strategic Director for Corporate Strategy, Commissioning and Public Health

By when: dates as above.

Boosting ***inclusion and diversity*** of the staff workforce and embedding inclusion and diversity across the organisation is a clear priority, recognised by the peer team. We will continue to deliver against the current Inclusion and Diversity action plan, which includes actions to address the core principles of our Inclusion and Diversity policy statement:

- A committed and diverse workforce
- Taking a positive and inclusive approach to everything we do
- Zero tolerance on abuse, harassment, bullying and violence
- Demonstrating our commitment through the way we do things in Kirklees
- Inclusive policies
- Spreading the word about inclusion and diversity
- Listening and acting for ongoing improvement

We will develop a revised year three action plan for consideration by Council that builds on feedback from the inclusion standard report we received from Inclusive Employers as part of our improvement journey.

Lead officer: Service Director, Growth and Housing (inclusion and diversity lead)

By when: update on year 2 delivery to inform the development of a year 3 action plan - to be shared with scrutiny in January 2020.

From the peer team....

5. Prioritise a decision on the long-term future of the ALMO.

“If the ALMO is brought back in-house it will allow the Council to maximise the opportunity to embed place-based working into priority neighbourhoods. It would also provide much needed additional corporate capacity to deliver key Council objectives.”

Response....

Since it was established in 2002, KNH has been successful in delivering the Decent Homes Programme. In 2016 the Council’s building services function was also transferred to the ALMO. As a result of a governance review the Board commissioned, and the Grenfell tragedy, the Council initiated its own review into a number of options for the future management of the housing stock which included consideration to bring the ALMO back in-house.

The recommendations of these independent reviews were considered by Cabinet in December 2018, and given the uncertainty in the national policy environment, it was resolved to retain the ALMO with a smaller, strengthened Board that is more closely aligned to the Council’s priorities.

These changes have resulted in closer working in delivering front-line services and better alignment with Council priorities, and the Council values the work of KNH. However, continuing to deliver housing services in two separate and distinct entities has, at times, created unnecessary complexity.

Cabinet in December 2018 resolved to revisit the decision in 12-18 months. Hence this recommendation is timely and consistent with the Council’s intentions.

Proposed actions....

Overview and Scrutiny Management Committee are considering setting up an ad hoc scrutiny group to consider the various options available to the Council and the main issues and associated risks. If they agree to this approach (on 4 November) they will undertake work over the remainder of 2019 and early 2020, with the aim being to produce a report by March 2020 at the latest.

Officer lead: Strategic Director for Adults and Health

By when: starting November 2019 and concluding by March 2020.

From the peer team....

6. *Streamline decision-making and bring greater clarity to the roles and responsibilities of Members and officers, including greater congruence between officer and Member structures.*

“This will enable Members to focus on developing policy and officers to implement and deliver it. It will also strengthen Members’ community leadership and Council ambassador roles.”

Response....

The Kirklees Democracy Commission dedicated much of its work to the governance and decision making arrangements in Kirklees and the officer / councillor relationships that underpin them. These areas formed some of the priority recommendations that the Cross Party Working Group identified as part of their work programme, some of which have been progressed.

In considering ***governance, accountability and decision-making*** the Democracy Commission identified some design principles for governance and decision-making:

- Be open and engaging
- Actively involve all our councillors
- Based on dialogue, not consultation
- Built around the needs of the citizen
- Create opportunities for young citizens
- Has effective checks and balances
- Lightens the load
- Makes the most of regional devolution

We know that there is further work to do to agree and deliver an approach that puts these core design principles into action. In the interim, the Chief Executive commissioned an internal project intended to understand and improve our internal governance processes and practices. Some of the recommendations from that work have been implemented while there is an acknowledgement that there is more work to do in terms of reviewing our wider governance landscape in line with the design principles identified by the Democracy Commission.

We have made a conscious effort to focus our efforts on progressing our strategic priority to put councillors at the heart of what we do. This is the principal means by which we will continue to revisit and recalibrate the relationship between councillors and officers. We are also well progressed in co-producing the redesign of the councillor role which aligns with this work.

Proposed actions....

We are currently exploring what gaps remain having delivered the actions outlined above. We will come forward with any new proposals around our governance and decision-making arrangements by the beginning of the calendar year at the latest.

We will complete the redesign of the councillor role profile by December with a view to it being considered by our Members Allowances Independent Review Panel in January 2020. This will form the basis of how we redesign support for councillors and will similarly

influence how officers work more effectively and collaboratively with councillors moving forward.

We will continue to progress the culture change that will put councillors at the heart of what we do. Our quarterly campaign bursts will continue to showcase and story-tell what our councillors do, how officers can work effectively with them and specifically support our officers in working in a political environment and with councillors.

The Democracy Commission working group reviewed proposals for a next phase in October 2019, which included suggestions around:

- Linking our staff volunteering scheme with ward councillors whereby staff volunteer a day working in the ward with a voluntary organisation or community group.
- Developing a ‘freshers’ fair where councillors can drop in and meet different officers and services.
- Proactively encouraging and facilitate officers to attend Council, Cabinet and Overview and Scrutiny meetings as part of their development
- Refreshing and reinforcing the officer / councillor protocol as part of induction and on an ongoing basis.

Over the coming months we will specifically focus on putting councillors at the heart of place-based working.

Officer lead: Head of Democracy

By when: details as above.

From the peer team....

7. Consider reviewing the electoral cycle to bring it in line with councils that have adopted a longer, more stable electoral pattern with the strong leadership model.

“This can provide stability, better continuity, and a platform for more longer-term decision making.”

Response....

In Kirklees, we currently have local elections in three years out of every four. The Democracy Commission considered a range of evidence in order to fully explore and understand the issues, benefits and risks associated with changing our current pattern of elections in 2016. This included talking to other councils who have moved to a cycle of all-out elections, where there is a local election once every four years, and all seats are therefore up for election at the same time.

The Democracy Commission had a very interesting debate with citizens about the pros and cons of changing our current system. It heard mixed views about whether it would be a good idea to change to a four-year cycle or to maintain our current arrangements. It found that any changes are unlikely to have a significant influence on levels of engagement in elections across the population of Kirklees and citizens were more interested in what councillors do between elections than in the actual electoral cycle itself.

Having weighed up factors and evidence, the Democracy Commission did not find it possible to reach a consensus, and nor did they find a fully compelling case for us to change our cycle of elections at the current time. Given the fluid electoral landscape it was recommended to continue with a current electoral cycle of local elections three years out of every four, and revisit this issue when there is greater clarity, especially in terms of regional governance.

Proposed actions....

It is likely that we will have a Boundary review in the next few years which will provide a point at which it may be considered appropriate to consider further this recommendation further.

Officer lead: Service Director for Legal, Governance and Commissioning

From the peer team....

8. Push for the establishment of a single CCG.

“This will help enable the health and care system to move away from planning based around acute trust footprints and improve strategic planning and commissioning across Kirklees to improve health and wellbeing outcomes for all residents. This, alongside strong, outward looking Primary Care Networks will also support a shared clinical and political dialogue for the benefit of residents and patients in Kirklees.”

Response....

The configuration of CCGs can only be changed with the consent of the members of each of the two CCGs. The membership is made up of all GP practices in the CCG area.

The senior leadership of the CCGs recognise that this is the journey they should be taking and are working hard to achieve a single CCG. They have already established joint senior management arrangements and aligned wherever possible CCG governance arrangements.

And the Council is committed along with other local partners to creating a more joined up health and social care system. The Council believes a single CCG would enable this to happen effectively and quickly.

Proposed actions....

The West Yorkshire and Harrogate ***Health and Care Partnership-led peer review*** to take place at the end of November 2019 will provide additional external challenge on the effectiveness of the current CCGs' configuration. This will assist the Council and partners across the system developing an approach to local governance that promotes integration.

Officer lead: Strategic Director for Adults and Health

By when: December 2019

From the peer team....

Alongside the eight recommendations above, the peer team made some more detailed observations in their feedback report, which merit further consideration and proposed actions.

Risk appetite

“The peer team identified a lack of risk appetite in the Council, which could constrain the Council’s pace and ambition. A bolder approach to risk and opportunity is required throughout the organisation and existing governance processes should be strengthened to support this.”

Response....

Like most organisations we have a range of risk appetites, depending on the nature of the risk and the degree of ambition. Strategically, our risk appetite and the boldness of our decision-making has increased significantly over the last couple of years.

We have more than doubled our long term capital plan, and recent announcements like the Huddersfield Blueprint, and its emphasis on increasing our ambition for the borough, the scale of inward investment intent (including significant external funding bids), and strategic asset acquisitions such as the Piazza, all reflect our boldness, as does the Council’s appetite to provide loan finance to support key town centre regeneration projects, because these support our long term strategic ambitions.

We’ve committed to increasing our levels of prudential borrowing over the much longer term, which in turn feeds into our investment and treasury management strategies.

And in line with this we’ve also strengthened our internal governance arrangements to ensure we have robust mechanisms to effectively manage the increased risk appetite prevalent across the Council with regard to capital and major projects, in particular to ensure our decision-making processes are sound, transparent, and that key decisions are well informed by an appropriate level of due diligence and risk acknowledgement.

However, there is a recognition that across the organisation we find it culturally difficult to accept failure. Given our responsibility for the effective and efficient deployment of public funds, there needs to be a careful balance. Learning from both successes and mistakes is something we need to prioritise as we continue to re-calibrate our risk appetite.

Proposed actions....

Reviewing the current arrangements for ***strategic decision-making*** setting out the level of ambition and willingness to seek reward and the chance of failure. We will review the current arrangements for more detailed decision-making on projects, including scheme of delegations to ensure this remains fit for purpose, and improving the understanding of officer-level delegated decision-making. This should help to promote a greater degree of ability to utilise our current processes in ways which support a growing boldness and risk appetite across the Council. We will also consider the need for stronger arrangements for ensuring appropriate risk based monitoring and feedback.

Officer lead: Service Director for Legal, Governance and Commissioning

By when: Summer 2020

Delivery planning

“Whatever savings strategies the Council pursues, the savings programme should be backed up with visible delivery plans and regularly reported to the appropriate performance board and Members; and the senior leadership team should ensure that this is the focus of their deliberations. There is an opportunity to ensure that all departments and services are full engaged in the development and ownership of the savings plan.”

Response....

We recognise the importance of ensuring an appropriate level of corporate support and challenge, service accountability and transparency around our savings programmes and associated delivery plans.

We have a corporate reporting framework in place which provides this function via service directorate Senior Leadership Teams, Executive Team (which receives quarterly reports from the Transformation Portfolio Board), and into an elected member domain via scrutiny, Cabinet and Council. Progress against all Council planned savings is also captured through monthly financial monitoring reported to Executive Team and the corporate portfolio holder and quarterly financial monitoring reported to Cabinet.

Our transformation capacity is now focused on cross-council and cross-partnership change in subject matter areas which are often challenging and require more innovative or radical solutions. Providing support with defining, planning and managing change projects and ensuring that impacts are tracked and success is measured creates a focus on improving outcomes and creating efficiencies.

Proposed actions....

Aligning our current transformation activity with effective development, ownership and corporate transparency of budget savings will help us provide greater corporate visibility and manage budget risks, as well as ensuring a focus on achieving increased outcomes as well as any required savings, and maximise the return on our investments.

Through the Transformation Portfolio Board, **regular highlight reports** will be brought back to Executive Team in-year, setting out progress on key actions and deliverables against the key transformation activity (with specific reference to high needs, waste management and placement activity initially).

Officer lead: Service Director for Strategy and Innovation and Service Director for Finance

By when: immediate

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Name of meeting: Council

Date: 15 January 2020

Title of report: Appointment of Chair – Heavy Woollen Area Planning Sub-Committee

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?	N/A
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?	No
Date signed off by <u>Strategic Director</u> & name	N/A
Is it also signed off by the Service Director for Finance IT and Transactional Services?	N/A
Is it also signed off by the Service Director for Legal, Governance and Commissioning Support?	Yes – 2 January 2020
Cabinet member portfolio	N/A

Electoral wards affected: Not applicable

Ward councillors consulted: Not applicable

Public or private: Public

(Have you considered GDPR?)

Yes – no individuals have been identified in this report.

1. **Summary**

Council is asked to confirm the decision of Planning Sub Committee (Heavy Woollen Area), thereby appointing Councillor Steve Hall as Chair of the Sub Committee, for the remainder of the 2019/2020 municipal year.

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

The meeting of Planning Sub-Committee (Heavy Woollen Area), held on 5 December 2019, resolved that Councillor Steve Hall be appointed to fill the vacancy of Chair of the Sub-Committee for the remaining meetings of the 2019/2020 municipal year.

Council is asked to consider and ratify the decision of the Sub-Committee.

3. **Implications for the Council**

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

Not applicable

3.2 **Economic Resilience (ER)**

Not applicable

3.3 **Improving Outcomes for Children**

Not applicable

3.4 **Reducing demand of services**

Not applicable

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

Not applicable

3.5 **Climate Change and Air Quality**

Not applicable

4. **Consultees and their opinions**

Not applicable

5. **Next steps**

Subject to approval, the appointment of Councillor S Hall as Chair shall be confirmed.

6. **Officer recommendations and reasons**

That, pursuant to the decision of Heavy Woollen Area Planning Sub Committee, Councillor Steve Hall be appointed as Chair of the Sub-Committee for the remainder of the 2019/2020 municipal year.

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

Not applicable

8. **Contact officer**

Andrea Woodside, Principal Governance Officer

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

Not applicable

10. **Service Director responsible**

Julie Muscroft – Legal, Governance and Commissioning

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Improving the experience of people living with dementia



Some policy context:

- People, Place, Partners
- Director of Public Health 2017/18 Annual Report “Ageing Well in Kirklees”
- Joint Health and Wellbeing Strategy
- Creating an inclusive Kirklees
- Vision for Adult Social Care (in development)



What is Dementia?

Dementia is an umbrella term caused by diseases of the brain which cause the ongoing decline of the brain. Below are a few of the more common forms:

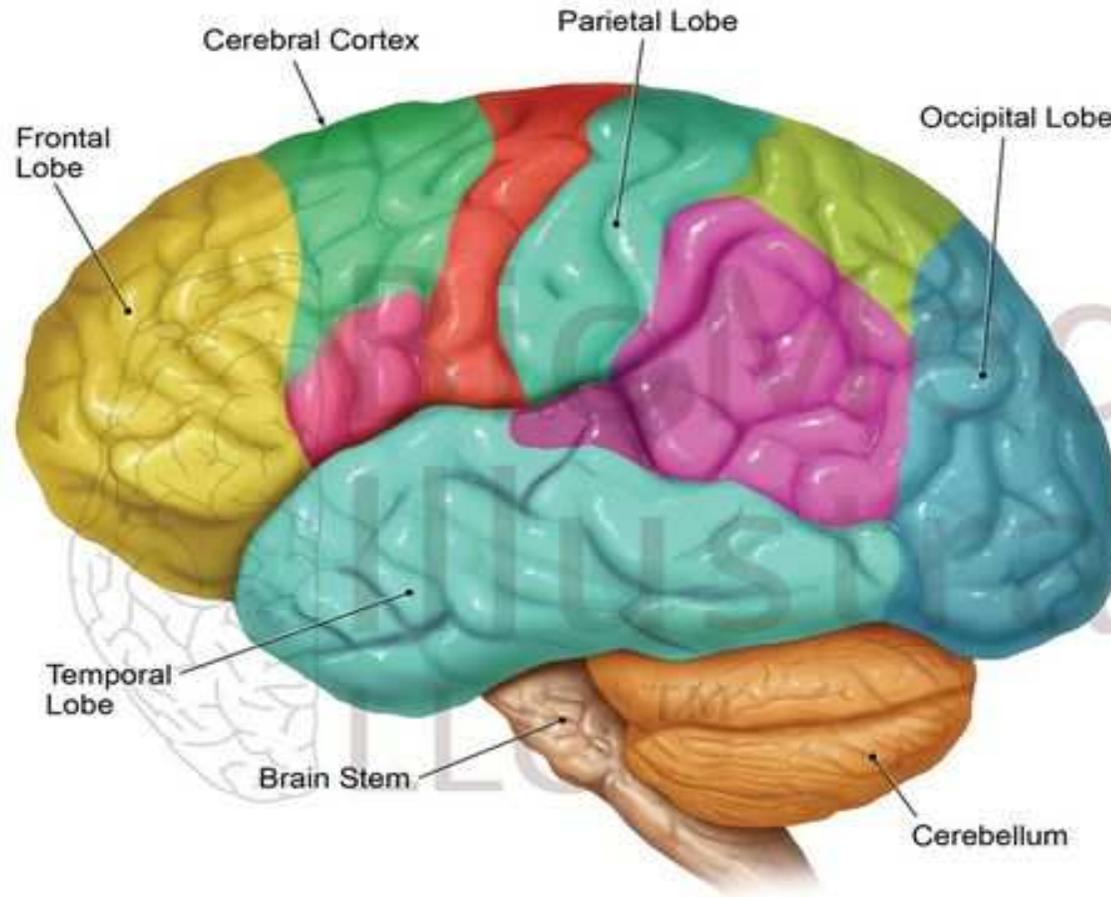
- Alzheimer's Disease
- Vascular Dementia
- Dementia with Lewy Bodies
- Frontotemporal Dementias
- Mixed Dementias
- Korsakoff Syndrome (Alcohol Related Dementia)



- A person does not suddenly become just a collection of symptoms
- People experience dementia differently
- Our attitude has a significant impact on the experience of dementia
- People can live well with dementia
- Early diagnosis is important



Brain Surface Anatomy & Functions



Cerebral Functions

- Higher Mental Function:**
Problem Solving, Thinking, Planning, Judgement, Emotional Expression, Creativity, Behavioral Control
- Motor Functions:**
Orientation, Head and Eye Movements, Posture
- Broca's Area:**
Control of Muscles for Speech Production & Ability to Comprehend Grammatical Structure
- Motor Functions:**
Initiation of Voluntary Muscles, Movement
- Sensory Functions:**
Sensation from Skin and Muscles
- Wernicke's Area:**
Comprehension of Speech Sounds & Language
- Auditory Functions:**
Perception of Sounds
- Tactile Perceptions:**
Processing of Multi-Sensory Information
- Visual Functions:**
Coordination of Eye Movements, Perception, Image Recognition, Association, Visual Memory
- Association Area:**
Short Term Memory, Equilibrium, Emotion

Cerebellar Functions

- Motor Functions:**
Coordinates Voluntary Movements:
Posture, Balance, Coordination, & Speech

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Some numbers:

Because dementia is significantly under-diagnosed, it is hard to be exact but:

- 850,000 people are thought to be living with dementia
- 25 million people know a close family member or friend living with dementia
- 1 in 3 people born this year will develop dementia in their lifetime
- More than 45,000 people of working age are living with dementia



A social model of disability

- It's not the person, it's not the wheelchair, it's the stairs
- Put the person at the centre and understand their experience
- Everyone is unique



We inadvertently “disable” people

“We got a load of smart plugs, lights and Hive to make sure my dad was OK when were not at home. We also have an Alexa but never showed dad because of his dementia. Then, we got a call one day from a carer saying Alexa was constantly playing 1950s music. When we got home and checked Alexa, we found Dad had been playing music for days. It makes him so happy. He loves singing all day long. More than we do to be fair ;-)”



Creating the right environments for people living with dementia

Kirklees Council is working with the University of Stirling internationally renowned dementia design research centre:

- Training events for key staff across the council (social care, highways, planners and assets)
- Input into the refit of Almondbury Library as a dementia friendly library
- Supporting the development of 2 new specialist dementia day centres and a resource centre for carers



Enabling and Inclusive Environments

Dementia
Friendly
Environments

We ALL benefit
from good design
and environments

We don't have to
give them a 'label'

Autism
Friendly
Environments

Family Friendly
Environments



Disabled Friendly
Environments



Good Design: for everyone

Good dementia design works for lots of people because it:

- Supports the individual's needs
- Maximises independence
- Reinforces personal identity
- Enhances self esteem / confidence
- Is orientating and understandable
- Demonstrates care for people



Good Design: for everywhere

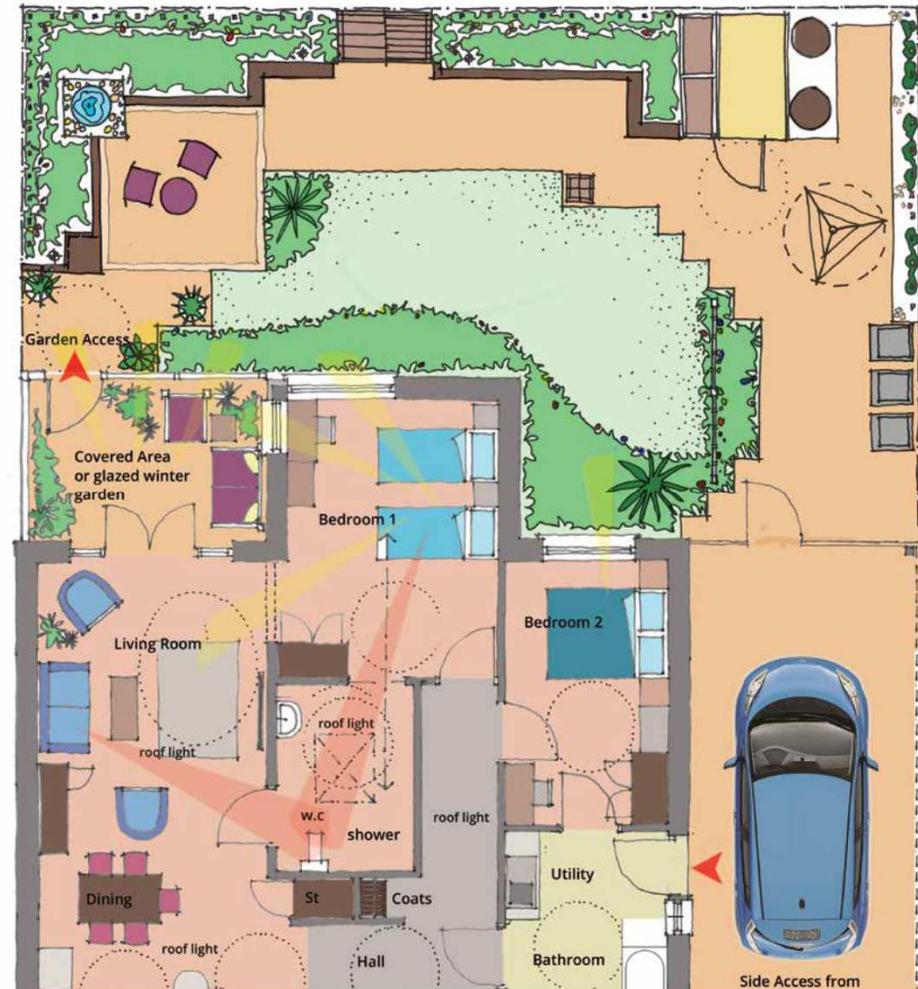
- Public buildings
- Public spaces
- People's own homes
- Specialist care provision



Safe and Accessible Outside Space

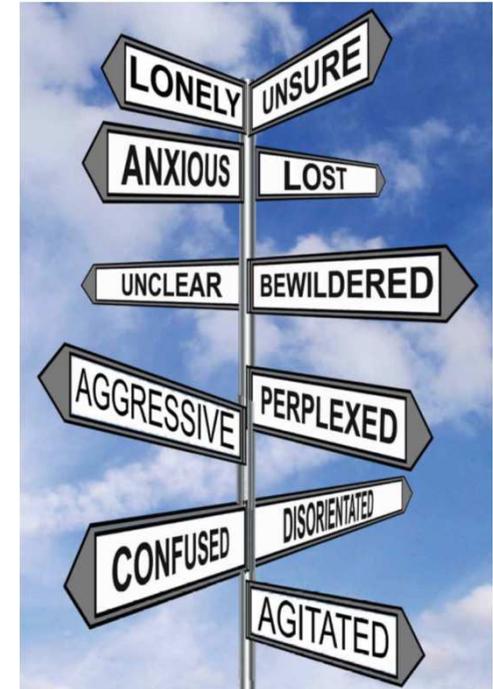
Enable people to:

- Participate in their community
- Wayfind and remain independent
- Benefit from physical activity even in more institutional settings



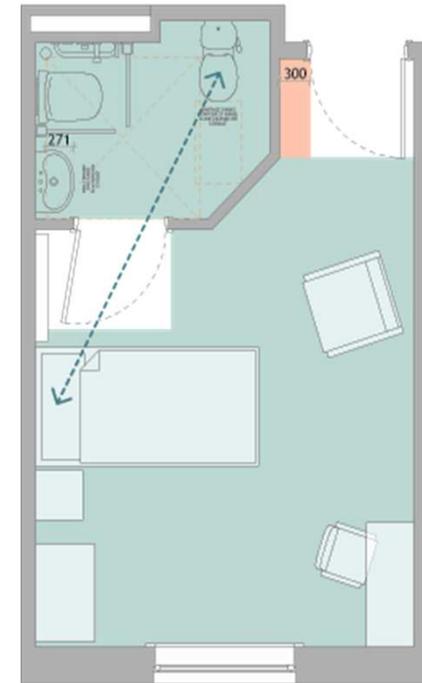
Good signage and multiple cues

The provision of signs and aids to wayfinding is integral to the design of many special environments for people with dementia. Signs on doors and directional signs are required to aid wayfinding.



Enhancement of visual access

- Better chance of finding something if you can see it
- Utilise lighting to aid prompts at night



Examples of Design Features

Domestic & Home Like and Activities for Daily Living



Transparent cupboard doors make finding items easier

Unobtrusive safety features

Disguised / painted out features where residents in a care home do not need to go eg COSHH cupboards



Control of stimuli

People with dementia have difficulties dealing with high levels of stimulation. Their ability to screen out unwanted stimuli appears to reduce. They can become confused, anxious and agitated when overstimulated.

Try to reduce visual and acoustic clutter such as noisy extractors or too many posters and signs.



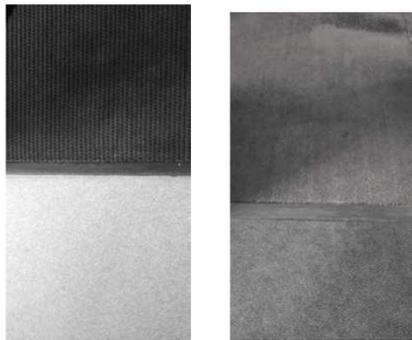
Colour and Contrast

Depth perception is more difficult. Contrasting mats or patchy tarmac can appear to be holes so people with impaired vision may not want to cross them or may high step over them, increasing risk of falls.



x

✓



x

✓

Choosing finishes at junctions

Matching LRV (light reflectance value) is vital to avoid giving the impressions of steps, ledges or black holes.

A useful tool to check LRV levels, is the tonal view option on a mobile phone.



Lighting

Lighting is important to people with sight loss and dementia. Good lighting helps to compensate for poor eyesight.

Daylight provides higher levels of light than most domestic electric lighting.

Ensuring windows are clean and not covered. Ensuring bushes are not limiting sunlight getting in is important.



Changes in daylight over the course of the day help to signal the passing of time and to maintain normal sleeping patterns. Circadian lighting solutions support wellbeing.



Fixtures and fittings

Well designed fixtures and fittings can facilitate independent living.

Providing user-friendly kitchen devices may encourage people to prepare their own food, and suitable handrails and grab rails will support people to move independently around their homes.

Mirrors in bathrooms may cause confusion and upset people with dementia who no longer recognise their own reflection.



Fixtures and fittings



Simple analogue controls on a cooker



Mixer taps can be difficult to understand

Traditional cross head taps would be better



What else are we doing in Kirklees?

- Working with EHCU / HR colleagues to update HR policies to be more supportive of staff affected by dementia
- Working to introduce a set of design standards for Kirklees
- Revisiting training packages to ensure basic awareness is available to all staff and to family carers
- Planning staff awareness sessions in conjunction with our Working Carers staff network
- Working with NHS colleagues to ensure consistent design principles and to educate trainee GPs



Useful links

Video; Hallucinations by Dr Jennifer Bute

<http://gloriousopportunity.org/dementia-issues.php>

University of Stirling website: <https://dementia.stir.ac.uk/>

Checkout this SCIE video: <https://www.scie.org.uk/dementia/about/dementia-from-the-inside.asp>

Design for Dementia – A guide

https://www.housinglin.org.uk/assets/Resources/Housing/OtherOrganisation/BRE_design_guide_vol_1.pdf

Thank you for listening
Now over to you for some group work





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for Work &
Pensions

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Our ref: MC2019/39074

Ms Andrea Woodside
The Democracy Service
Civic Centre 3
High Street
Huddersfield
HD1 2TG

13 November 2019

Dear Ms Woodside

Thank you for your letter of 21 October to the Secretary of State about Universal Credit.

To avoid delay during the pre-election period I am replying on behalf of the Minister for Welfare Delivery.

The Welfare Reform and Work Act 2016 brought in a series of changes to the welfare system that were designed to incentivise work as the best route out of poverty and into self-reliance.

The reforms included a freeze on the majority of working-age benefits for four tax years, from 2016/17 to 2019/20. These benefit rates will therefore remain the same in 2019/20 as in 2018/19.

The Government has brought in 30 hours a week of free childcare for working families, cut income tax for 31 million people, and helped to provide lowest earners with their fastest pay rise in 20 years through the National Living Wage.

Welfare reform is working. The employment rate is at a near record high and there are fewer households where no one is in work than at any time since comparable records began.

From April 2019, the Department has injected extra money into Universal Credit, giving the country's lowest earners the biggest pay rise in 20 years. This is through:

- increasing work allowances by £1,000 for families with children and disabled;
- increasing the National Living Wage, which is now £8.21 an hour, giving the UK's lowest earners their biggest pay rise in 20 years; and
- increasing the personal allowance to £12,500, taking millions of the lowest paid out of paying income tax altogether.

The Government is also supporting those who cannot work, have permanently left the labour market or face additional costs and barriers to employment as a result of disability or caring responsibilities. It has continued to increase payments targeted towards these groups in line with inflation.

The Universal Credit assessment period and payment structure are fundamental parts of the design. Universal Credit mirrors the world of work, where the majority of people are paid monthly or four weekly. Minimising the difference between paid employment and being on benefit effectively removes a key barrier to moving back into work by helping claimants to budget on a monthly basis. Personal Budgeting Support aims to prepare all claimants for the financial changes Universal Credit brings. This is addressed at their initial work search interview to gauge their potential support needs.

Universal Credit is assessed and paid monthly. It is paid in arrears for each calendar month and the amount will not vary to reflect the number of days in the month. Universal Credit is usually paid in a single monthly sum to households.

The way in which payment dates are assigned in Universal Credit is determined by the date of entitlement. The assessment period runs for a full calendar month from the date of entitlement and the Universal Credit pay date will be seven calendar days after the end of the initial assessment period. Subsequent pay dates will be the same each month.

The claimant should receive their first Universal Credit payment after five weeks. It is not possible to award a Universal Credit payment as soon as a claim is made as the assessment period must run its course before the award of Universal Credit can be calculated.

Alternative Payment Arrangements are also considered for claimants who cannot manage their single monthly payment. This might include managed payments of Universal Credit housing costs directly to the landlord, making payments more frequently than monthly and split payments to members of a household. The need for these provisions is assessed by the Work Coach at a claimant's initial interview and they can be requested at any time. In addition to this, Personal Budgeting Support is available to help claimants to prepare for the financial changes Universal Credit brings. This support is gauged at a claimant's initial work search interview.

Further information about Alternative Payment Arrangements is available on the Government website at:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/607851/personal-budgeting-support-and-alternative-payment-arrangements.pdf.

From 16 October 2019 the overall maximum level of deductions that will be taken from a household's Universal Credit award will be reduced from 40 per cent to up to 30 per cent of their Standard Allowance. This will be done automatically without claimants needing to take any action. If deductions of more than 30 per cent of an award were being taken before this change, this means claimants will be able to keep more of their award each month. The reduction to 30 per cent strikes the right balance between ensuring claimants retain more of their award for day-to-day spending, whilst ensuring obligations such as court fines, rent arrears, child maintenance, fuel debts and benefit repayments are still met.

If a claimant is in financial difficulty as a result of the level of deductions, where it relates to benefit debt, a social fund loan or rent arrears, they can request that a reduction be considered.

The Government is committed to supporting parents with moving into work, and as part of this it has increased the level of support for childcare costs from 70 per cent in legacy benefits to up to 85 per cent in Universal Credit. The Universal Credit childcare policy aligns with the wider government childcare offer, which includes free childcare hours and tax free childcare. This offer means that reasonable childcare costs should not form a barrier to work.

Where upfront childcare costs or deposits may prevent a claimant from starting work, staff at Jobcentres will use the Flexible Support Fund to support the transition into work.

Since 6 April 2017, families are able to claim support for up to two children, and there may be further entitlement for other children if they were born before 6 April 2017 or if an exception applies. It is recognised that some claimants are not able to make the same choices about the number of children in their family. That is why exceptions have been put in place to protect certain groups.

Exceptions apply to third and subsequent children who are:

- additional children in a multiple birth: an extra amount is payable for all children in a multiple birth other than the first child; or
- likely to have been born as a result of non-consensual conception, which for this purpose includes rape or where the claimant was in a controlling or coercive relationship with the child's other biological parent at the time of conception.

An exception also applies to any children in a household who are:

- adopted when they would otherwise be in Local Authority care; or
- living long term with friends or family and would otherwise be at risk of entering the care system, or where a child (under 16) living with their parents or carers has a child of their own (until they make a separate claim upon turning 16).

The Government's view is that providing support for a maximum of two children ensures fairness between claimants and those who support themselves solely through work.

Finally, there are many reasons people use food banks and their growth cannot be linked to a single cause. However, the Government has acknowledged that there were issues with the early roll out of Universal Credit and has made numerous changes in response to this, including ensuring that claimants receive money they need as soon as possible through advances; and reducing the waiting time for the first payment.

The welfare system provides a safety net that includes hardship payments, benefit advances and budgeting loans. This Government continues to spend over £95 billion a year on working age welfare benefits for those who need them.

Kind regards,

A handwritten signature in black ink, appearing to read 'Robert Watling', with a long horizontal flourish underneath.

Robert Watling

Head of Ministerial Correspondence