

Public Document Pack



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

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Monday 6 January 2020

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 14 January 2020**.

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

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Cabinet members are:-

Member

Councillor Shabir Pandor
Councillor Viv Kendrick

Councillor Musarrat Khan
Councillor Naheed Mather
Councillor Peter McBride

Councillor Carole Pattison

Councillor Cathy Scott
Councillor Graham Turner
Councillor Rob Walker

Responsible For:

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

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

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

2: Minutes of previous meeting

1 - 14

To receive the Minutes of the meetings of the Cabinet held on 12 November 2019 and 3 December 2019

3: Interests

15 - 16

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

4: Admission of the Public

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

5: Deputations/Petitions

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

In accordance with Council Procedure Rule 10 (2), Members of the

Public should provide at least 24 hours' notice of presenting a deputation.

6: Public Question Time

The Cabinet will hear any questions from the general public.

7: Member Question Time

To receive questions from Councillors.

8: Capital Scheme - Cherry Trees Respite

17 - 56

To seek approval to proceed with the capital scheme from the Adult Social Capital Programme.

Wards affected: All

Portfolio: Health & Social Care

Contact: Stephen Stead, Programme Manager (Adult Social Care Capital Programme)

9: Reorganisation in Dewsbury West School Place Planning Area - Permission to Consult

57 - 64

To seek approval to undertake a non-statutory consultation on the potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School.

Ward affected: Dewsbury West

Portfolio: Childrens/Learning & Aspiration

Contact: Martin Wilby. Senior Strategic Manager – Education, Places and Access

10: Kirklees School Funding Arrangements for Financial Year 2020/2021 65 - 82

To give consideration to Kirklees' school funding arrangements for financial year 2020-21.

Wards affected: All

Portfolio: Children's Services

Contact: David Gearing, Schools Finance Manager, Tel:01484 221000

11: Interim Affordable Housing Policy 2020 83 - 102

To seek Cabinet approval to adopt the Interim Affordable Housing Policy 2020. This provides updated interim policy and guidelines for dealing with affordable housing contributions in new housing development and replaces the Interim Affordable Housing Policy 2016.

Wards affected: All

Portfolio: Housing and Democracy and Regeneration

Contact: Steve Wright, Planning Policy Group Leader

12: Enhanced Lettable Standard Pilot 2020 103 - 108

This report is to advise and seek support from Cabinet about a targeted Enhanced Lettable Standard and Home Starter Fund pilot that Kirklees Neighbourhood Housing (KNH) propose to deliver on behalf of Kirklees Council (KC) from January 2020 to December 2020.

Wards affected: All

Portfolio: Housing and Democracy

Contact: Christine Gummerson KNH Director of Neighbourhoods, Tel: 01484 221000

13: Housing Revenue Account (HRA) Rent and Service Charge Setting and Key Housing Challenges 109 - 116

To seek approval for a CPI + 1% increase in dwellings rents in 2020/21 and for the proposed garage rents and other service charges, an annual uplift of 2.7% in 2020/21.

Wards affected: All

Portfolio: Housing and Democracy

Contact: Helen Geldart, Head of Housing Services, and Jacqui Fieldhouse, Head of Finance, Kirklees Neighbourhood Housing

14: Calculation of Council Tax Base 2020/2021 117 - 128

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.

Wards affected: All

Portfolio: Corporate

Contact: Steve Bird – Head of Welfare and Exchequer Services and Mark Stanley – Senior Manager Welfare and Exchequer Services Tel: 01484 221000

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 12th November 2019

Present: Councillor Shabir Pandor (Chair)
Councillor Viv Kendrick
Councillor Musarrat Khan
Councillor Naheed Mather
Councillor Peter McBride
Councillor Carole Pattison
Councillor Cathy Scott
Councillor Rob Walker

Observers: Councillor Mohan Sokhal
Councillor Martyn Bolt

Apologies: Councillor Graham Turner

Cabinet held a minute of silence in respect of Councillor Paul Kane.

71 Membership of Cabinet

Apologies for absence were received on behalf of Councillor Turner.

72 Minutes of previous meeting

RESOLVED – That the minutes of the meeting held on 13 August 2019 be approved as a correct record.

73 Interests

No interests were declared.

74 Admission of the Public

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

75 Deputations/Petitions

Cabinet received a deputations from (i) Dr Richard Stow, on behalf of Kirklees Climate Emergency Trees Moorland and Rewilding Sub Group, and (ii) Mr Gideon Richards, on behalf of Kirklees Climate Emergency Group, in response to the report at Agenda Item 7. (Minute No. 77 refers).

76 Member Question Time

Cabinet received questions from Cllr Bolt requesting (i) that the consideration of Agenda Item 7 be deferred to enable further public engagement and (ii) that, having given consideration to purdah restrictions, Cabinet receive contributions from public attendees. A response was provided by the Leader of the Council.

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

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

Cabinet gave consideration to a report which set out (i) the findings of the Climate Emergency Working Party (ii) the proposed response of the Cabinet to the Climate Emergency and (iii) the Council's five year Air Quality Action Plan and Strategy. A presentation was delivered by Richard Hollinson, Head of Major Projects, which provided an overview of climate emergency in terms of international, national, regional and local strategic context, progress made on the resolution of Council to date, the work of the Climate Emergency Working Party, current achievements by the Council and proposed next steps and recommendations.

Cabinet noted the work that had been undertaken subsequent to the approval of a Motion at Council during January 2019, which declared a climate emergency. The report set out the proposed response to the Climate Emergency, and next steps for (i) addressing air quality challenges (ii) outlining an ambitious plan, including local leadership and (iii) empowering partners and residents to take action. It also provided details of the Council's plans for tackling its contribution to transport related emissions, which included a programme of accelerated electric vehicle procurement, an electric vehicle strategy and an air quality action plan. Cabinet noted that these actions, in addition to the work outlined within the Climate Emergency Working Party programme, would signify a response to the climate emergency within the Council.

The report advised that the immediate response to the climate emergency and air quality challenges would be to invest in low emission transport, focusing on electric vehicles, and that the Council's electric fleet would be doubled in size. In addition, there would be an aim to have one of the highest densities of electric charging points for public use outside of London.

Cabinet noted that a number of significant achievements had already been made to address the challenges presented, including the roll-out of next generation street lighting, an innovative approach to school catering and extensive insulation improvements to homes, directly benefitting local residents.

The report advised that, subject to approval, the Council would immediately progress the phase 1 climate emergency proposals, as detailed within the considered report, and begin the preparation of phase 2 proposals in advance of the 2020 budget setting process.

RESOLVED –

- 1) That with regards to Climate Emergency, Cabinet;
 - (i) notes the content of this report and progress made to date regarding the Council's Climate Emergency Declaration in accordance with the Council resolution dated 16 January 2019, including progress on; publicising the Climate Emergency declaration, the work undertaken regarding the environmental audit of Kirklees Council, the reporting on

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progress on improving our recycling rate, the setting up of a Councillor Working Party, the reporting of agreement on protocols regarding Environmental Impact of new Council policy and the reporting of progress on collaboration with other Local and Regional authorities on emission reduction projects as appropriate

- (ii) approves the actions as set out at section 5 of the considered report, which will form 'Phase 1' of the climate emergency work programme, and agrees that the work will commence immediately
 - (iii) pursuant to (ii) above, delegates authority for the development and resourcing of further phases of the climate change emergency work programme to the Strategic Director (Economy and Infrastructure), in conjunction with the Cabinet Portfolio Holders for Greener Kirklees, and Culture and Environment
 - (iv) agrees to prioritise the budget setting requirements deriving from both the Climate Emergency and Air Quality proposals in this report as part of the budget setting process for Council to consider in February 2020
- 2) That with regards to Air Quality, Cabinet;
- (i) notes the content of the report, approves the Kirklees Council Air Quality Action Plan and resolves that the Cabinet Portfolio Holder for Greener Kirklees and the Strategic Director (Economy and Infrastructure) jointly sign Kirklees Council Air Quality Action Plan
 - (ii) delegates authority to Service Director (Environment) to make arrangements for the signed and approved 'Kirklees Council Air Quality Action Plan' to be sent to the Department for Environment, Food and Rural Affairs (DEFRA) for assessment
 - (iii) delegates authority to Service Director (Environment) in consultation with Cabinet Portfolio Holder for Greener Kirklees to amend the 'Kirklees Council Air Quality Action Plan', if upon assessment by Department for Environment, Food and Rural Affairs the assessment requires the action plan to be amended
 - (iv) delegates authority to Head of Public Protection in consultation with Cabinet Portfolio Holder for Greener Kirklees to make future amendments or updates to the Action Plan as part of on-going review of air quality and the actions Kirklees Council is taking, and that updates to the Action Plan be reported to DEFRA through Annual Status Reporting.
 - (v) delegates authority to Head of Public Protection to make arrangements for the approved action plan and any future amendments to the approved action plan to be published on the Council's Website
 - (vi) notes the content of the report and approves the Kirklees Council Air Quality Strategy
 - (vii) delegates authority to Service Director (Environment) to publish the aforementioned strategy on the Council's Website
 - (viii) delegates authority to Service Director (Environment) in consultation with the Cabinet Portfolio Holder for Greener Kirklees to make future changes to the Air Quality Strategy and decisions in respect of the strategy

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- (ix) notes the contents of the report and that the progress on the commitments within the Air Quality Action Plan will be reported each year to the Department of Environment and Rural Affairs through the publication of the Annual Status Report.
- 3) That Officers be requested to report to future meetings of Cabinet with detailed proposals in relation to (i) step-change in electric vehicle charging infrastructure (ii) a further increase in the Council's electric vehicle fleet and (iii) encouraging the use of electric and low-emission vehicles
- 4) That the report and resolutions of this meeting be referred to the meeting of Council on 13 November 2019, for information

78 **Corporate Safeguarding Policy**

Cabinet received a report which sought approval of the Corporate Safeguarding Policy 2019. Cabinet were advised that an audit review conducted in 2017 had identified areas for improvements including giving consideration to highlighting a commitment to safeguarding within a policy document, and consequently the development of a corporate safeguarding policy.

The Council's safeguarding policy, which set out a duty of care of staff to safeguard, prevent and report harm was appended to the considered report and included information on responsibilities of safeguarding and reporting procedures.

It was noted that the policy and corporate safeguarding agenda would be managed by the Corporate Safeguarding Oversight Group.

RESOLVED - That the Corporate Safeguarding Policy 2019 be approved.

79 **Peer Challenge Feedback Report and Action Plan**

Cabinet received a report which set out recommendations arising from the corporate peer challenge which had taken place from 9 to 12 July 2019. An action plan appended to the considered report set out proposals to address the recommendations, which had been focused upon areas which the LGA considered to be critical to the performance and development of a Local Authority. Cabinet noted that the feedback report had identified key strengths of (i) strong communities with strong identities (ii) dedicated and committed staff and (iii) an ambitious investment budget, and that the recommendations were designed to complement and add value to the Council's performance.

Cabinet welcomed the findings of the peer challenge team, which had been formulated following engagement with over 300 people including staff, councillors and external partners. It was noted that delivery of the recommendations would be monitored through alignment of progress reporting against the corporate plan.

RESOLVED -

- 1) That the Peer Challenge feedback report be received and noted.
- 2) That the action plan appended to the report, which sets out the Council's response to the recommendations arising from the LGA Corporate Peer Challenge, be endorsed and referred to Council for approval.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 3rd December 2019

Present: Councillor Shabir Pandor (Chair)
Councillor Naheed Mather
Councillor Peter McBride
Councillor Carole Pattison
Councillor Cathy Scott
Councillor Graham Turner
Councillor Rob Walker

Apologies: Councillor Viv Kendrick
Councillor Musarrat Khan

80 Membership of Cabinet

Apologies for absence were received from Councillors Kendrick and Khan.

81 Interests

No interests were declared.

82 Admission of the Public

It was noted that Agenda Item 15 would be considered in private session (Minute No. 94 refers).

83 Deputations/Petitions

No deputations or petitions were received.

84 Member Question Time

No questions were asked.

85 Community Asset Transfer of Milnsbridge Village Hall

Cabinet gave consideration to a report which set out details of a proposal to transfer the land and buildings that currently comprise Milnsbridge Village Hall, Armitage Road, Huddersfield. The report advised that the freehold of the site was owned by the Council and that Milnsbridge Community Trust had managed and maintained the Hall under a 35 year lease at a nominal rent of £5 per annum. This lease had expired in 2011 and the tenant was currently holding over. Cabinet were advised that under the terms of the lease the Council had responsibility to maintain the exterior of the demised premises.

The report advised that, as part of the asset transfer process, the Trust had adopted a new constitution and become a Charitable Incorporated Organisation, registered

with the Charity Commission, and that the organisation had put forward proposals for an asset transfer of the hall. Cabinet were informed that the transfer would achieve a revenue saving of the running costs of the building, which had amounted to £2,276.04 in 2018/2019.

Para. 2.9 of the report requested that Cabinet give consideration to the options of; (i) refusing the request for asset transfer (ii) transferring the hall, either freehold or leasehold, with restrictive covenants for community use with an exception of up to 30% commercial use in line with other Community Asset Transfers and in line with the Community Asset Transfer Policy, or, (iii) transferring the hall without restrictive covenants in place. The report advised that option (ii) would enable the lease to reserve rights for the hall to be used for the purpose of an electoral polling station.

RESOLVED -

1. That authority be delegated to the Service Director (Economy & Skills) to negotiate and agree terms for the grant of a 125 year lease of Milnsbridge Village Hall to Milnsbridge Village Charitable Incorporated Organisation.
2. That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute all necessary documentation in connection with the grant of a 125 year lease of Milnsbridge Village Hall to Milnsbridge Village Charitable Incorporated Organisation.

86

Corporate Financial Monitoring Report; Quarter 2 for 2019-20

Cabinet received the Corporate Financial Monitoring Report, Quarter 2, 2019-2020, which set out information on the General Fund Revenue, Housing Revenue Account and Capital Plan. The report advised that the revised budget included a number of planned transfers from reserves during the year, the most significant being £3.2m from the revenue grants reserve which includes £0.8m from the Public Health Reserve.

The report advised that the Council's General Fund controllable (net) revenue budget for 2019-2020 was £291.5m, which included planned (net) revenue savings in-year of £10.9m. It indicated strong progress in terms of delivering overall spending plans within available resources and that the modest overspend forecast in Quarter 1 had reduced by a further £1.1m, to a forecast £0.9m overspend. Cabinet noted that the revised overspend equated to 0.3% of a revised budget of £291.5m. Headline budget variances were set out at paras. 1.2 to 1.5 of the considered report, and a summary of key variances were listed at Appendix 4.

The report also provided an overview of information regarding (i) central budgets (ii) general fund reserves (iii) collection fund (iv) housing revenue account and (v) capital. Cabinet were advised that the Council's revised capital budget for 2019-2020 was £105.6m, and that the forecast capital outturn was £102.6m, with a forecast £3 variance.

RESOLVED –

- 1) That in regards to the General Fund;
 - (i) approval be given to the roll forward of £4.9m High Needs overspend through the Dedicated Schools Grant mechanism
 - (ii) the 2019-2020 forecast revenue overspend of £0.9m as at Quarter 2, net of (1) above, be noted
 - (iii) it be noted that Strategic Directors will identify opportunities for spending plans to be collectively brought back in line within the Council's budget by year end
 - (iv) the new leases for Huddersfield and Dewsbury Markets, to allow break clauses to be installed, as detailed at para 1.4.4 of the considered report, be noted
 - (v) the forecast year end position on corporate reserves and balances be noted

- 2) That in regards to the Collection Fund;
 - (i) the forecast position on the Collection Fund as at Quarter 2 be noted
 - (ii) approval be given to proposals for the use of the Leeds City Region Business Rates Pool surplus

- 3) That, with regards to the Housing Revenue Account, the Quarter 2 forecast surplus of £0.2m and forecast year-end reserves of position of £60.6m be noted

- 4) That in regards to Capital;
 - (i) the Quarter 2 forecast capital monitoring position for 2019-2020 be noted
 - (ii) approval be given to the capital works to be undertaken at Highfields Day Opportunities, as detailed at para 1.10.8 of the considered report
 - (iii) approval be given to re-profiling across years of the capital plan, as detailed at para 1.10.3 of the considered report
 - (iv) the intention to further review capital budget profiles in year, as part of Quarter 3 financial monitoring, be noted

- 5) That approval be given to the in-year capital virement of £1.897m from flexible capital receipts strategy activity to Spensborough Valley Leisure Centre activity, in order to enable the construction phase of the scheme to commence as soon as possible.

87 Half yearly monitoring report on Treasury Management Activities 2019-20

Cabinet received a report which set out the half yearly report on treasury management activity 2019/20. The report provided assurance that the Council's treasury management function was being managed prudently, and that external investments averaged £34.9m during the period, at an average rate of 1.12%. The report also advised that (i) investments had ranged from a peak of £42.7m in May and a low of £22.5m in September (ii) there was a forecast in-year underspend of £2.7m against the £22.2m treasury management budget and (iii) the in-year treasury management performance was in-line with prudential indicators set for the year.

The report set out information on the key areas of economic context, investment performance, borrowing performance, revenue budget monitoring, prudential indicators, future treasury management strategy and risk and compliance issues.

Cabinet noted that report had been considered by the meeting of Corporate Governance and Audit Committee on 15 November 2019 and that treasury management budget forecasting would continue to be reported as part of the overall quarterly financial monitoring reporting cycle.

RESOLVED - That the report be noted and submitted to the meeting of Council on 15 January 2020.

88 Dewsbury Sports Centre Family Attraction

Cabinet received a report which sought approval for an investment of up to £320k for the creation of a new family attraction at Dewsbury Sports Centre, which would increase footfall and activity within the town centre, thereby supporting local businesses.

The report set out examples of popular family attractions within the district and advised that Kirklees Active Leisure proposed to develop an attraction at Dewsbury to enhance the overall leisure offer at the site and help raise the profile of the town. Cabinet were advised that the project would include a refurbished sports hall and that the attraction would potentially be based upon the inflatable theme park at Huddersfield Sports Centre. The benefits of the proposed scheme would be (i) increased visitors to the sports centre, with linked trips to town centre (ii) an additional 2.5 FT employees on site (iii) improved perception of the town centre (iv) more involvement in activity, achieving wider health benefits and (v) increased income to KAL, improving financial performance.

Cabinet were advised that, subject to approval and the provision of a new lift at the premises, it was intended that the facility would be launched for summer 2020. Appendix 1 to the considered report set out an overview of the benefits of introducing a family attraction, which included making the town centre more attractive and increasing footfall and activity in the area.

RESOLVED - That approval be given for an investment of up to £320k for the creation of a new visitor attraction at Dewsbury Sports Centre, to be funded from the

approved Capital Plan allocation for 'Strategic Regeneration of Town Centres – Dewsbury'.

89 Approval of a Revised Local Development Scheme

Cabinet gave consideration to a report which sought approval of the updated Local Development Scheme, which set out the timetable for producing planning documents which would comprise the development plan, and also set out details relating to the Community Infrastructure Levy, Neighbourhood Planning, Supplementary Planning Documents, and other planning guidance. The updated Scheme was appended to the considered report.

The report advised that, pursuant to the Scheme approved by Cabinet in December 2017, the revised Scheme reflected the Council's ongoing statutory commitment to supporting Neighbourhood Plans, the preparation of additional planning policy guidance and a commitment to annual monitoring in order to determine the ongoing effectiveness of the Local Plan. Cabinet noted that the documents proposed for inclusion within the Scheme would provide improved clarity for the community and developers as the Council continues to develop the Local Plan.

RESOLVED - That the revised Local Development Scheme be approved.

90 Statement of Community Involvement (SCI)

Cabinet received a report which sought approval to publish a revised Statement of Community Involvement (SCI). The report advised that the SCI set out detail as to how the Council would involve communities in planning policy decisions and a series of guidelines as to the scope of community involvement, engagement and consultation, and processes for involvement. It was noted that the current SCI was adopted in 2015 and that the Council was required to review it at least every five years. The revised SCI was appended to the considered report and Cabinet were provided with an overview of the main changes which included an update to reflect current regulations and the adoption of the Local Plan.

Cabinet noted that the revised SCI would provide a clear framework on types of planning policy documents which would be consulted upon, and also set out the support that the Council would provide in the development of neighbourhood plans.

RESOLVED - That the revised Statement of Community Involvement be approved.

91 Dewsbury Town Centre - Better Spaces Strategy

Cabinet gave consideration to a report which set out details of the Dewsbury Town Centre Better Spaces Strategy, and sought approval of (i) the associated delivery programme which set out timescales for the delivery of the strategy (ii) a number of projects within the strategy (iii) a Dewsbury Public Arts Plan (iv) the design and feasibility of future projects (v) funding to enable the implementation of projects and (vi) delegation in order to proceed to implement the schemes.

The report specifically detailed public realm improvement projects relating to Town Park, Pocket Park at the site of 23 Northgate, Library frontage, Public Art Plan and key pedestrian routes. The considered report provided detail as to each of the schemes, which were estimated at a total cost of £1,180,000.

Cabinet also received a summary update on the implementation of the schemes approved in January 2019. It was noted that the Better Spaces Strategy aimed to increase the levels of greenery within the town centre, thereby assisting in the mitigation of climate change impact, and to also promote greater use of the town centre by making greater use of assets within a sustainable and accessible location.

RESOLVED -

- 1) That the Dewsbury Town Centre Better Spaces Strategy and Plan be approved.
- 2) That approval be given to the principle of creating a 'pocket park' at the site of 23 Northgate and that Officers be authorised to take the necessary steps to deliver this scheme, including the acquisition of the site and the submission of a planning application, and submit a further report to a meeting of Cabinet.
- 3) That Officers be authorised to progress feasibility and development work of projects contained within the Better Spaces Strategy and Plan.
- 4) That approval be given to the Public Arts Plan, as detailed within the considered report, and that authorisation be given to the implementation of the schemes.
- 5) That approval be given to capital expenditure of £1.040m towards the projects described within the considered report, and that this be funded from the approved Capital Plan allocation for 'Strategic Regeneration of Town Centres – Dewsbury'.
- 6) That approval be given to expenditure of £140k to cover the costs of feasibility and consultation on key projects and that this be funded from the 'Aspirational Regeneration on Major Town Centres – Feasibility' budget in the approved Capital Plan.

92 Yorkshire Purchasing Organisation - Strategic Investment

Cabinet gave consideration to a report which set out details of a proposed transaction by Yorkshire Purchasing Organisation (YPO), and the opportunity to consider the business case, and associated risk profile and finance options, in order to inform the decision which would be taken at the YPO Management Committee. Cabinet were asked to give consideration to proposed amendments to the governance arrangements of the organisation, which had been proposed by Wakefield Council, as the Lead Authority, on behalf of the YPO.

The report explained that the proposed strategic investment, as set out within the exempt information, aimed to safeguard the objectives of the YPO as a public sector organisation which maintains effective, efficient and economical arrangements, and delivers a high quality service to customers. Cabinet were advised that, at least ten Founder Members must enter into a Supplemental Management Agreement for the transaction to proceed, and final authorisation of the transaction would be

determined by the YPO Management Committee after consideration of due diligence information.

(Cabinet gave consideration to the exempt information at Agenda Item 15 (Minute No. 94 refers) prior to the determination of this Agenda Item).

RESOLVED –

- 1) That the transaction proposed by Yorkshire Purchasing Organisation, as detailed within the considered report, be noted.
- 2) That confirmation be given to the financial backing of the transaction by agreeing to underwrite the loan and entering into a Supplemental Agreement, and that authority be delegated to the Chief Executive to approve the Supplemental Agreement, as set out in appendix 6 of the considered report, subject to (i) at least 10 of the 13 Founding Members remaining and agreeing to enter into the Supplemental Agreement (ii) the satisfactory completion of legal and financial due diligence on the proposal giving confidence to proceed and (iii) a resolution of Yorkshire Purchasing Organisation Management Committee to enter into the proposed transaction.

93 Exclusion of the Public

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

94 Yorkshire Purchasing Organisation - Strategic Investment

(Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 13 (Minute No. 92 refers).

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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

Name of meeting: Cabinet

Date: 14 January 2020

Title of report: Capital Scheme - Cherry Trees Respite

Purpose of report: To seek approval to proceed with above capital scheme from the Adult Social Capital Programme

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 Capital spend over £250k
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Richard Parry - 13/11/19
Is it also signed off by the Service Director - Finance?	Eamonn Croston - 13/11/19
Is it also signed off by the Service Director - Legal, Governance and Commissioning?	Julie Muscroft - 13/11/19
Cabinet member portfolio	Give name of Portfolio Holder/s Cllr Musarrat Khan - Health and Social Care

Electoral wards affected: All

Ward councillors consulted: Cllr John Taylor, Cllr Richard Smith and Cllr Bill Armer

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 Cherry Trees in an 8 bedded learning disabilities respite unit in Shepley, Huddersfield (Kirkburton Ward). The unit is owned and managed by Kirklees Council and provides respite services mainly for those residing in South Kirklees.
- 1.2 The initial outline business case was approved at Cabinet in February 2019 for inclusion in Strategic Priorities 'Day Services Support for Vulnerable Adults' Capital Budget 2019/20 to 2024/25 (Independent theme).
- 1.3 The project is also programmed to include corporate Fire Prevention Works to be funded from alternative corporate funding, which will be carried out simultaneously.
- 1.4 During the building works, the service will relocate to alternative premises in Heckmondwike. This has been agreed with staff, unions, carers and families.

2. Information required to take a decision

- 2.1 Detailed design has identified an estimated outturn cost of £735k (excluding £115k for fire safety works). Cabinet approval is now requested to agree and release the sum of £735k sum in order that appropriate tenders can be sought and the works progress.
- 2.2 The Full Business Case relating to this capital scheme is attached as **Appendix 1**. This details the proposed level of works involved and the supportive reasons for this development.
- 2.3 The Design and Assess Statement relating to this scheme is attached as **Appendix 2**.
- 2.4 Planning approval has been applied for.
- 2.5 Members are reminded that before making any decisions that they have a legal duty to consider the **Equality Act 2010, Section 149** introduced a public sector equality duty that the Council must in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 2.6 Members should have due regard to the Integrated Impact assessment screening tool at **Appendix 3** which shows no adverse effect on the above protected groups.

3. Implications for the Council

- 3.1 The Council's capital budget plans support the overall delivery of the following Council objectives and priorities within available resources:
 - i) Well
 - ii) Independent
 - iii) Safe and cohesive
 - iv) Clean and Green
 - v) Efficient and Effective

3.2 Working with People

There will be a positive impact on both the people that use the service, their families/carers and also for staff.

3.3 Working with Partners

There will be a positive impact for relevant health partners.

3.4 Place Based Working

Neutral.

3.5 Improving outcomes for children

There will be a positive impact as today's children will be tomorrows' adults.

3.6 Other (eg Legal/Financial or Human Resources)

The capital investment of £735k is budgeted for within the overall Day Services Support for Vulnerable Adults Programme. The scheme is primarily funded from Council borrowing. The revenue cost of financing this level of borrowing is £46,305 per annum for 20 years, which has been built into the Council's Medium term Financial Plan (MTFP).

Investment of £115k will also be made towards fire safety works. This will be met from the Corporate Landlord capital plan, utilising existing approved delegated powers. Works will be procured in accordance with the Council's Contract Procedure Rules

4. Consultees and their opinions

4.1 Full Business Case was approved at Adult Social Care Capital Delivery and Oversight Board.

4.2 This report and appendix 1 and 2 was approved at Executive Team on 19/11/19

4.3 Kirkburton Ward Members consulted. As a result of this consultation reference to the development will be included in the local parish journal that goes to every home within the Shepley community.

4.4 Portfolio Lead consulted and briefed by Strategic Director. Cllr Khan stated *"these improvements are invaluable to the 66 families that currently use these respite facilities and the investment will benefit countless more families in the future to carry on caring for their loved ones"*

4.5 In addition to the above officers have throughout this capital scheme worked with families, carers, service users, staff and unions and will continue to do so.

5. Next steps and timelines

5.1 The outline timeline is set out below:

Main milestones and dates:	Proposed start:	Proposed end:
Outline/concept design	May 2019	End June 2019
Consultation with Users/Carers	May 2019	End May 2019
Design agreed by Board	June 2019	June 2019
Commission of detailed design	July 2019	July 2019
Completed design and costing	September 2019	September 2019
Planning Application	September 2019	November 2019
Capital Governance Board	November 2019	November 2019
Tender	November 2019	January 2020
Tender Validation and Letter of Acceptance	January 2020	February 2020
Key Decision Notice	December 2019	December 2019
Cabinet Approval	January 2020	January 2020
Works	March 2020	August 2020

5.2 Subject to the successful tender being within the financial parameters stated, a letter of acceptance will be sent to the preferred bidder so works can start in March 2020.

6. Officer recommendations and reasons

Cabinet are asked to:

6.1 Approve release of £735k.to enable works to proceed.

7. Cabinet Portfolio Holder's recommendations

The portfolio holder supports the recommendations in this report.

8. Contact officer

Stephen Stead, Programme Manager (Adult Social Care Capital Programme)
07929 193794 stephen.stead@kirklees.gov.uk

9. Background Papers and History of Decisions

9.1 The updated Capital Plan 2018-2024 was approved at Full Council on 13/2/19:
<http://modgovdb01vm:9070/ieListDocuments.aspx?CId=138&MId=5653>

10. Service Director responsible

Helen Severns, Service Director Integrated Commissioning
Helen.severns@kirklees.gov.uk

Appendices:

Appendix 1 – Full Business Case

Appendix 2 – Design and Access Statement

Appendix 3 – Integrated Impact Assessment Screening Tool.

Business Case Template

**Project Name:
Cherry Trees**

Author: Stephen Stead

Project Executive: Richard Parry

13 November 2019

Amendment History

Issue	Date	Author	Reason
1		Stephen Stead	
2	10 th June 2019	Stephen Stead	Additional information
3	21/6/19	Julie Uttley	Additional information
4	29/07/19	Julie Uttley	Additional information / amends following board on 290719
5	13/08/19	Stephen Stead	Additional information and drawing amendments
6	28/08/19	Stephen Stead	Additional Cost information and change to drawings
7	06/09/19	Julie Uttley	Additional information
8	09/09/2019	Stephen Stead	Final edition of business case.
9	16/09/2019	Julie Uttley	Additional comments from finance incorporated
10	23 October 2019	Stephen Stead	Seek additional funding of £235,000
11	31 October 2019	Stephen Stead	Amend funding statement

Distribution List

Name	Department / Organisation
Adults Capital Delivery Board	
Adults SCLT	26/9/19
Strategic Finance	Eamonn Croston
Legal Services	Karl Larrad

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1. Executive Summary

Cherry Trees is an 8 bedded learning disabilities respite unit in Shepley, Huddersfield. The unit is owned and managed by Kirklees Council and provides respite services mainly for those residing in South Kirklees.

Cherry Trees is a purpose built 8 bedroom bungalow unit with all the rooms on the ground floor. The service provides respite solely for adults with learning disabilities, but with varying levels of needs. Four of the rooms have ceiling tracking hoists for those with very complex movement and handling needs. It has 1 bathroom with 1 bath.

This business case seeks approval to tender for a range of proposed works and changes to the existing building to ensure it is fit for purpose for the ever-changing needs of current and future service users. Information on those currently in Children Services and moving toward adulthood clearly identify a growing number of those with complex health/nursing needs and people with LD and autism with behaviours that may challenge. Accordingly to deliver this ambition will require improvements to the existing building layout to provide additional space for those with challenging behaviour and to provide additional facilities to provide a calmer environment to enable staff to manage more extreme behaviours. Improvement will also be made to provide enhanced sensory rooms to carry out sensory therapies and improved bathing facilities for people with profound multiple disabilities including sensory impairments. The proposed investment will increase the number of ceiling tracking to some bedrooms and communal areas including the proposed new extensions. Attached as **Appendix A** is a table showing the benefits of the proposed multi-sensory spaces. These planned works are essential to meeting the varied individual needs of clients coming through the system.

In addition it is proposed to invest monies in external areas. This will improve access to recreational outdoor space and fundamentally support those with complex and challenging behaviours.

Key objectives;

- Improved outcomes for service users through improved facilities and environment.
- Improved enhancement of our overnight respite service which will ensure full adaptability to meet the current and future needs of an increasing population of those with profound multiple and complex health/nursing need.
- Provide improved break-out capacity (calming spaces) for those with challenging behaviours.
- Provide improved therapeutic and multi-sensory facilities for those with profound and complex physical and learning disabilities and sensory impairments.
- Enhance use of grounds and external facilities
- Ensure young adults coming through into adult services continue to benefit from the therapeutic and sensory facilities they have been used to in their school environments.

The above improvements are required to ensure we can continue to safely and effectively deliver respite services to more complex people that are entering adulthood. The existing communal lounges and dining areas are not appropriate spaces to deliver the types of group and individual interventions and therapies that we will need in the future to meet these changing needs.

The attached drawings confirm the extent of the proposed works which are estimated at £850,000 (this includes £115,000 approved for essential fire prevention works which will be completed at the same time and will be funded from separate corporate funds). Subject to an acceptable tender it is anticipated that the works could commence in March 2020 and complete by August 2020.

Profile of spend (excluding fire safety works funded via corporate budget) is as below:-

	Year 1 201920	Year 2 202021	Year 3 202122	Total Cash Outlay
Investment Value (£) – Capital and Revenue	£100,000	£600,000	£35,000	£735,000 (excludes the £115,000 fire safety works)
Available / Committed Funding	£100,000	£600,000	£35,000	£735,000 (excludes the £115,000 fire safety works)
Return on Investment (ROI)	£	£	£	£

The current approved provisional budget for the scheme is £500,000 plus £115,000 from corporate funding for fire safety works. Following detailed design the revised estimate for the scheme is £735,000 plus £115,000 for fire safety.

2. Introduction and Overview

The scheme provides additional enhanced facilities on the Cherry trees site which will enable the service to respond to and mitigate changes in service demand.

The business case seeks approval to the release of £735,000 (excluding fire safety funding which already has separate approval) to enable procurement of works to extend and enhance the respite facilities for Adults with Challenging Behaviors and Complex needs in accordance with the attached drawings.

Evaluation of the proposals throughout the concept and design stages resulted in several changes to ensure the needs of the service are met. These evaluations have taken into account comments and advice from staff and carers. This has resulted in this final version of the scheme. The scheme will comprise:-

- Provision of 1 “Immersive Technology” room
- Provision of 1 room for activities and quiet space
- Provision of 1 new large bathroom with sensory bath, hoists and changing facilities
- Provision of 1 new sensory room
- Garden works to include new external patio areas, appropriate seating / lighting and wheelchair adaptable swings, garden landscaping, design and planting
- Full tracking to 4 additional bedrooms and dining rooms etc
- External works to the rear grounds to increase accessibility
- Provision of specialist equipment for the new sensory room, bathroom and bedrooms
- Necessary improvements to the call system
- Necessary fire safety works (funded via corporate resource budget)

The numbers of those attending respite with increased levels of challenging behavior and multiple complex needs are increasing. The objective of this scheme is to provide additional facilities on the respite site to mitigate and respond to these changes. There are limited alternative respite places available in the marketplace and failure to invest in our asset will likely lead to increased costs faced by the service in providing higher levels of support to clients within their home environment, for example by having more expensive 2:1 support on a 24/7 basis rather than gaining on economies of scale within a specialist overnight respite facility.

3. Market analysis:

The Council has a vision of focusing on doing the things that only the Council can do, recognising where we can make a real difference and concentrating our resources and effort on those things. In relation to social care, where we do provide our own services we are increasingly targeting our direct provision on those people with the most complex needs and where short term, intensive and urgent support can deliver longer term benefits.

As set out in the learning disabilities strategy, respite services are a key part of the market. They ensure service users can remain living in the community rather than in residential settings and they also ensure carers get regular respite and prevent carer breakdown through offering emergency placements.

Commissioning intelligence tells us that over the coming year's young people entering adulthood there will be growth in those with more complex needs and this will continue into future years. Respite services for adults with learning disabilities, with profound and multiple complex health/nursing needs is a recognised gap in the market and Cherry trees is vital to support and meet this need.

Contracted Short Breaks Market in Kirklees

Kirklees CCG's spot purchase short breaks provision for people that are health funded and we are working in partnership with them for them to utilise more of our beds and we are already seeing an increasing number of health funded service users using Cherry Trees. The cost of these support packages are health funded (and have no cost impact to us) but brings a system/outcome benefit. It would also bring benefit/saving for CCG's, which is in the spirit of more collaborative cross-system working.

There are no contracted alternative overnight respite facilities in Kirklees for social care funded people with complex needs.

4. Assessment of benefits and Option Appraisal:

Do Nothing Option

- Limited respite and residential places are available in the locality to meet the demand for adults with learning disabilities especially those which meet the criteria for profound and multiple complex health/nursing needs.
- Over the coming years, we know from commissioning intelligence, that there are more young people entering adulthood with complex needs and the pressure will be to meet this demand.
- It is important we can respond to user needs. The current building is limited in the management of increasing levels of challenging behaviour and complex needs. To be more effective requires provision of added bathing, sensory and recreational quiet rooms.
- There are likely to be higher costs if we don't take action

Preferred option

- The current Cherry Trees building provides excellent respite care services but needs further investment to fully cope with the management of growing levels of complex needs.
- Investment will support our longer term commitment to provision of an integrated specialist respite service (with CCGs)
- The proposed investment will provide more creative and effective use of space and the enhancements to the environment will reduce behavioural incidents.
- The proposed investment will provide a safe and stimulating environment where individuals can be appropriately supported to develop their life skills and independence
- Many adults with learning disabilities go on to have dementia and we will ensure the design / refurbishment meets dementia friendly standards.
- The investment will also create an environment where we may be able to provide places, where appropriate, for those who are currently placed out of area, because their needs could not be met in Kirklees.

Risk

There are associated risks in not investing. These include an increasing difficulty in managing complex needs respite within the existing building. This will create added difficulties for users, carers and staff and will have a direct impact on families and carers where respite is seen as a valuable support mechanism to help keep people within their home environment for as long as possible. Failure to do this will see potentially increase family crisis and breakdown resulting in ever increasing costs of care to the local authority and an increase in requests for emergency overnight respite.

Benefits

We will be supporting the most complex vulnerable service users in an environment that meets their needs. The environment will enhance their wellbeing and experience whilst in respite. This will improve their outcomes including reducing reduce behaviours that challenge and improved therapy through better access to multi-sensory therapy environments. This will have a direct impact on carers who rely on respite care for their own longer term well-being so they can continue in their caring role. This is particularly important where we do want to ensure that users remain within their home setting to avoid admissions to long term residential care. Once someone is admitted to residential care it becomes their new 'norm' and is more limiting for the client and high long term cost for the authority.

Financial impact is difficult to predict. It is also difficult to put a financial value on the benefit to users and carers of maintaining home living for as long as possible. This will be financially favourable to the Council and other care partners.

5. Cost/Benefits Assessment

It is projected that there will be limited increased revenue costs associated with the scheme. For Corporate Asset Management it is estimated that annual running costs will increase by approx. £1,700 pa based on floor area growth. For Adult Services costs will relate mainly to additional cleaning at around £6,300 p.a. and annual license costs of £3,000 relating to new equipment.

The financing charges for the borrowing of £735,000 capital will equate to £46,305 per annum based on a prudential borrowing rate of 6.3%.

Future increased operational service costs will be met from either existing Adult Services revenue resources or additional income via CCG/Health funded placements. Future staffing costs (excluding cleaning costs) will increase where the numbers with complex needs increase, however these will be met from other existing revenue budgets (where the service user is social care funded) or income from CCGs (where the service user is health funded), for example where service users are allocated 1:1 funding either from social care or health placement budgets. This increase will be inevitable due to the nature of this demand.

The benefits of this scheme will be that projected increased direct care costs will be mitigated through having the most appropriate facilities to manage this level of care. Increased complex needs cases will also attract potential income from the CCGs (as Health funded service users) and this will off-set future increased operational costs.

6. Option Appraisal

See item 4

It should be noted that the service has every intent that this investment will be secure for the medium to longer term. At present there are no proposals to reduce or seek competitive tender to outside providers.

Investment in these works will continue our compliance with Care Quality Standards and it is envisaged that no further significant investment will be required in the short to medium term. This however may not relate to specific equipment where technological change and advancement is a key change driver. At present this is impossible to factor.

7. Key assumptions and dependencies:

Key assumptions

- Planning approval - Informal discussions with Planning suggest approval is likely and could even be considered under permitted development.
- Tender Cost – estimated that tender cost will be in line with current estimated costs of £735,000 excluding fire safety works.
- Meeting all statutory requirements – the building will meet all Fire and Health and Safety Regulations, and will meet CQC Standards.

Dependencies

- Future increased revenue costs will be met from either Adult Services revenue resources or additional income via CCG/Health funded placements.

8. Risk and Sensitivity analysis:

<p>Political</p> <p>Lack of political approvals</p> <p>Political instability</p>	<p>Operational</p> <p>Increasing numbers of complex cases over coming years.</p>
<p>Economic/Financial</p> <p>Inadequate funding available to meet the capital cost of the refurbishment / extension - potential for unexpected costs</p> <p>Potential for revenue budget reductions</p> <p>Demographic pressures</p> <p>Potential increase in revenue costs v potential higher costs on alternative placements / packages of care if nothing is done.</p>	<p>Technical</p> <p>Options for future re-design should conditions and client group dramatically change.</p>

Mitigation

- Early engagement with members
- Clear communication and engagement plan developed for staff, users and carers
- The service has a 5 year projections forecast, this is revisited annually
- There are no planned reductions to the service budget at this time
- The service will look to work with an external agency/body to ensure that there is sufficient expertise for design
- Commissioners work closely with providers to shape and monitor the market

9. Resource requirements and costs:

Resource requirements and costs:	Man years	Capital £	Running costs per annum (range)
External (bought in equipment)	0	0	0
External services	0	0	0
Internal costs	Minimum period will be the term of borrowing	0	£9,300 pa plus inflation for Adults and £1,700 for Corporate Asset Management
Total	0	0	£11,000 pa

10. Funding source / Timing / Certainty:

The funding source is baseline borrowing 2019/2021. Projected spend is as per Item 1

11. Timescales:

Main milestones and dates:	Proposed start:	Proposed end:
Outline/concept design	May 2019	End June 2019
Consultation with Users/Carers	May 2019	End May 2019
Design agreed by Board	June 2019	June 2019
Commission of detailed design	July 2019	July 2019
Completed design and costing	September 2019	September 2019
Planning Application	September 2019	November 2019
Capital Governance Board	November 2019	November 2019
Executive Team	November 2019	November 2019
Tender	November 2019	January 2020
Tender Validation and Letter of Acceptance	January 2020	February 2020
Key Decision Notice	December 2019	December 2019
Cabinet Approval	January 2020	January 2020
Works	March 2020	August 2020

12. Comments / Issues:

none

13. Conclusions and Recommendations

- The business case outlines clearly the changing requirements for respite placements and the growing level of users with complex needs and increasing levels of challenging behaviour. It also identifies the lack of appropriate alternative respite care resources in the Kirklees locality and confirmation that this service is required in the short, medium and longer term.
- This investment is vital to the support of carers and families. Respite is a valuable resource both for users and carers and reduces the levels where crisis intervention, which can often be more costly, is urgently required due to family/carer breakdown.
- To create the most appropriate and adequate respite resource it is recommended that the business case be approved and that the process for accommodating the revised cost of £735,000 be agreed from within the wider Adults capital programme.

14. Appendices to Business Case

Appendix A – Benefits of new multi-sensory Environments table
 Appendix B – Design and Access Statement

Multisensory Environment

Appendix A

Primary Uses	Immersive Room	Activity Room	Multi-Sensory Room	Multi-Sensory Bathroom
Balance	✓		✓	
Calming	✓		✓	✓
Colour Recognition	✓	✓	✓	✓
Communication Skills	✓	✓	✓	✓
Concentration	✓	✓	✓	
De-escalation	✓			✓
Development of Choice		✓	✓	
Distraction Therapy		✓		✓
Emotional Development	✓	✓		
Fine Motor	✓	✓	✓	
Gross Motor	✓	✓	✓	✓
Hand/Eye Coordination	✓	✓	✓	✓
Interaction and Relaxation	✓			✓
Physical Skills		✓	✓	
Social Interaction	✓	✓	✓	
Sound/Music Therapy	✓	✓	✓	✓
Tactile	✓	✓	✓	✓

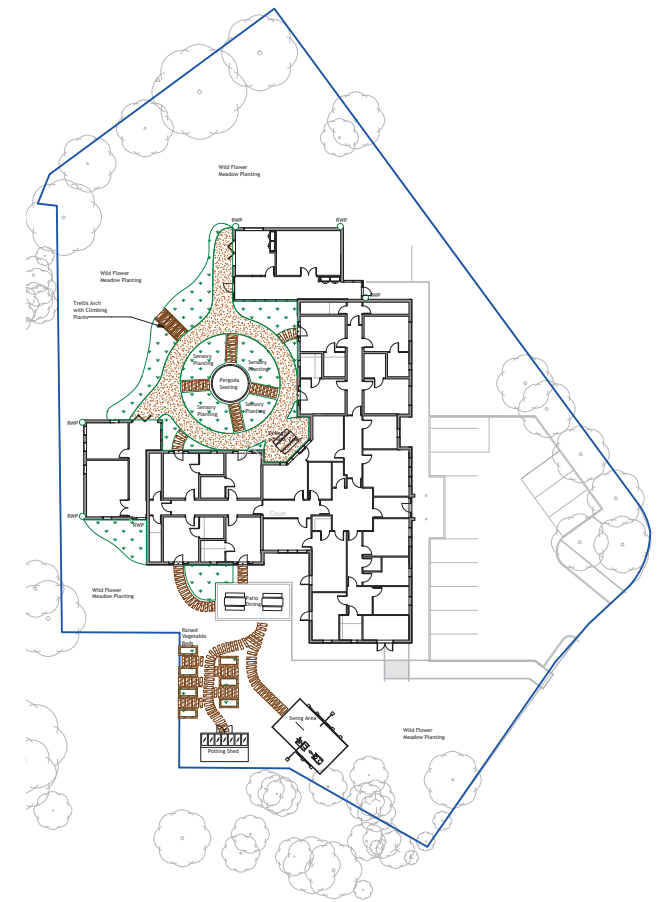
All 4 rooms will provide benefits shown above to a variety of needs including the following:

- Aspergers Syndrome
- Attention Deficit Disorder
- Attention Deficit Hyperactivity Disorder
- Autism
- Autistic Spectrum Disorder
- Cerebral Palsy
- Dementia
- Downs Syndrome
- Dyslexia
- Dyspraxia
- Emotional and Behavioural Difficulty
- Epilepsy
- High Functioning Individuals
- Moderate Learning Difficulties
- Persuasive Development Disorders
- Physical Difficulties
- Sensory Processing Disorder
- Severe Learning Difficulties
- Visual Impairment
- Sight
- Hearing
- Touch
- Smell

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Cherry Trees Respite Unit Extension Design Access Statement

Detailed Planning Application



Document	303_014-FC-ZZ-XX-PP-A-04006	
Revision	Date	Owner
001	15.08.2019	AF
002	19.09.2019	AF
003	16.10.2019	AF

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This Design and Access Statement, prepared on behalf of Kirklees Council, is to accompany the full planning application and describes the development and final proposal of a new Sensory and Activity rooms which support changing pressures on service delivery.

Cherry Trees is an 8 bed overnight respite facility, it provides short stays for adults with learning disabilities and associated support needs. They provide bespoke stays based around individual choices and needs, including those with profound and complex needs and autism. The facility provides bespoke stays based around individual choices and needs.

The building is modern with en-suite WC/shower rooms and overhead tracking to facilitate for a variety of needs. Ample green space surrounds the building and is accessible for the use of those in stay.

The continued success and popularity of Cherry Trees for an increasing population of people with more profound and complex needs has led to a need to expand both their Sensory & Activity offering. It is not only about expanding their offering but also about enhancing the usability of the space. Currently there is one bathroom housed in wing A that provides a bath rather than showers in the en-suite bedrooms and results in a greater travel distance for anyone in wing B. The development on site will see this bath replaced with a specialist sensory bath and associated improvements to the bathing experience. It is proposed to add a similar feature to the other wing where a bath is not currently provided. The extension aims to address this issue and provide an additional bathroom to wing B, enhanced with sensory features. This will also enhance dignity so people no longer have to wait to use the existing bathroom.

Although surrounded by green space, the gardens are used on a limited basis. By enclosing the central space, the new extensions will create a courtyard feel at the heart of the building and encourage the safe use of the outdoor space.

PROJECT TEAM & CONTACT DETAILS

Client:



Julie Uttley | Julie.Uttley@kirklees.gov.uk
Stephen Stead | Stephen.Stead@kirklees.gov.uk

User/ Tenant:



Angela Brittan | Angela.Britton@kirklees.gov.uk

Architect:



Nick Cooper | nick.cooper@farrellandclark.co.uk
Amy Fulford | amy.fulford@farrellandclark.co.uk

Project Manager:



Gemma Berry | Gemma.Berry@kirklees.gov.uk

Building Services:



Structural Engineers:

Quantity Surveyors:



Sally Foster | Sally.Foster@kirklees.gov.uk

CDMC:



Nick Cooper | nick.cooper@farrellandclark.co.uk

The need for new

The existing accommodation at Cherry Trees has been largely unchanged since the date of build in 2007/8. Accordingly it is now becoming increasingly difficult to provide adequate range of appropriate facilities for the increasingly complex needs of existing and future users of the centre. The outdoor space is very open and exposed, making it feel quite intimidating and therefore it is sparsely used. Staff want to encourage and promote use of the outdoor space through creating a more inviting sheltered courtyard space.

Cherry Trees accommodates a staff wing with offices, kitchen & laundry and 2 main accommodation wings, each with 4 bedrooms. A bathroom is currently housed in Wing A and a small sensory room in Wing B, with lounge & dining space central to both wings.

As highlighted above and to meet the changing needs of users of the respite service, it is essential that a specialist bathroom to wing B of the building is provided. Provision of this new bathroom will provide specialist sensory facilities primarily for those clients with sensory impairments. Wing B will become the new Sensory Wing and will also include a new sensory room to replace the existing small and inappropriate unit currently provided in the centre of the building. This current room will then be used as storage.

Current arrangements are restrictive when group activities are taking place. Rooms are not large enough to promote a variety of activities from craft and exercise groups through to multi sensory activities. In addition to this, due to the nature of some of the clients, it can mean an individual may need individual space away from a group situation to calm down in a specialist environment and have some 'one to one' time.

Accordingly it is proposed to extend the wing A of the building to provide accommodation which can support the management of challenging behaviours and very complex needs. This will include provision of two new rooms which will allow the use of new technology to create an immersive technology room, and one room for relaxation more on a solo-based basis.

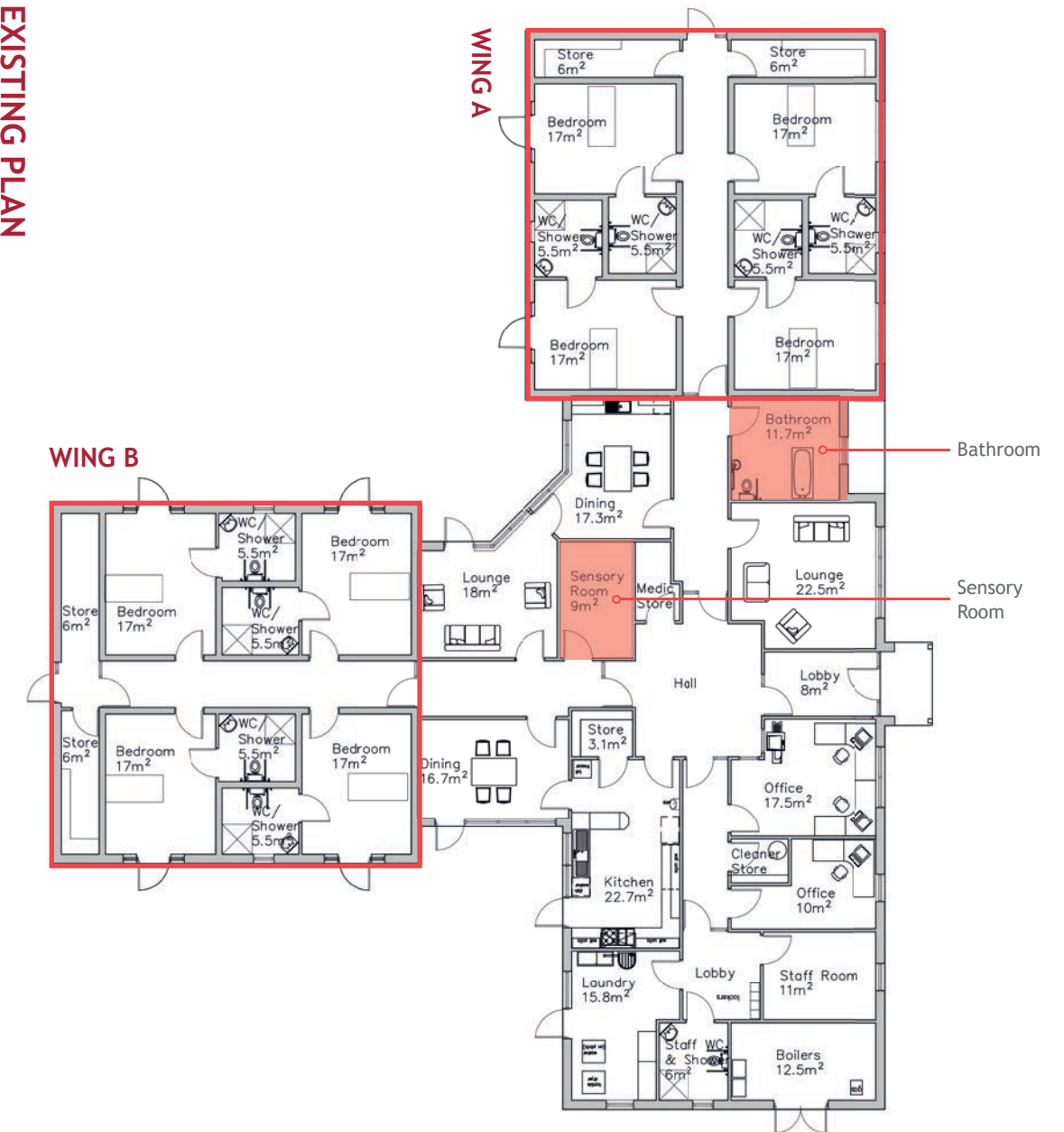
A key driver in the redevelopment process has been to strengthen the indoor/ outdoor connection and to breakdown barriers for clients who wish to access the garden space. Maximum opportunities need to be available to safely access outdoor spaces to improve wellbeing and outdoor sensory environments.

All design improvements are to enhance and comply with dementia friendly design standards, to future proof the use of Cherry Trees and improve their current package.

User Consultation

As the design has developed, the views and ideas from the client have been considered and integrated. The client has carefully considered the profile of existing and future users in the system and how these changes will benefit and better enhance the offering to both future clients & returning clients.

EXISTING PLAN



It is essential that the proposal responds effectively to the low carbon agenda. As part of the design process, the team continually evaluated the design on the aspects where the greatest carbon savings for every pound spent could be saved.

This approach champions a coordinated design development maximising the passive response of the building to its local context. If incorporated wisely, this will result in maximising the amount of carbon saved for the least cost.

The project team has 'signed up' to this rationale and have ensured the emphasis is placed primarily on the partnership between the geometry and fabric of the building.

Other 'bolt-on' sustainable techniques are only to be considered once the fabric and geometry have been thoroughly explored.

Discussions and briefing workshops have taken place with the customer at which the team has sought to inform the developer of a more environmentally responsible approach.

There are a number of opportunities available for building that provide the best carbon and energy savings for very little input/ expense. these include consideration of:

- Mass, form and orientation
- Natural lighting and ventilation
- Use of exposed mass

Our initial approach to energy conservation is always 'fabric first'. Ensuring and maximising the quality of the building envelope will also help provide a better, healthier and more efficient scheme. This includes:

- Level and type of insulation
- Glazing specification
- Air tightness

As mentioned above, the orientation of the building and its mass and form can have a significant impact on its sustainability. Consideration also given to:

- Solar shading
- Overhanging Eaves
- Low winter sun
- Roof lights

Another area of consideration is how the building will be lit:

- Daylighting
- LEDs/ Low energy fittings
- Control: Presence/ absence detection

Sustainable Philosophy

The use and re-use of water has also been discussed, with the following possibilities being considered:

- Water efficient appliances & fittings
- Grey water recycling
- Rainwater capture



TECHNICAL ATTRIBUTES

Sensory Bathroom - Wing B

- 16m²
- H-Track system
- 360° access to the bath
- Light projection
- Integrated sound system
- Changing Table

Sensory Room

- 16m²
- Power and data for various pieces of sensory equipment

Quiet Calming Activity Room - Wing A

- 18m²
- Adjacent to Immersive room

Immersive Room - Wing A

- 28m²
- No windows/ natural light
- 3 full clear walls for projection
- Immersive technology install

Wheelchair Store - Wing B

- Re-purpose current Sensory room

Landscaping

- Create courtyard/ residential scale space
- Multi-Sensory elements (landscaped borders, pathways)
- Potting Shed (connecting pathways)
- Disabled/ Wheelchair Access Swing (connecting pathways)

Corridor

- Redecorate with hard flooring and dementia friendly contrasting design elements
- Integrate the new corridor space as usable seating areas

PHYSICAL ATTRIBUTES

Two separate extensions, offset from the existing building to form a central courtyard

Address topography of the site

Make use of existing exit doorways/ openings

Integrate with existing sprinkler system

Avoid existing manholes where possible

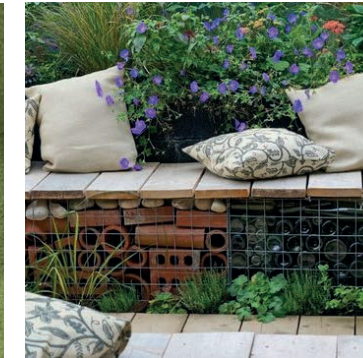
Single Storey

VISUAL ATTRIBUTES

Maintain visual connection across the site

Contemporary design

Minimal and considered palette of materials



SITE LOCATION

Cherry Trees is on the outskirts of Shepley and sits just off Field way, within a residential area and adjacent to green fields. The building is a single storey development that sits within the centre of its plot, surrounded by trees.

The site is situated far away from any water course and is in a no risk flood zone.

SITE ACCESSIBILITY

With site improvements being primarily to enhance place making & user experience, we don't foresee any increase in the amount of users to the site. Traffic & parking will therefore remain unaffected.

On-site parking is readily available to visitors and clients alike, situated directly off the main road.

Shepley is connected by the A629 (Rotherham - Skipton road) to Huddersfield through to Barnsley and Sheffield and by the A635/A636 to Wakefield through to Holmfirth.

Shepley railway station is on the Penistone line which runs from Huddersfield to Sheffield via Barnsley. (0.4mile/ 8 minute walk)

The Holmfirth - Huddersfield 286/ 287 Penistone - Huddersfield bus stop directly outside the care home on Field way. In addition to this the 435/436 Wakefield - Holmfirth and 83/83A/84 Huddersfield - Denby Dale all pass through & stop in Shepley village.

Local amenities such as Shepley Pharmacy or the local Co-op Food Store are a 0.1 mile/ 3 minute walk away.



EXISTING BUILDING

Cherry Trees is an eight bedded respite unit located in Shepley.

The existing building is of a uniform material palette; brick to sill height with cream render above to the eaves line.

White Aluminum to all windows & doors.

The building is on one level with level access at all entrances/ exits.

The roof is a trussed rafter structure at 25deg pitch, hipped on all sides.

Marley Modern concrete interlocking roof tiles with dry fix verge, hip & ridge system.

Landscaping is very minimal, generally grass with a few localised shrubs. Land slopes away towards Long Lane to the rear of the site.



DESIGN DEVELOPMENT

Following our appointment to the project and consultation with the client, we assessed the comments and existing ideas and drawings to develop some key design concepts and philosophies for the project.

Both the client and the users had clear ideas of what the building needed to include and how it should function. These along with the existing confines and opportunities of the site have driven the design principles.

01. BLOCKS



On further inspection of the proposed plan it was clear that to really bridge the gap between inside & out, we needed to develop two extensions, one from either end of the main existing wings and offset these to enclose a central garden space. To do so this meant the new extensions would need to be longer to emphasise the feeling of enclosure.

02 ROOF

Initial thoughts were to remove and expand the existing roof in a sympathetic hipped form, however this would cause greater disruption to the building and would restrict where the new extension might sit.



To resolve this the extension was pulled away from the existing building to make room for circulation space with a flat roof designed to float at the level of the existing eaves and a 7° mono pitch roof was then designed as the main roof to the extension to echo the form/ proportions of the existing roof. The pitch has been designed to face inwards, so as to mimic & harmonise with the existing buildings form and enhance the feeling of enclosure within the courtyard.



03 SECTIONS

As previously mentioned the design intent was clear that the extensions should be in two clear sections/ function zones. The new Sensory extension B is to be focused on meeting the needs of people with profound needs and the new Activity extension A is to be focused on meeting the needs of those that may exhibit behaviours that need to be well managed. This will give greater flexibility for sectioning if required depending on who is in stay.

There is a third section, which is the outdoor space. Cherry Trees will be undertaking some landscaping and planting additions to seamlessly connect the two new extensions. This area too will be fully utilised with a multi-sensory approach.

04 FORM & FEATURES

Once the two extensions had been clearly defined, the intention was to express the visual connections across the site. Both extensions will maximise this by way of a glazed circulation space, which will double as a space for relaxed conservatory style seating, over looking the garden & reinforcing visual connections both between the outdoors and indoors and between occupants of both wings.



DESIGN PRINCIPLES

Following the inception of key design principles the scheme has continued to develop. This following further consultation with the client and end users as well as the more detailed consideration of space planning, site constraints, construction techniques and potential programmes.

The two extensions will almost be a mirror image of each other, using shared principles of form & materiality.

A simple palette of materials has been selected to both complement and contrast against the existing building, whilst keeping the design cost efficient.

Curtain walling to sit within rendered blockwork walls to harmonise with the current site finishes.

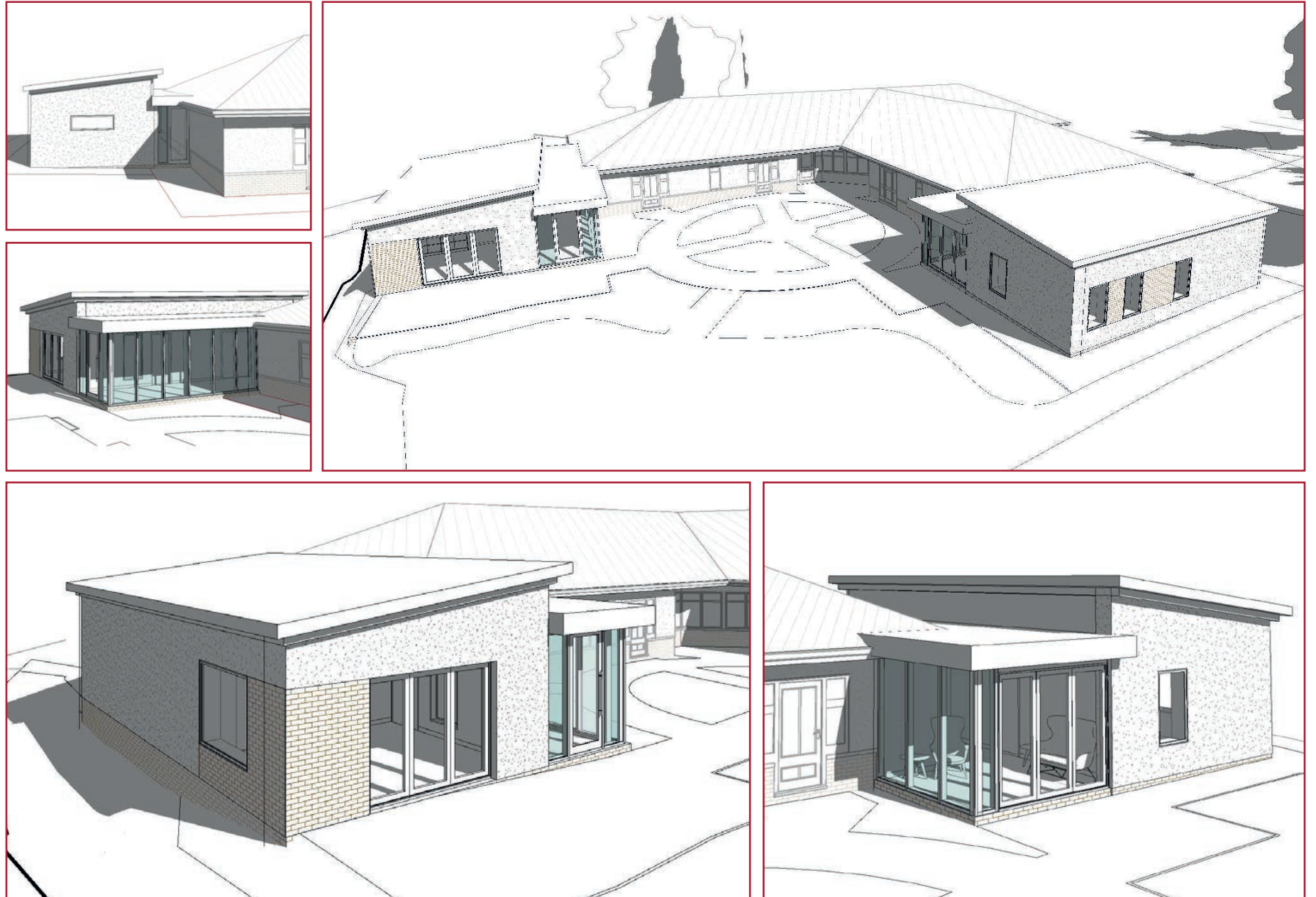
Mono pitch roof to be a vico euroclad or similar, the mono pitch is designed to echo the existing roofline, whilst contrasting by the use of an alternative material. Creating a clear division between living space and activity zones and highlighting the pavilion design.

Bi-fold doors to the main activity room and corridor seating areas.

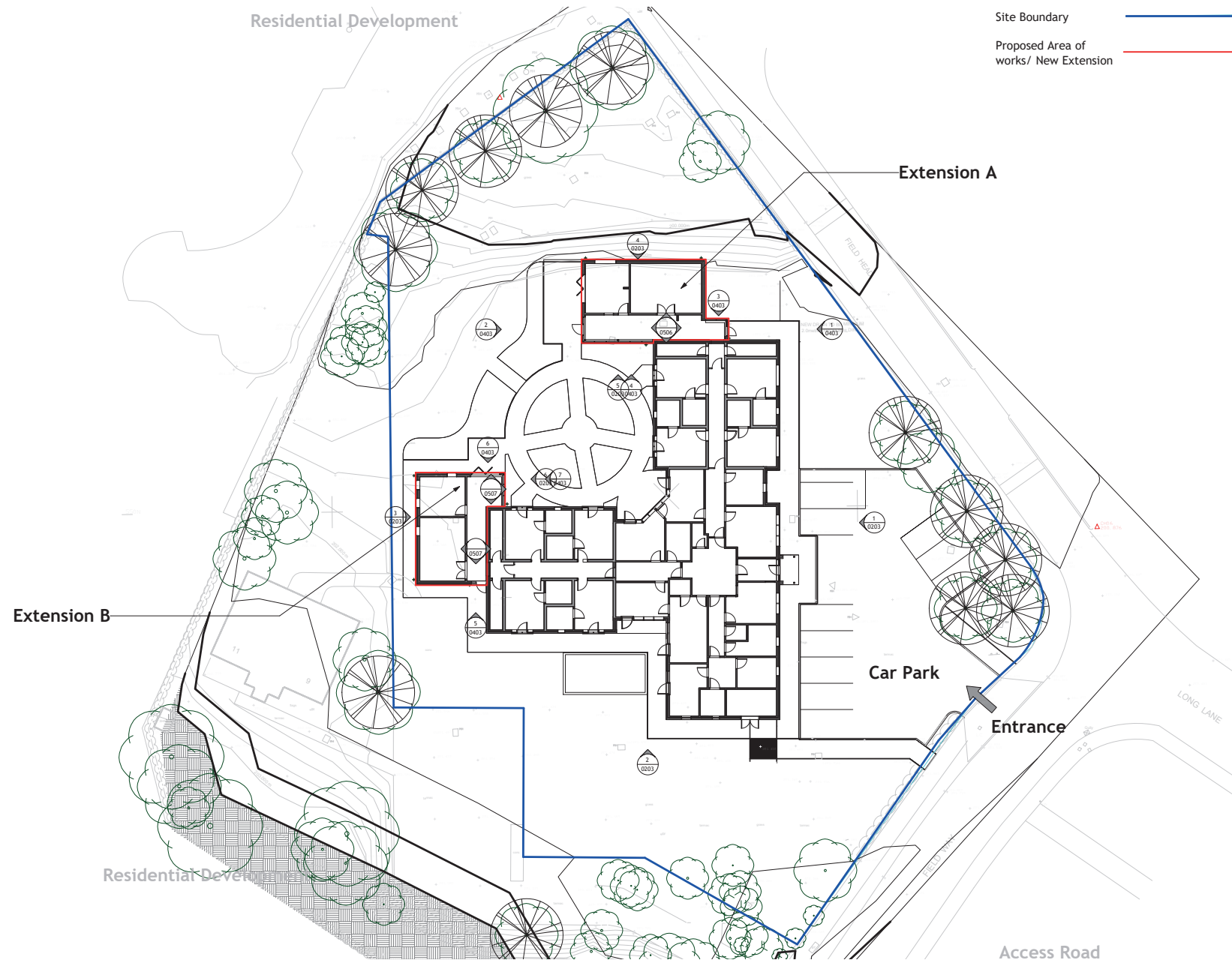
Windows and doors are to be triple glazed aluminum, internally beaded.

All internal doors to be in-line with new specification for fire upgrade works and of an accessible width. DDA lrv colour compliance to be applied.

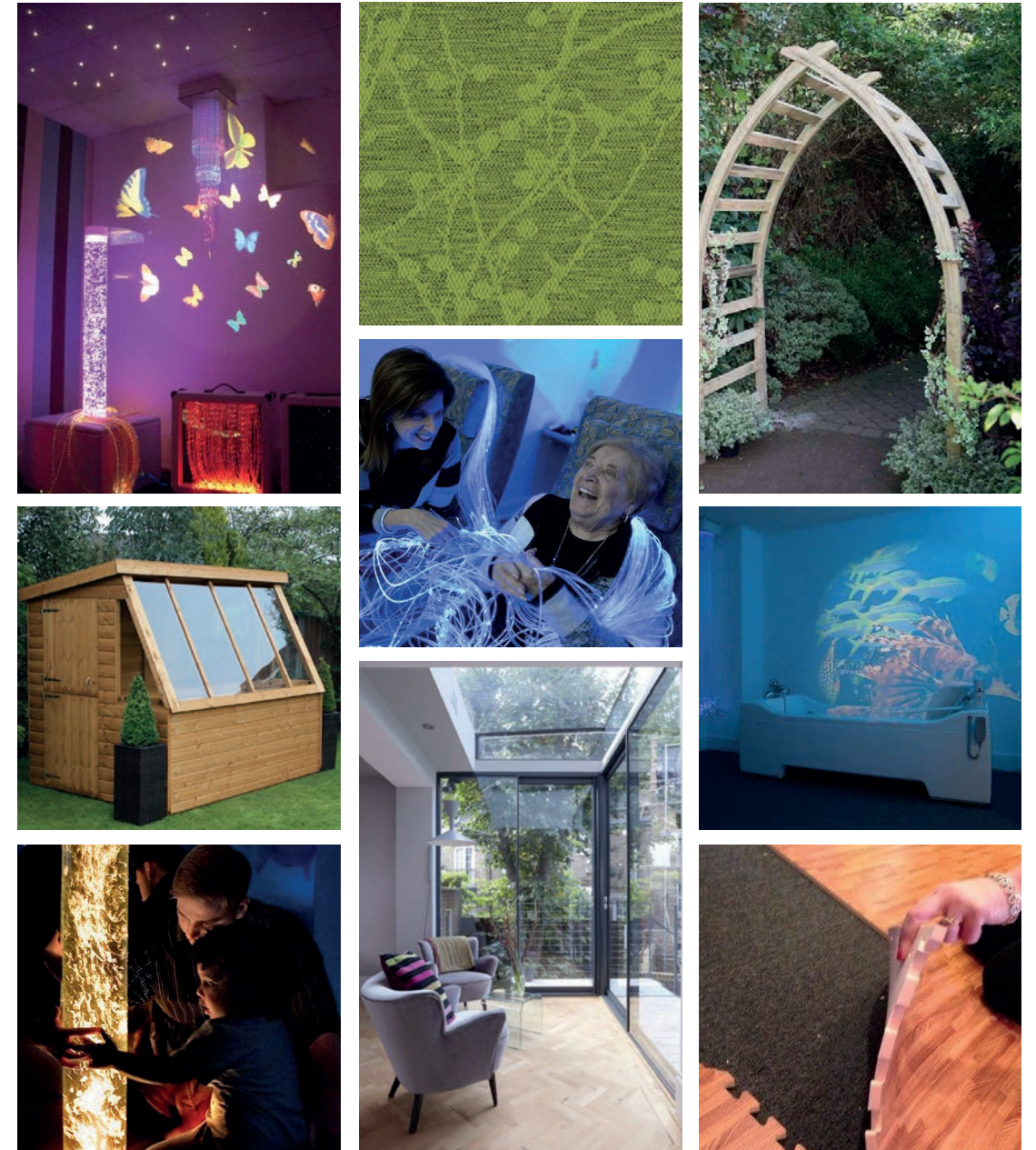
Internal finishes as follows; Durable emulsion paint to all walls. Hygienic wall cladding to bathroom. Sheet vinyl to circulation areas with acoustic underlay, acoustic vinyl to rooms, non-slip vinyl to bathroom with coved skirting & acoustic backing. Painted sw skirtings and architraves throughout.



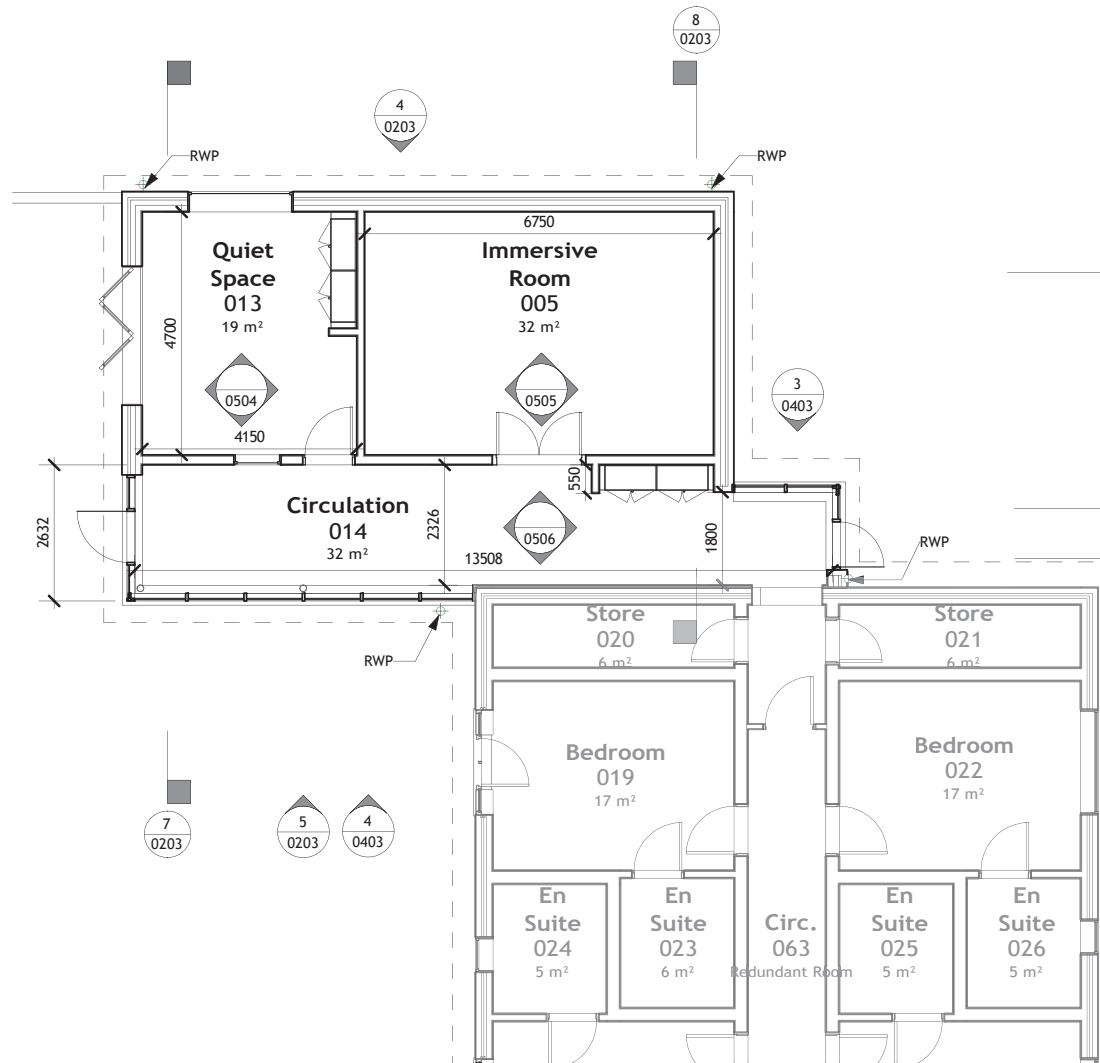
SITE PLAN



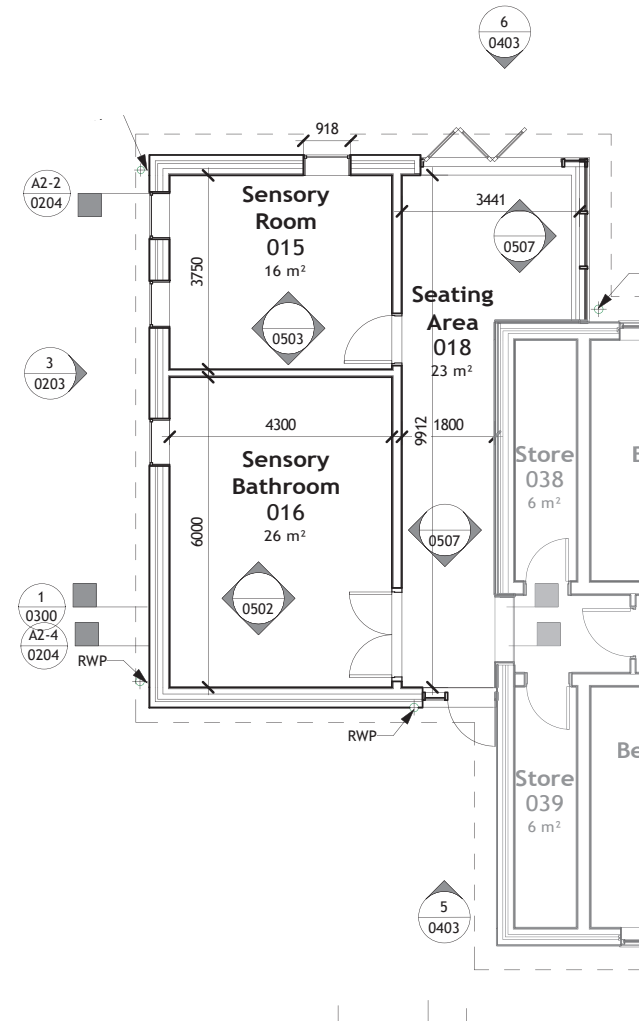
CONTEXT



EXTENSION A



EXTENSION B



PROPOSED SERVICE STRATEGY

Following consultation with the client and establishment management, the following developments and servicing strategy have been proposed.

The extension will share all services with the existing building. As part of the fire strategy a sprinkler system is currently in place, this will be adapted and extended to run through to the new extensions.

All lighting, heating, ventilation, water services and fire safety to KMDC Specification. Lighting design to incorporate sensory controls with RGBW colour changing & dimable settings. Sensory lighting to be installed to both sensory bathroom and sensory room.

Integrated sound system to be fitted in both the sensory bathroom and sensory room. Full Immersive technology package to be fitted.

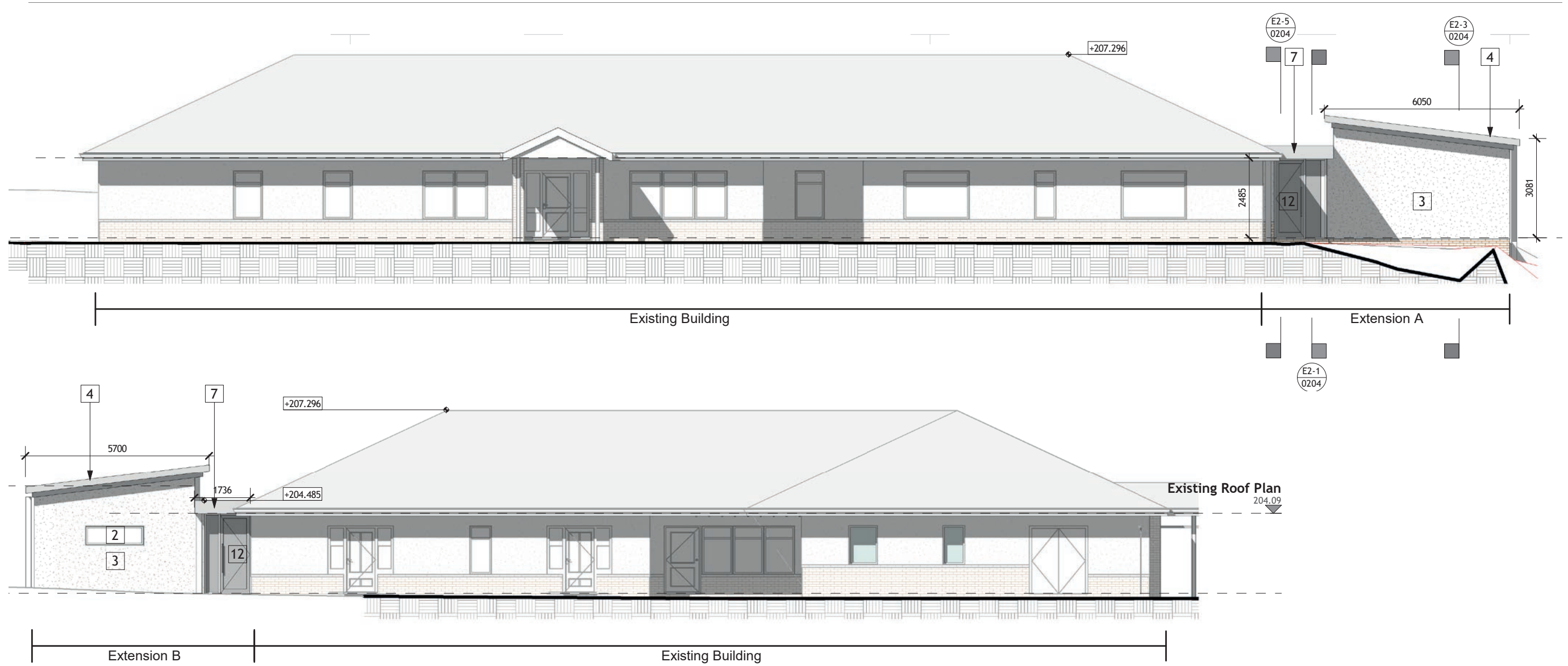
Heating & Hot Water

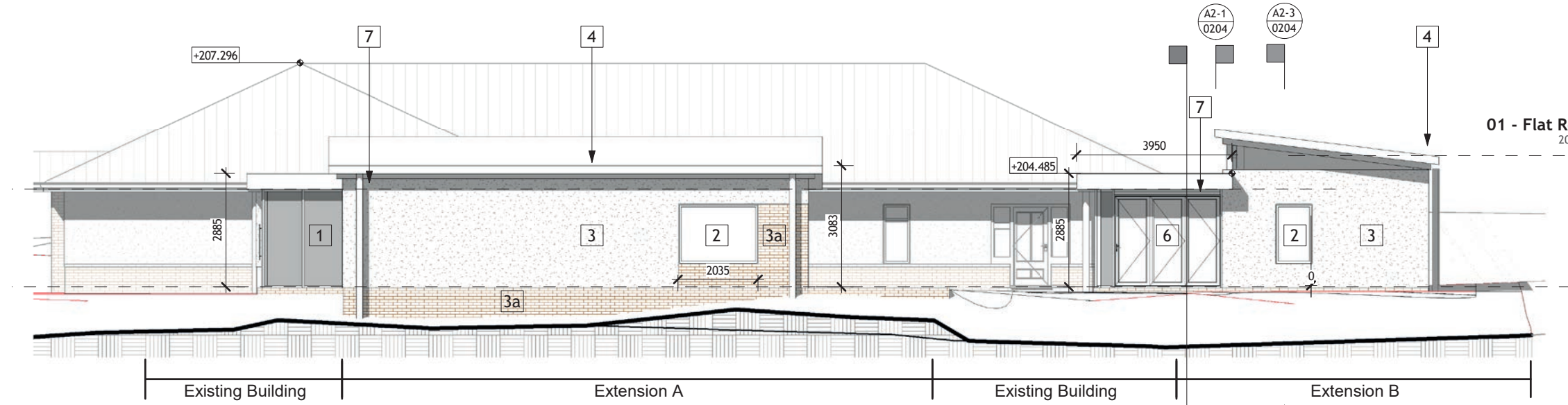
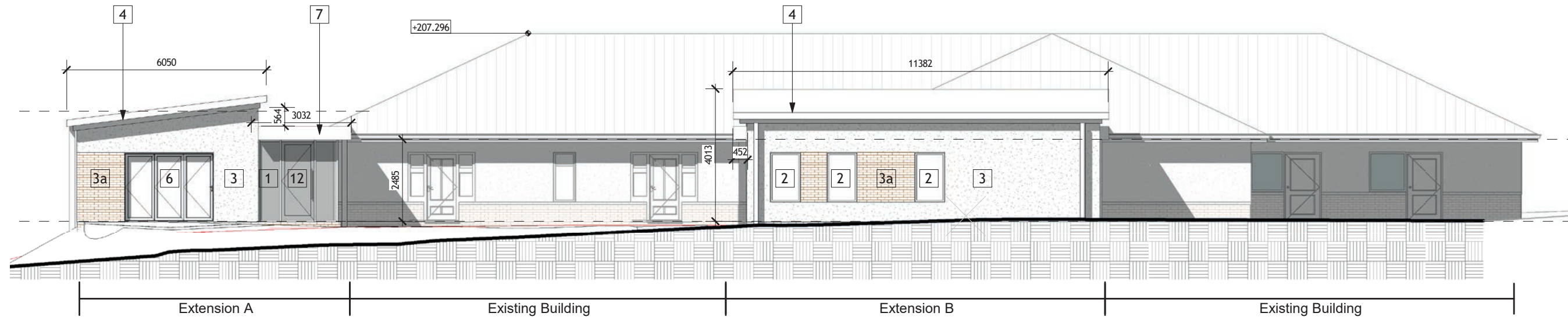
Providing the existing services are of sufficient capacity, the intention is to tap into all existing supplies and install to KMDC Specification.

Ventilation

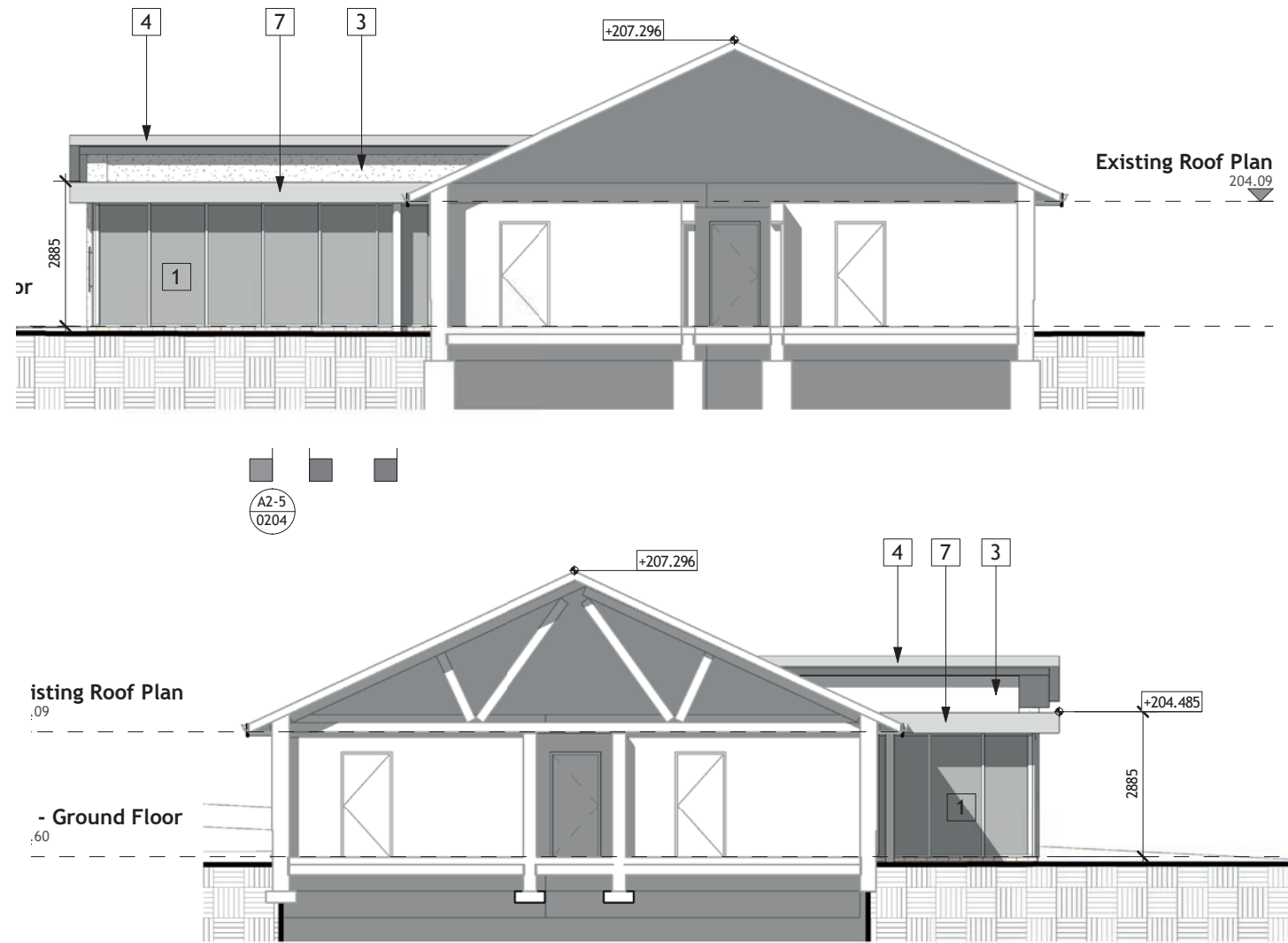
The Sensory Bathroom will be ventilated by a packaged supply and extract fan combined with a heat recovery unit and supply and extract grilles/ ducting. The unit is designed not to be on show and ideally would be mounted above a false ceiling.

Ventilation to Activity rooms & Sensory Room will have natural ventilation through use of opening windows. The immersive room will have no windows but will have an air conditioning unit.





- 1 Glazed curtain wall
- 2 Triple glazed window, frame to match curtain wall
- 3 Brick plinth to FFL, dense concrete block with render finish over, 50mm clear cavity, 65mm partial fill mineral wool insulation, 100mm medium density concrete block work with plasterboard drylining internally
- 3a Finished face in brick work
- 4 Euroclad Vieo
- 5 Glazed double door opening to match windows & curtain wall
- 6 Curtain wall bi-fold door insert
- 7 Bauder Flat roof to be SW joist with firrings and plywood deck to achieve nominal fall. Rigid insulation over with proprietary glass fibre liquid roofing membrane.
- 8 100mm medium density concrete block work with plasterboard dry lining both sides. Durable emulsion paint to all walls. Hygenic wall cladding to bathroom.
- 9 All doors to be in line with new specification for fire upgrade works.
- 10 Spacestor inbuilt fixed storage wall, 1000m w x 400mm d, FFL to FCH.
- 11 Dry line & plaster external wall to become internal wall to circulation space.

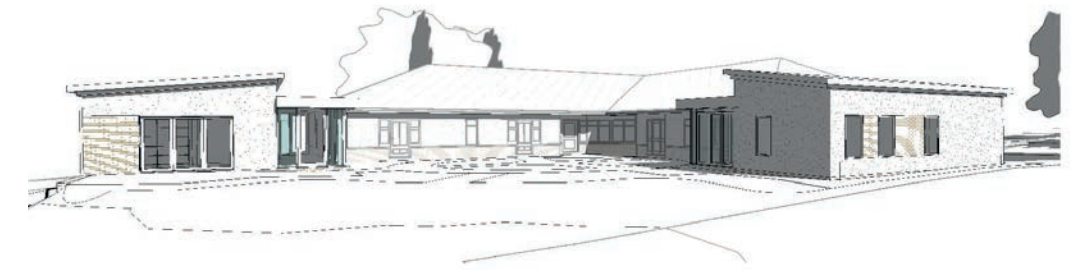


MAINTENANCE

The size, form and proportions of the building, along with the current design philosophy allows safe and efficient access for routine cleaning, inspection & maintenance.

Being single storey, all the external windows are safely accessible, self cleaning glass will be specified where possible.

As well as fitting in with the surroundings, the longevity and durability of materials was and will be a key issue in their selection throughout.



LANDSCAPING

As part of the wider works to improve the quality of experience of the clientele, the new garden will provide an experience to awaken the senses and vital interaction with nature via discovery pathways.

- Rough/ smooth/ furry/ spikey/ silky textured plants will be incorporated to alert the touch sensation such as; Lambs ears & silver sage.

- Edible planting with plants to taste will includes things like; Spearmint, Rosemary, Chives, Nasturtium, Tropaeolum majus, Wild strawberry, Fragaria vesca, Pot marigold, Sweet basil,

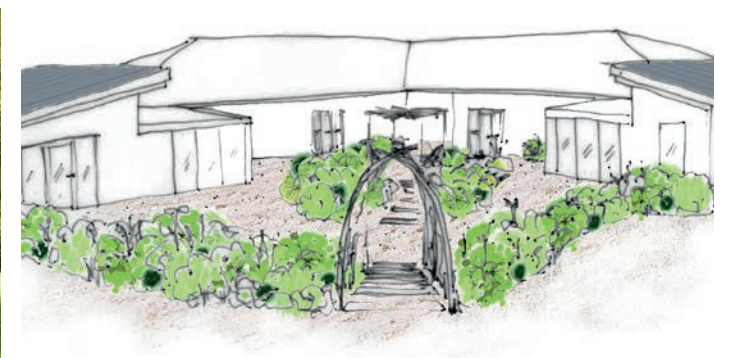
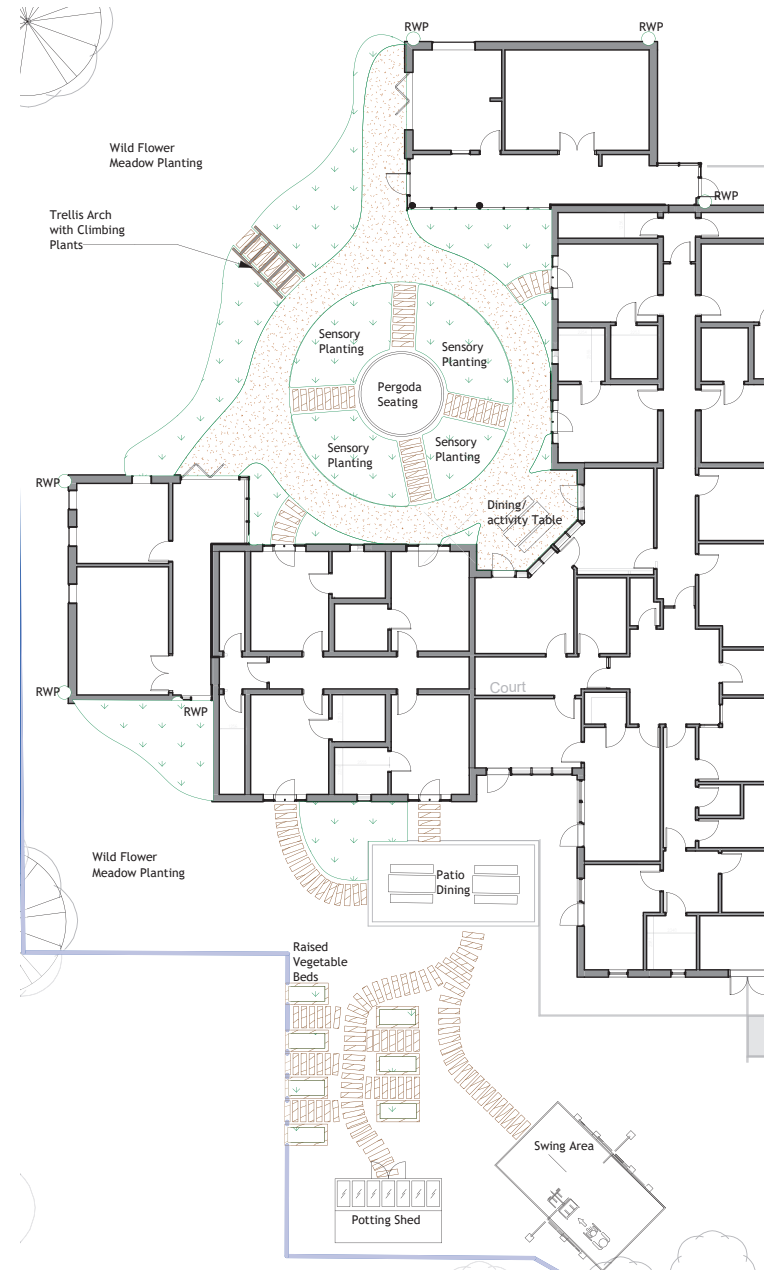
- Aromatic planting such as; Curry plants, Lavender, Chocolate cosmos, Stocks, Lemon scented geranium, Oregano/wild marjoram.

- Vibrant planting displaying colour, shape & form will be used to awake the eyes; sunflowers, dahlias, Chameleon plant, Swiss chard 'Bright Lights'.

- The sounds of the garden will come through in the wind through rustling planting such as grasses & bamboo. Wind chimes, wildlife, and a potential water feature will add to the garden acoustics.

In addition to this a vegetable plot and potting shed are proposed for the garden land outside the kitchen/ outdoor dining space. The vegetable plot will include things such as; carrots, radishes, lettuces, broad beans or peas and will be able to be used in conjunction with kitchen activities.

A positive outcome of the sensory planting will be an increase in wildlife, insects & birds, all of which can be linked to the senses and will encourage interaction with the outdoor space. Boundary edges will be scattered with a wild flower mix to intensify the wildlife, birds & bees in the area.



INCULSIVITY

Cherry Trees provides short stays for adults with learning disabilities and associated support needs. They have a compassionate and skilled staff team who plan bespoke stays based around individual choices and needs.

The building is modern with en-suite bathrooms and overhead tracking to facilitate for a variety of needs. Cherry Trees also have ample gardens for the use of those in stay.

AIMING HIGH

To enhance and further encourage use of the large expanse of garden. The proposed new works will include installation of a new wheelchair accessible swing and standard adjacent swing. Another aspiration to enhance the experience of users, is to install a new accessible potting shed. Both of these additions are to encourage outdoor therapy through activity and healthy produce.

New H-Track systems will be fitted to expand the range/ ease of movement between areas for all.



PEDESTRIAN LINKS

Cherry Trees Court is a single storey building with level access throughout the home & gardens.

There are excellent transport links, both by train & bus, with the addition of the centre having its own mini bus for local excursions & pick ups.

VEHICULAR ACCESS

As mentioned previously there is on site parking available in Cherry Trees private carpark.

There are no plans to increase either staffing levels or client intake, as a result vehicular access should remain as is.

CYCLING

Given the type of facility no specific provision has been made within this development for staff or visitors arriving by bike. However, adequate shower and changing facilities are available and secure cycle storage could be provided elsewhere on site.

EMERGENCY

6/8 bedrooms all have their own means of escape, the 2 rooms without are to escape either via another bedroom or through the main corridor exits.

As part of the extension fire safety works will be carried out across the site addressing all compartmentation. Visual fire alarm beacons

are/ will be installed to all areas as well as at the building boundaries. A disabled person evacuation strategy is in place in conjunction with the fire strategy & councils fire policy.

ENTRANCE

The primary entrance is easily identifiable and maintains level access & thresholds are a clear minimum opening dimension. There is a secure lobby and intercom system before entering the building to maintain a log of entry and privacy.

INT. CIRCULATION

Level access is provided to all areas of the building. Handrails are provided on both sides of the main corridors for additional support. Contrasting architraves, wall & floor finishes will all be incorporated in the redecoration to provide the correct lrv contrast for dementia users.

The space planning/ furniture layouts will create clear circulation routes from the corridors as required.

WC ACCESS

Each bedroom currently has its own full en-suite. In addition to this there is a fully accessible bathroom with WC & hoist.

Following the proposed new extensions, there will be a second fully assisted H-Track WC within the sensory bathroom, fully compliant with 360 degree access standards.



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EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy:
Cherry Trees - Improvement to building as part of capital scheme

Directorate: Adults and Health	Senior Officer responsible for policy/service: Helen Severns, Service Director
Service: Integrated commissioning	Lead Officer responsible for EIA: Julie Uttley
Specific Service Area/Policy: All Age Disability	Date of EIA (Stage 1): 05/11/19

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

Improvements to Cherry Trees in Shepley which is an 8 bedded overnight respite facility for adults with learning disabilities.

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	0	4.2	4.2	0	2	2	No
Environment		4.5	4.5	0	0	0	No

NATURE OF CHANGE

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

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

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

Unpaid carers

What impact is there on Kirklees residents/external service delivery?

Positive

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...		Level of Impact	
		Please select from drop down	
Kirklees Council's internal practices ?		Positive	
Lifestyles of those who live and work in Kirklees?		Positive	
Practices of suppliers to Kirklees council?		Neutral	
Practices of other partners of Kirklees council?		Neutral	
Each of the following environmental themes ? (Please select from the drop down list)			
	People	Partners	Places
...clean air (including Climate Changing Gases)	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
...Clean and plentiful water	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
... Wildlife and habitats	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
...Resilience to harm from environmental hazards	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
... Sustainability and efficiency of use of resources from nature	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
...Beauty, heritage and engagement with the natural environment	Positive Score: 1	Neutral Score: 2	Neutral Score: 2
... Resilience to the effects of climate change	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
...Production, recycling or disposal of waste	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
... Exposure to chemicals	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2

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

Please select YES or NO

Equality Themes

Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?	Yes
...employees?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	No
...Kirklees residents?	No
...service users?	Yes
...any protected characteristic groups?	Yes
Please list your equalities evidence/intelligence here [you can include hyperlinks to files/research/websites]: Improvements to the building will be in line with dementia design standards - see link to University of Stirling website: https://dementia.stir.ac.uk/ . These standards are evidence based and we know that many adults with learning disabilities develop dementia. These standards are inclusive and improve environments for people with sensory loss including eye sight etc.	

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

Environmental Themes

Have you taken any specialist advice linked to your proposal?	Yes
...Kirklees Council practices?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...resident and worker lifestyles?	Yes
...Practices of Supplier to Kirklees Council?	Yes
...Practices of other Kirklees Council partners?	Yes
Please list your environmental evidence/intelligence here [you can include hyperlinks to files/research/websites]: Design and Access Statement forwarded as part of planning application process. Worker lifestyles will be improved due to improved working conditions i.e. improved environment. Residents (service users) lifestyles will be improved by the nature of the improvements i.e. more space for dedicated therapies and sensory activities etc. Contract procedure rules will be followed throughout the scheme. .	

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

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Name of meeting: Cabinet
Date: 14 Jan 2020
Title of report: Reorganisation in Dewsbury West school place planning area – permission to consult

Purpose of report:

The report requests approval to undertake a non-statutory consultation on the potential reorganisation of school places at St John’s CE(VC) Infant School and Westmoor Primary School.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Expenditure exceeds more than £250k and affects more than 1 ward
Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report/Private Appendix –No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Mel Meggs (Jo-Anne Sanders) 3 rd January 2020
Is it also signed off by the Service Director for Finance?	Eamonn Croston 23 rd December 2019
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft (John Chapman) 23 rd December 2019
Cabinet member portfolio	Cllr Carole Pattison – Learning & Aspiration Cllr Viv Kendrick - Children

Electoral wards affected: Dewsbury West

Ward councillors consulted: Yes

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 There is a school led opportunity to reorganise school places in Dewsbury West school planning area resulting in St John's CE(VC) Infant School becoming a 30 place all through primary school over time and complementary changes to the pupil numbers at Westmoor Primary School. This has the opportunity to reduce transition points for pupils and ensure sustainable delivery models for the two schools.
- 1.2 Approval is requested to undertake a non-statutory consultation to seek a wider view of the proposals from key stakeholders including: parents and carers, Governing Bodies, school staff, schools in the local area, ward members, wider community stakeholders and other interested parties.

2. Information required to take a decision

- 2.1 On 26th February 2013 Cabinet agreed to discontinue Knowles Hill Infant and Nursery School and to change the age range of Westmoor Junior School from 7-11 years to 4-11 years (with nursery provision) and physically expand the school from 360 to 480 pupil places, thereby becoming an all through primary school on split sites. Westmoor Primary School has since consolidated onto the original junior school site.

As a result of the above reorganisation, Westmoor Primary School has a Key Stage one PAN (Published Admission Number) of 45 and a Key Stage 2 PAN of 90. St John's CE(VC) Infant School has a Key Stage 1 PAN of 60. A significant proportion of pupils attending St John's CE(VC) Infant School move to Westmoor Primary School for their Key Stage 2 education. This is supported by linked infant and junior school arrangements for admissions purposes.

Taking account of these two schools only there is an existing mismatch of 15 places between Key Stage 1 and Key Stage 2 (see illustrations below)

- 2.2 The Governing Body of St John's CE(VC) Infant School has for some time had the aspiration to become an all-through primary school. The school feels this would have great benefits for their sustainability, as well as educationally, by enabling them to support children and families through the entire primary phase, rather than only for the 3 years at present. Following a series of collaborative discussions, between the governing bodies, school leaders', Church of England Diocese of Leeds and the LA, and an exploration in outline of what is technically possible to support the best educational outcomes for children, the following proposals have been shaped.

St John's CE(VC) Infant School to become an all through primary school with a PAN of 30 and Westmoor Primary School to make complementary changes where it's Key Stage 1 PAN would be 60 and its Key Stage 2 PAN would be 90.

Illustration of the proposals:

Current arrangements	Key stage 1 places	Key stage 2 places
St.Johns CE(VC) Infant School	60	-
Westmoor Primary School	45	90
Total	105	90

Proposed arrangements	Key stage 1 place	Key stage 2 places
St.Johns CE(VC) Infant School	30 (-30)	30 (+30)
Westmoor Primary School	60 (+15)	90
	90	120

The proposals would result in a reduction of 15 Key Stage 1 places and a gain of 30 Key Stage 2 places. Taking account of these two schools in isolation the proposals would result in a mismatch of 30 places between Key Stage 1 and Key Stage 2

- 2.3 The basic need for school places are not planned at a school level, they are planned in local areas agreed with the Department for Education. The illustration below shows the impact of the proposal at Dewsbury West school place planning area level:

Dewsbury West planning area	Key stage 1 place	Key stage 2 places	Mismatch KS1 to KS2
Current	435	413	-22
Future	420 (-15)	443 (+30)	+23

This demonstrates a similar scale of mismatch to that which already exists but a reversed situation where more Key Stage 1 places switches to more Key Stage 2 places.

A mismatch between Key Stage 1 and Key Stage 2 places also exists in the neighbouring school place planning area of Dewsbury South as illustrated below:

Wider planning areas	Key stage 1 place	Key stage 2 places	Mismatch KS1 to KS2
Dewsbury South planning area	301	252	-49
Combined Dewsbury West and South	721	695	-26

Taking the school planning areas together, the proposals would reduce the existing mismatch by 23, resulting in a combined difference of 26 less Key Stage 2 places.

- 2.4 Currently, there is no basic need evidence to drive the creation of additional places in either planning area. Significant house building is expected from the Dewsbury Riverside strategic development in the future which is likely to change this position. The first pressure from this housing development is likely to be experienced for Key Stage 2 places and this proposal could help delay the timing of this pressure.
- 2.5 Generally, the council has been supportive of opportunities to explore options for reducing transition points and has worked with school leaders, governing bodies and, where applicable, the Church of England Diocese of Leeds to establish all-through primary schools. The establishment of all-through primary schools is intended to improve the educational standards attained by children through better and more flexible management of learning, without a change of school at age 7. Single all-through institutions can establish longer term relationships with pupils and families, provide more opportunities for staff development and better manage resources to support learning and smooth transition to each stage of learning.

The sustainability of schools is an important factor in any school re-organisation proposals. The views of Westmoor Primary School and St John's CE(VC) Infant School about sustainable models have helped form these proposals. It is important that the views of other local schools are considered in a consultation phase.

There are no proposals to change priority admission areas at this time although there would be an opportunity for stakeholders to express their views on this matter through a consultation process.

If the proposals were to be approved they would need to be introduced over a period of years as children move through the schools. Further details illustrating the phasing will be provided in consultation documents should approval to consult be granted.

2.6 The statutory process required to make the proposed changes

Whilst the proposals are not made in isolation there are different processes for each. The Department for Education guidance 'Making significant changes (prescribed alterations) to maintained schools', October 2018 states:

If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration.

This means the proposals to change the PAN at Westmoor Primary School and St John's CE(VC) Infant School do not require a statutory process. The Council is the admission authority for both schools and such changes must be made in accordance with the Schools Admission Code.

A statutory process is however required for the proposed change of age range at St John's CE(VC) Infant School.

The table below is extracted from the 'Making significant changes (prescribed alterations) to maintained schools' guidance and illustrates the decisions required, who is able to propose and who the decision maker is:

St John's CE(VC) infant school				
Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

In this case the governing body of St John's CE(VC) Infant School are the proposer as a Voluntary Controlled school and the Council is the decision maker. As a school designated as having a religious character St John's CE(VC) Infant School must seek approval to make such a proposal from the Leeds Diocesan Board of Education.

Whilst the Council is the decision maker for all the outlined proposals, an application will be required to the Office of the School Adjudicator if the proposed changes to PAN are to be implemented from 2021/22. This is because the admission arrangements for 2021/22 will already have been consulted upon and determined by the time the associated statutory process commences.

2.7 The four stage statutory process set out below.

- Publication
- Representation (statutory consultation)
- Decision
- Implementation

The new regulations removed the statutory requirement to carry out a 'pre-publication' consultation for altering voluntary controlled schools, however the LA proposes to carry out a 4 week non-statutory consultation on the proposals with interested stakeholders. This would provide any opportunity for stakeholders to review the proposals and comment on them.

'Although there is no longer a statutory "pre-publication" consultation period for prescribed alteration changes there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal prior to publication, to take into account all relevant considerations.'

Making significant changes "prescribed alterations" to maintained Schools, Statutory guidance for proposers and decision-makers (October 2018)

The purpose of this report is to seek Kirklees Council Cabinet approval to undertake a 4 week period of non-statutory consultation from January 2020.

To seek the views of stakeholders on the following:

- St John's CE(VC) Infant School to reduce its PAN from 60 to 30
- St John's CE(VC) Infant School to increase its upper age range from 4-7 to 4-11 years old
- Westmoor Primary School to increase its KS1 PAN from 45 to 60

3. Implications for the Council

3.1 Working with People

The LA intends to undertake a four-week non-statutory consultation to ensure that a wide range of stakeholders can express their views. LA officers would work closely with families and with staff ensuring they are aware of the proposals at the earliest opportunity and advising how they could participate in the consultation process.

3.2 Working with Partners

The Diocese of Leeds Board of Education welcomes and supports the collaborative way in which the proposals have been developed between St John's CE(VC) Infant School, Kirklees Council and the Diocese. Members look forward to continuing to secure the best progress and outcomes for pupils of the new all through 4-11 primary school.

3.3 Place Based Working

The planning of school places is based upon local clusters of schools. Local evidence and local views inform decision making.

3.4 Climate change & Air Quality

N/A

3.5 Improving outcomes for children

This proposal is intended to improve the outcomes for children. By taking a strategic approach Kirklees Council wants to ensure that all schools in Dewsbury West will

- Offer high quality education standard and diversity of provision to all
- Provide a full, broad curriculum
- Be financially viable and therefore have future security
- Promoting equality of opportunity
- Strengthen community cohesion
- Use sustainable travel and transport for school

3.6 Other (eg Legal/Financial or Human Resources)

Human Resources Implications

There are likely to be Human Resource implications resulting from these proposals. Kirklees HR officers will provide technical advice and support any processes where required.

Legal

There are no legal matters arising from this proposal.

Financial

Whilst generally supportive of opportunities to reduce pupil transition points the council does not hold specific budgets to provide financial assistance for proposals of this nature. Any re-organisation costs will be the responsibility of the individual schools. There are therefore no significant financial implications for the council other than the use of existing school re-organisations resources to provide technical support with the statutory and decision making processes.

The Dedicated Schools Grant schools funding formula is responsible for directly funding the two schools for the changing pattern of pupil numbers implied by this proposal.

Equality Impact Assessment (EIA)

An initial Integrated Impact Assessment has been undertaken, this looks at that the nine protected characteristics groups under the Equality Act 2010 and additional diversity characteristics, such as low income and Environmental Impact. The assessment shows that there would be no Environment impact due to the reorganisation of the schools. This proposal is intended to have a long term positive impact for local families and the educational outcomes of their children. The Integrated Impact Assessment can be found by following the link below;

<https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments.aspx>

Then select 2019/20 and 'Children' The stage 1 report is named '2020.01.06 Potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School'

The stage 2 report is named '2020.01.06 Potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School'

4. Consultees and their opinions

- 4.1 The specific proposals have been shaped by the governing bodies and school leaders in the schools working together with the LA. The Leeds Diocesan Board of Education and its officers have had regular discussions with St John's CE(VC) Infant School and officers of Kirklees Council about the proposals.
- 4.2 It is intended to carry out a full consultation about the proposals involving all key stakeholders including parents and carers, Governing Bodies, school staff, schools in the local area, ward members, wider community stakeholders and other interested parties. The responses received as part of this consultation would be reported to members to inform a decision on the next steps.

5. Next steps and timelines

It is intended to carry out a 4-week non-statutory consultation as described above and present an outcomes report for consideration by Kirklees Cabinet.

6. Officer recommendations and reasons

For Kirklees Cabinet to approve a 4-week non-statutory consultation.

Subject to decisions made by Cabinet, note an indicative timeline for the next stages of the statutory process set out below:

Activity	Date * <i>These dates are indicative and may change; they are also subject to Cabinet approval.</i>
Consultation and engagement (non-statutory)	22 Jan 2020 till 21 Feb 2020
Report back to cabinet on the non-statutory consultation and seeking cabinet approval to move to next stage	24 March 2020*
Publication of Statutory notices and proposals and period of representation (formal consultation on statutory proposals)	20 April 2020 till 17 May 2020*
Kirklees Council Cabinet take a final decision regarding the proposals	16 June 2020*
Application to the schools Adjudicator for PAN variation for 2021/22	23 June 2020*
Implementation would begin	1st September 2021*

7. **Cabinet Portfolio Holders recommendations**

The Cabinet Portfolio Holders support LA officers to carry out a 4-week non-statutory consultation involving all key stakeholders to seek wider views on the proposals for careful consideration by Kirklees Cabinet.

8. **Contact officer**

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

Cabinet Report 26th February 2013 - Report on the related proposals to discontinue Knowles Hill Infant and Nursery School and to change the age range of Westmoor Junior School from 7-11 years to 4 to 11 years (with nursery provision) and physically expand the school from 360 to 480 pupil places, thereby becoming an all through primary school.

Cabinet Report 17th July 2012 - Report in relation to proposals affecting Knowles Hill Infant and Nursery School and Westmoor Junior School

10. Service Director responsible

Jo-Anne Sanders

Director for Learning and Early Support

Civic Centre 3

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Name of meeting: Cabinet
Date: 14 January 2020
Title of report: Report seeking approval for Kirklees' School Funding arrangements for financial year 2020-21

Purpose of the Report

- To recommend to Kirklees Cabinet the outline of the Kirklees schools funding formula for 2020-21 in terms of:
 - a. Specific funding factors to be used and the relative weightings and values of the funding factors.
 - b. Exceptions applications to the Education & Skills Funding Agency (ESFA) and approvals given.
 - c. Central budget provision within the Dedicated Schools Grant Schools Block of funding, the Central School Services Block and the Early Years Block.
 - d. De-delegation arrangements for mainstream maintained schools
- To request that the Cabinet approve the outline details of the Kirklees school funding formula for 2020-21 to be submitted to the Education & Skills Funding Agency (ESFA) by the set deadline of 21st January 2020.

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 schools funding distribution affects all schools in every ward in Kirklees
Key decision - is it in the Council's Forward Plan (key decisions and private reports)?	Yes Private report/appendix: No
The decision - is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Strategic Director & name	Mel Meggs (Jo-Anne Sanders) – 3 rd January 2020
Is it also signed off by the Service Director for Finance, IT & Transactional Services?	Eamonn Croston – 3 rd January 2020
Is it also signed off by the Service Director – Legal, Governance & Commissioning Support?	Julie Muscroft (John Chapman) 3 rd January 2020
Cabinet member portfolio • Children's Services	Cllr Carole Pattison Cllr Viv Kendrick

Electoral [wards](#) affected: All Wards

Ward councillors consulted: None

Public or private: Public

GDPR: There is no personal data contained within this report.

1. Summary

This report sets out the arrangements that have been consulted upon for the funding of local schools and academies for the funding year 2020-21. The main elements which require Cabinet approval are: -

- The specific funding factors to be used and the relative weightings and values of the funding factors.
- To note any exceptions applications to the Education & Skills Funding Agency (ESFA) and approvals given.
- Central budget provision within the Dedicated Schools Grant Schools Block of funding, the Central School Services Block and the Early Years Block.
- De-delegation arrangements for mainstream maintained schools

2. Information required to take a decision

A. Background

i) Dedicated Schools Grant

Dedicated Schools Grant (DSG) is the funding that is provided to Councils to fund statutory school age education (4-16 year olds). DSG funding is also provided in respect of children and young adults from birth to age 25 having Special Education Needs & Disability (SEND). The DSG also provides funding for free early education and childcare provision for 3 and 4 year-olds and for disadvantaged 2 year olds. Councils are also allocated DSG funds to pay for some of the statutory and regulatory duties they have for all pupils educated within the borough.

All four funding blocks within the Dedicated Schools Grant – Schools, High Needs, Early Years and Central School Services – are now largely determined by National Funding Formula (NFF) calculations. With the exception of Early Years funding, the NFF outcomes are each being phased in over different timescales.

ii) Schools Forum and Council responsibilities for DSG

Every local authority is required to have a Schools Forum to act as the main consultative group on revenue funding issues affecting local schools and related providers. The Schools Forums (England) Regulations determine the role, powers and responsibilities of the Forum. The local authority proposes and decides upon the shape and effect of school funding arrangements on an annual basis but must consult with the Schools Forum about changes to be made. There is also a requirement to consult annually with the Forum on both High Needs and Early Years funding arrangements.

The Schools Forum also has some decision-making powers enshrined by regulation. The local authority makes an annual proposal, ahead of the new financial year, setting out the central expenditures it plans to make from the Schools Block, the Early Years Block and the Central Schools Services Block. (Central expenditure from the High Needs Block is formally a Council decision – the Forum is not required to be consulted but it is good practice to keep them regularly informed of developments). The Forum then decides, through consultation with constituent groups, whether to accept, amend or reject proposals. Similarly, the local authority makes an annual proposal to the Forum, for the schools it maintains, to de-delegate funding from maintained mainstream primary and secondary schools to operate a number of central budget arrangements. The maintained primary and secondary representatives to the Forum decide on the

arrangements that will apply for their phase (having consulted their constituencies). In cases where the LA and the Forum cannot reach an agreement on central retention and de-delegation issues the Secretary of State for Education would adjudicate.

iii) Formal submissions to the Education & Skills Funding Agency

Exceptions requests for permission to make minor variations to the operation of the schools funding formula were made before the ESFA deadline of 28th November 2019 (see Section 2C below for more details).

The structure of the local 2020-21 schools funding arrangements and factor values used are required to be submitted to the ESFA by 21st January 2020, based upon a dataset provided by the ESFA which is derived largely from October 2019 pupil census information. The return to the ESFA is required to show that political approval has been or will be secured for the funding allocations reported.

iv) Schools revenue funding issues for 2020-21 discussed with Schools Forum and constituent groups are...

- The changes made to the National Funding Formula for schools for 2020-21
- The minimum per pupil funding increase of 1.84% compared to 2019-20 per pupil baselines for individual schools
- Exceptions applications to the Education & Skills Funding Agency to make variations to how the formula operates at three Kirklees schools
- Central budget provision within the Dedicated Schools Grant funding blocks
- De-delegation arrangements for mainstream maintained schools
- High Needs Block funding
- Early Years Block funding

These topics are covered in more detail in sections B to H below, with the Forum's recommendations to Cabinet shown at section I below.

B. Movement towards National Funding Formula in the 'soft' NFF years of 2018-19 to 2020-21

- i) The National Funding Formula for Schools began to influence Dedicated Schools Grant Schools Block funding allocations with effect from financial year 2018-19. The NFF formula factors and common values have been used to determine DSG Schools Block allocations for local authorities in England since 2018-19. Financial years 2018-19 and 2019-20 were described by the Education & Skills Funding Agency (ESFA) as 'soft' NFF years – the NFF would calculate the overall allocation to Councils but how that funding was to then be distributed amongst local schools and academies remained a matter for local consultation and decision. This 'soft' NFF period was subsequently extended for another year, 2020-21. [The 'hard' National Funding Formula, where local decision-making over the funding distribution largely ceases, is currently expected to start in April 2021].
- ii) The government also decided upon a gentle implementation of the redistributive effects of the National Funding Formula calculation. Whilst those local authorities and their schools gaining from the change to the NFF are being allowed to benefit from significant increases to their funding levels, this has not so far been at the expense of those areas of the country where the NFF would deliver a lower level of funding than before. Instead,

minimum cash floor increases have applied in the last two funding years to ensure that all schools received at least a 0.5% increase in funding per pupil in both years compared to their 2017-18 per pupil baseline funding level. In 2019-20 this protection led to Kirklees Council receiving a Schools Block funding settlement which was significantly higher (£14.4m) than the figure determined by the pure application of the NFF calculation. For 2020-21 NFF factor values increase by an average of 4% in comparison to 2019-20 and this should see the amount of cash protection for local schools reduce significantly. A brake on this reduction is the requirement to pass on a minimum 1.84% funding increase per pupil in comparison to the 2019-20 per pupil baselines built into the 2020-21 NFF figures.

- iii) Following a period of detailed consultation with schools on how, whether and to what extent to move to the National Funding Formula factors and values, it was decided to fully adopt the NFF in Kirklees with effect from 2018-19. Making this move, it was felt, would make transparent the level of any temporary cash protection included within the Budget Share allocation to each school and would help schools to consider what the potential implications of a hard NFF allocation could eventually mean for them. [It should be acknowledged that a growing number of Kirklees schools are now receiving an increase in their funding level from the move to the NFF in comparison to previous allocations and are therefore not in receipt of temporary cash protection].
- iv) Having taken the decision to adopt the National Funding Formula factors and values from 2018-19, the Council will once again use the declared NFF factor values in distributing budget shares to schools for funding year 2020-21. There are some changes to note though -
 - The minimum per pupil funding checks within the formula will increase in 2020-21 to £3,750 (from £3,500 in 2019-20) for primary schools and to £5,000 (from £4,800) for secondary schools and they become a compulsory factor for local authorities to employ. [Kirklees has operated the minimum funding per pupil checks since 2018-19].
 - Funding factor values for 2020-21 will rise by an average of 4% in comparison to 2019-20 values. The only real exception to this is the factor that funds current numbers of children entitled to free school meals. This factor is intended to provide the school with funding to pay their meals provider for the “free” meals allocated during the year so only a basic inflationary rise of £10 (2.27%) has been added to this factor for 2020-21.
 - 2020-21 also sees the introduction of a formula-based Pupil Mobility factor. Pupil mobility, or pupil “churn” as it is sometimes referred to, is measured by the number of children at a school who are recorded as having an admission date other than a normal September start date. The factor acknowledges the additional difficulties and costs associated with significant numbers of children leaving and starting during the year. For a school to start to accumulate pupil mobility funding it must have more than 6% of pupils at the last census point having a start date at the school other than September. Those children above the 6% threshold will each attract £875 if primary-age and £1,250 if secondary-age.

[Please see Annex A for a comparison of how the funding factors and values have changed over the three year period starting from 2018-19]

C. Exceptions applications to the Education & Skills Funding Agency:

i) Adjustment to remove secondary pupils from Almondbury Community School with effect from 31/8/20

A disapplication request has to be submitted to request permission to make a downwards adjustment to the number on roll figure of any school to be used in the funding formula. The age range of Almondbury Community School is to alter with effect from 1st September 2020 to remove the Secondary provision. A disapplication request has been submitted to request permission to remove any secondary-age pupils from the School's funding allocation beyond 31st August 2020. Work has been undertaken with the parents and pupils affected to track their preferred school of choice for September 2020. The schools that will be admitting the Almondbury pupils will be King James's, Netherhall Learning Campus High School and Newsome High School. These schools' numbers on roll for the funding formula will be increased from September 2020 to reflect the indicated transfers in of pupils from Almondbury Community School.

ii) Adjustment to the Minimum Funding Guarantee (MFG) calculation to prevent an anomalous outcome

The Luck Lane primary provision which is part of the all-through Royds Hall Community School continues to grow by one year group each academic year. In 2019/20, the primary provision progressed through into Year 5 for the first time. In 2020-21 additional funding will need to be factored in for pupils reaching Year 6 from September 2020. The standard Minimum Funding Guarantee calculation views the all through school as a secondary provision and would act to protect additional primary pupils at the higher secondary school funding rate. An exceptions application was submitted to ensure that the effect of the additional primary pupils is taken account of in the calculation at the appropriate primary-age funding rate.

The Education & Skills Funding Agency responded on 28th November 2019 to signal their intention to approve both the above requests.

iii) Adjustment to the Minimum Funding Guarantee baseline to address an historic element of overfunding

A third disapplication request has been submitted in connection with the ongoing process of removing an identified element of over-funding at a maintained primary school. Ashbrow School was formed from the technical closure of Ashbrow Junior School and the expansion of the age range of Ashbrow Infant & Nursery School to then admit the displaced pupils of the Junior School. The amalgamation took place at September 2012. This was before the ESFA introduced a mechanism to transition to a single school lump sum payment in cases of a school amalgamation. This has meant that the school's baseline funding effectively continued to include the effect of two lump sum payments ever since and this over-stated position has been made worse by growth in the School's roll number from 261 pupils in 2012 to 403 pupils in 2019.

The Schools Forum requested last year that further investigation of Ashbrow School's funding level be undertaken, given the School's exceptional level of accumulated reserves. As a result of that investigation and subsequent discussions with the head teacher and chair of governors of the school, a disapplication request was submitted last year seeking permission to amend the School's funding baseline starting from 2019-20. To give the school time to adjust its expenditure plans it was proposed to adjust the baseline to produce a funding outcome which, as a first step, removed in 2019-20 one quarter (approx. £64,000) of the identified element of overfunding. The disapplication request for 2020-21 seeks permission to make a similar reduction to the School's funding as the second step in the process of returning the School's funding to a more customary level.

At the time of writing this report the Education & Skills Funding Agency have yet to indicate a decision on this particular disapplication request.

D. Central budget provision within the Dedicated Schools Grant funding blocks (see Annex B)

- i) The **Central School Services Block** within the DSG allocates funding to Councils for a range of statutory and regulatory duties relating to all pupils within the authority no matter what type of school they attend. Although this funding comes directly to the Council, Schools Forum has the responsibility for making an annual decision about the budget provision in response to local authority proposals.
- ii) The only retained central funding **within the DSG Schools Block** is related to (pre-16) pupil growth. Local authorities can propose to operate both a **Pupil Growth Fund** and a **Falling Rolls Fund** and can also propose to retain funding to deal with the consequences of pupil growth. The Schools Block settlement includes a formula-based assessment of growth funding for each local authority. The Forum again has an annual decision to make about the operation of these funding elements and the level of funding set aside for them. The Pupil Growth Fund meets pre-opening costs for new schools opened in response to a basic need for places; supports schools experiencing a mid-year growth in pupil numbers that is of sufficient scale to trigger a new class arrangement and the Fund can also support primary schools struggling to meet the requirements of the KS1 class size regulation. Growth Fund support is only ever given where a school cannot afford to meet the costs concerned from its own resources. [The Forum last year agreed to discontinue the operation of a Falling Rolls Fund].
- iii) Central budget provision can also be retained within the **Early Years funding block** up to a maximum of 5% of the Early Years block total. Kirklees' level of retention is well below this at around 2.5%. The majority of the retained amount funds the Free Early Education & Childcare Sufficiency and the Early Years Outcomes teams who ensure that the right funding reaches schools and other providers, contribute to sufficiency place planning and to supporting the attainment of good standards among providers.
- iv) Decisions about central spend within the **High Needs funding block** rest with the local authority. The Schools Forum has no formal role in that process.

- v) The detail of Central School Services Block budgets and growth provision within the Schools funding block were agreed with Schools Forum, at their meeting on 13th December 2019. Central retention within the Early Years Block budget for 2020-21 will be the subject of consultation with all providers over the next few weeks and is scheduled for consideration at the Forum meeting on 7th February 2020. [Please refer to Annex B below for details of the retained budgets].

E. De-delegation arrangements for mainstream maintained schools (see Annex C)

- i) Annual proposals on de-delegation are made by the local authority to maintained primary and secondary schools. The ESFA only permits de-delegation against a number of specified headings. The maintained primary and secondary Schools Forum representatives formally decide on de-delegation issues on behalf of their phase.
- ii) The de-delegated budget arrangements proposed for 2020-21 are: -
- Schools contingency
 - Free school meals eligibility checks
 - Maternity, paternity and adoptive leave costs
 - Trade union facilities time *
 - Public duties
 - International new arrivals service *
 - School Improvement Commissioning *

[* Schools Forum receives additional, regular monitoring reports in prioritised areas].

- iii) De-delegation arrangements for 2020-21 for the primary sector were agreed with the maintained primary school representatives to Schools Forum at their meeting on 13th December 2019. The secondary position will be considered at the next Schools Forum meeting on 10th January 2020. [Please refer to Annex C below for details of 2020-21 de-delegation deductions].

F. High Needs Block Funding 2020-21

- i) With the introduction of the new national funding formula for High Needs, Kirklees' original outcome showed a projected funding increase by nearly 22%, equating to an eventual gain of £7m. To this point the increase has been feeding through at a maximum annual gain of 3% (roughly £1m per annum). The pace of the gain in funding has not been helpful given the mounting pressures within Kirklees' High Needs account. If the new High Needs national funding formula provides an objective measure of the local need to spend then the projected funding increase was urgently needed. It should also be noted that approximately half of the High Needs NFF funding method uses the historic level of high needs funding to each local authority. A pure High Needs NFF allocation would see Kirklees receive a much larger funding increase.

- ii) Most local authorities are experiencing significant financial pressure within their High Needs account. The situation has now been acknowledged by the ESFA with a revised higher level of funding resources to be delivered to local authorities via the High Needs NFF in 2020-21. The original trajectory towards a £7m increase has now been overtaken by a settlement for 2020-21 which will deliver a £6.1m increase to Kirklees' High Needs funding block in comparison to 2019-20. The eventual NFF outcome for Kirklees under the High Needs funding formula is now indicated to be a further £5.7m rise beyond the level of funding provided for next financial year. However, this amount has still to be formally confirmed and there is no indication as to how quickly the money would be released.

G. Early Years Block Funding 2020-21

Early Years Funding: 3-4 year olds:

- i) All 3 and 4 year olds are eligible for 15 hours per week of free early education for a maximum of three school terms. This is a universal entitlement for all children. A new entitlement to '30 hours of childcare' was introduced in September 2017. This is an additional 15 hours of free childcare for children that are eligible. The additional 15 hours is available subject to application (to HM Revenue and Customs) to families where both parents are working (or the sole parent is working in a lone parent family), and each parent earns, on average, a weekly minimum equivalent to 16 hours at national minimum wage or national living wage and less than £100,000 per year.
- ii) The hourly rate used in the Early Years National Funding Formula calculation for 2020-21 is £4.38, an increase of £0.08 from the 2019-20 funding rate. It is proposed that this increase is passed through to early years providers in the new funding year.
- iii) **Supplements and additional factors** - there have been no changes to the permitted supplements, therefore it is proposed to continue with just the mandatory deprivation supplement. The amount allocated to Kirklees from the Early Years Pupil Premium has risen from £287k to £338k and this will be allocated in support of disadvantaged early years children.

Early Years funding for disadvantaged 2 year olds: The hourly rate for disadvantaged two year olds within the Early Years National Funding Formula has also increased by £0.08 to £5.28 for 2020-21. It is also proposed that this increase be passed through to relevant providers.

H. Dedicated Schools Grant funding settlement 2020-21

DSG Schools Block:

- i) The 2020-21 per pupil units of funding (PUF) for the DSG Schools Block settlement are £4,254.53 per primary pupil and £5,433.31 per secondary pupil. These rates include sufficient funding to guarantee that each mainstream school can be funded for at least a 1.84% inflationary increase in funding per pupil compared to their 2019-20 per pupil funding

baselines. The ESFA requires that at least 80% of this funding block is allocated via pupil-led factors. In Kirklees 90.76% of the available total was pupil-led in the 2019-20 funding allocation to schools.

- ii) The confirmed Schools Block allocation for Kirklees for 2020-21 has increased by £8.51m (£295.27m in 2019-20 to £303.78m for 2020-21), due to a combination of increased secondary-age pupil numbers in the system, a minimum 1.84% per pupil cash increase on 2019-20 baselines and the effect of an average 4% increase in National Funding Formula factor values for 2020-21. The Schools Block cash increase in comparison to 2019-20 amounts to 2.88%. Mainstream schools will receive a funding formula increase next year within a range from a minimum of 1.84% to a maximum of around 4.00%. The effect of the rise in the NFF factor values will flow through to those schools currently receiving little to no cash protection in their 2019-20 allocation. For those schools where their 2019-20 budget includes significant cash protection they will benefit from the increase to NFF values but their cash protection level will reduce. The minimum net result for many schools will be the 1.84% increase in per pupil funding.
- iii) The Schools Block funding factors to be used in the 2020-21 funding allocation to schools will largely be those prescribed by the National Funding Formula (see Annex A below for a list of these funding factors and values).

Central School Services Block:

- iv) Kirklees has been allocated £33.14 for every 4 to 16 year old pupil attending schools and academies in the borough (a reduction from the £33.99 rate received in 2019-20). A sum of £136,300 has then been added to reflect historic annual pension commitments charged to the DSG. [This figure represents a 20% reduction on the amount provided for historic commitments in previous years but no saving can actually be made to the annual pension cost in 2020-21. The Department for Education are understood to be willing to listen to arguments in circumstances where they have assumed historic commitment costs will begin to unwind but that is not actually the case). A breakdown of budget provision supported by the CSSB can be found at Annex B below. A significant portion of the CSSB relates to funding for the range of statutory and regulatory duties (which used to be supported by Education Services Grant) the Council has for all local pupils whether educated in maintained schools or academies.

DSG High Needs Block:

- v) Revisions to the national budget for the High Needs National Funding Formula has resulted in Kirklees being allocated £43.17m for High Needs in 2020-21 – a £6.1m increase on 2019-20. Kirklees' gain is around the maximum permissible (17%) and is much needed given the substantial demand pressures on the High Needs account. Although expenditure levels are still expected to run well ahead of even this enhanced funding level for the foreseeable future.
- vi) The unadjusted level of Kirklees' revised high needs NFF outcome is indicated to be £48.8m so, potentially, more funding is waiting in the

wings to help. However, it should be acknowledged that the Treasury has made no firm commitments yet to departmental budgets beyond 2020-21. There is also no detail available as to how long the path to the eventual outcome will take should the funding be confirmed.

DSG Early Years Block:

- vii) The Early Years' National Funding Formula values have increased in comparison to 2019-20 – the hourly funding rate for 3 & 4 year olds has risen from £4.30 to £4.38 and the hourly funding rate for disadvantaged 2 year olds has also increased from £5.20 to £5.28. Within the 2019-20 Early Years Block allocation there are some variations associated with changes to overall numbers of children – funding for the universal (base) 15 hours free nursery offer is affected by a fall of around 150 part-time equivalent (pte) children and funding received for disadvantaged 2 year olds has reduced due to around 60 part-time equivalent pupils fewer than last year. However, the funding for the extended 15 hours entitlement for children of eligible working families has shown another increase by approaching 230 pte children. The total allocation in the Early Years block for 2020-21 is £28.64m (in 2019-20 the allocation was £28.09m).

I. Recommendations for the 2020-21 DSG schools funding formula from Kirklees Schools Forum

- a. To note the ESFA-approved exceptions applications.
- b. To note the consultative process undertaken in collaboration with head teachers through the Kirklees Schools Forum to agree the details of the Kirklees funding formula.
- c. To support the decisions, in principle, relating to central budgets and de-delegated budgets for 2020-21 and acknowledge the systematic monitoring of the expenditure and impact by Schools Forum.
- d. To approve, in principle, the final details of the Kirklees' school funding formula for 2020-21 submitted to the Education & Skills Funding Agency by 21st January 2020.

3. Implications for the Council

• Working with people

The Schools Forum continues to support schools working collaboratively to effectively manage resources, particularly focussing on early intervention and prevention, reducing inequalities and overcoming barriers to learning for children in their communities.

• Working with Partners

Through Schools Forum the Council works in partnership with local maintained schools, academies and other providers to try to ensure the optimum distribution of dedicated schools grant within Kirklees. The Schools Forum includes representation from the Private, Voluntary and Independent nursery and childcare sector and post-16 provider representation.

- **Place-based working**

The schools funding allocation recognises that the needs of different communities within Kirklees vary widely. The allocation contains additional need funding factors to target support towards children from particularly disadvantaged backgrounds and also directs additional funds to support children in their first three years in the school system who have English as a second language.

- **Climate change & Air Quality**

N/A

- **Improving outcomes for children**

Schools Forum seeks to ensure that the fairest approach to funding across the schools system is in place, particularly at a time when financial pressures for schools are increasing. Maximising resources for teaching and learning, alongside the role that schools play in supporting children and their families and the wider community is crucial in ensuring that children have the best start in life.

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

The schools system is funded by the Council's annual Dedicated Schools Grant funding allocation and is managed in accordance with the Schools Finance (England) regulations and the terms and conditions of the grant.

4. Consultees and their opinions

i) The Education and Learning Partnership Board sits alongside Schools Forum as a 'sister' consultative group. The two operate together in a complementary approach to work in partnership with our schools and settings. The Forum Chair is a member of the Education and Learning Partnership Board. The work of each body is supportive of a single strategic oversight of the system.

ii) Schools Forum consults with school groups through Kirklees High School Head teachers, Primary Head teacher groups and School briefings. Non-school members from the early years' private, voluntary and independent sectors, trade unions, and the Post 16 sector ensure consultation and feedback from their representative groups. Current discussions are focussed on the decisions required by the ESFA for the funding year 2020-21.

iii) The Early Years Reference group consists of representatives from all sectors of the childcare market. This group consider proposals for the Early Years Funding Formula and monitors spending of the Early Years Block. The views of this group are reported to Schools Forum.

iv) Updates for the Portfolio Holders for Children's Services are provided regularly.

5. Next steps and timelines

i) Schools Forum will continue to help shape schools funding arrangements at their meeting on 10th January 2020, prior to the deadline for submission of the school funding allocations for 2020-21 to the ESFA on 21st January 2020. **Page 75**

ii) Based on the ESFA funding timeline, it is expected that the local authority will inform maintained schools of their 2020-21 budget shares by 28th February 2020. The ESFA will inform academies of their budget allocations for the academic year 2020/21 by the 31st March 2020.

6. Officer recommendations and reasons

Members are asked to...

- Note the consultative process undertaken in collaboration with head teachers, through Schools Forum, to determine the ongoing local approach to the distribution of DSG Schools Block funding for 2020-21, the third year of a 'soft' National Funding Formula approach.
- Note the exceptions applications made to the ESFA and subsequently approved.
- Approve the submission of the schools funding formula for 2020-21 (based upon a guaranteed funding rise of at least 1.84% per pupil in comparison to each school's 2019-20 per pupil baseline) to the Education & Skills Funding Agency.

7. Cabinet portfolio holder's recommendations

- To note the changes to schools funding arrangements for 2020-21, the third year of 'soft' application of the National Funding Formula, leading up to the full introduction of the National Funding Formula for Schools from April 2021.
- To note the ongoing local consultation with schools and other providers to ensure an appropriate local response to national funding formula developments.
- To support the officer recommendations above, and to thank Schools Forum members for their work.

8. Contact officer:

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9. Background papers and history of decisions See Annex E below

10. Service Directors responsible

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ANNEX A: How the National Funding Formula factor values have changed since their adoption in 2018-19

Funding factor	NFF values per pupil 2018-19	NFF values per pupil 2019-20	NFF values per pupil 2020-21	Notes
Primary basic per pupil	£2,747	£2,747	£2,857	
Key Stage 3 per pupil	£3,863	£3,863	£4,018	
Key Stage 4 per pupil	£4,386	£4,386	£4,561	
Primary Free School Meals Ever 6	£540	£540	£560	
Sec'y Free School Meals Ever 6	£785	£785	£815	
Primary current FSM	£440	£440	£450	
Secondary current FSM	£440	£440	£450	
Prim IDACI Band F	£200	£200	£210	
Prim IDACI Band E	£240	£240	£250	
Prim IDACI Band D	£360	£360	£375	
Prim IDACI Band C	£390	£390	£405	
Prim IDACI Band B	£420	£420	£435	
Prim IDACI Band A	£575	£575	£600	
Sec'y IDACI Band F	£290	£290	£300	
Sec'y IDACI Band E	£390	£390	£405	
Sec'y IDACI Band D	£515	£515	£535	
Sec'y IDACI Band C	£560	£560	£580	
Sec'y IDACI Band B	£600	£600	£625	
Sec'y IDACI Band A	£810	£810	£840	
Pupil Mobility			£875 Primary £1,250 Sec'y	New formula- based factor
Primary English as an Additional Language	£515	£515	£535	
Secondary English as an Additional Language	£1,385	£1,385	£1,440	
Primary low prior attainment	£1,050	£1,022	£1,065	
Secondary low prior attainment	£1,550	£1,550	£1,610	
Minimum per pupil check Primary	£3,300	£3,500	£3,750	£4,000 in 2020-21
Minimum per pupil check Secondary	£4,600	£4,800	£5,000	
School Lump Sum *	£110,000	£110,000	£114,400	

*In the last two funding years Kirklees' locally-set lump sum amount has had to be set slightly higher than the NFF value (£123,282 in 2018-19 and £120,814 in 2019-20). This was the only way available to allocate the cash protection funds remaining after the required funding floor increases had been satisfied. It is anticipated that similar action may need to be taken in setting the lump sum value for 2020-21.

ANNEX B: DEDICATED SCHOOLS GRANT: CENTRAL BUDGET RETENTION 2020-21 [for mainstream maintained schools and academies]

1) Growth funding within the Schools Block

Budget provision	£	Notes
Pupil Growth Fund	600,000	Supports mid-year basic need pupil growth of sufficient scale to trigger a new class arrangement. Also supports schools struggling to meet the KS1 class size regulation. PGF is only allocated where a school cannot address the issue from its own budget resources
Future pupil growth	737,500	The Schools Block allocation includes an element of funding towards the cost of future pupil growth within the system. For 2020-21 this has been calculated from a comparison of the October 2019 and October 2018 pupil census returns to provide a proxy measure of future growth for individual local authorities. This allocation pays for the Pupil Growth Fund provision above. The balance of the growth funding needs to be retained by the LA to support those schools in the system affected by planned changes to address demand for pupil places in the area, eg new schools growing by one year group per annum, schools asked to vary their admission number to take in additional pupils in a 'bulge' class arrangement.
TOTAL	£1,337,500	

2) The Central School Services Block

Budget provision	£	Notes
Servicing of Schools Forum	31,000	
Pupil Admissions Service	401,900	
School Organisation & Planning	139,600	
School Reorganisation Support	292,000	
Historic DSG pension commitments	170,400	Fixed historic commitment, the budget cannot be increased
National Copyright Licence charge	331,100	Forum approval is not required
(Former Education Service Grant retained duties) Per pupil allocation to the Council in respect of statutory and regulatory duties for all children in Kirklees	852,100	
TOTAL	£2,218,100	

In comparison to 2019-20, the national copyright licence charge has increased from £323,500 to £331,100 due to the combined effect of rising pupil numbers and price inflation; the former-ESG retained duties element in 2019-20 was £943,300 – the decrease for 2020-21 partly reflects the next phased step towards a lower CSSB level provided by this particular national funding formula but it also includes a 20% reduction in specific funding provided in the settlement in respect of the £170k of pension funding commitments in the above table.

3) Funding retained within the Early Years Block

Budget provision	Proposed £	Notes
Early Learning and Childcare	585,000	Free Early Education, Childcare Sufficiency and Early Years Outcomes Teams – funding to providers, free entitlement place sufficiency, supporting standards of delivery
Back office / management costs	71,200	Finance, payroll, HR, Legal, IT etc
Inclusion Support	40,400	Contribution to the Inclusion Officer team
Miscellaneous	12,000	Contribution to admissions, maternity, union duties etc
TOTAL	£708,600	

The introduction of '30 hours free childcare' and the resulting increase in the number of providers eligible to claim funding for the free entitlement (mainly after school-clubs and childminders) has placed unprecedented volume pressures on the teams which support children, families and early learning and childcare providers. Efficiency improvements have helped ensure that these pressures can continue to be met with existing resources. The proposed Early Years Block retention is 2.5%, well within the 5% level permitted by the government.

Consultation about 2020-21 Early Years funding and retention arrangements were held with the Early Years Reference group on 27th November 2019. There are no proposals to change these arrangements. This position will be considered by Schools Forum on 7th February 2020.

ANNEX C: DE-DELEGATION 2020-21 [Maintained Mainstream Schools only]

Budget	Primary per pupil	Secondary per pupil	Notes
School Contingency	-£13.29	-£16.65	Used to correct funding errors, support schools facing emergencies, pick up costs it would be unfair to ask schools to meet, one-off financial interventions in schools in financial difficulty to help them secure necessary savings.
Free school meals eligibility checks	-£1.03	-£1.29	Customer & Exchequer service checks to identify children eligible to claim free school meals – helps schools maximise their deprivation-related funding
Maternity, paternity and adoptive leave	-£29.32	-£29.32	Central payment of salary costs during these leave periods so the school only pays the replacement costs
Trade union facilities time	-£5.72	£0.00	Pays for the release from schools of local TU officials to manage casework (competence, attendance, disciplinary etc) involving school staff
Public duties	-£0.16	-£0.20	School cover costs re staff on jury service, appearing as witnesses in court proceedings, serving as magistrates, serving as governors at another school etc
International new arrivals	-£1.58	-£1.98	Support to schools dealing with language-related issues of children admitted from different parts of the world
School Improvement Commissioning	-£4.50	-£12.01	Supports improvement interventions in schools – appropriate support to schools for the cost of implementing improvement action plans, brokering school-to-school support by meeting the cost of releasing staff from other schools to work with the school in need of support.
TOTALS	-£55.60	-£61.45	

The above picture of per pupil de-delegation is unchanged from financial year 2019-20. The pattern of de-delegation for the primary sector shown in the above table was agreed by the maintained primary school representatives to the Schools Forum on 13th December 2019. The secondary schools' position will be considered at the 10th January Schools Forum meeting.

ANNEX D: Meeting Schedule

Consultation meetings with Schools Forum, Headteacher groups and Early Years Providers

Schedule

Consultation focus	Meetings	Meeting date	ESFA response date
Schools block and Central schools services block Implications of National Funding Formula for the Council and schools from 2020-21	HT briefings	26 th and 27 th November 2019	21 st January 2020
	Consultation by email with schools	w/c 2 nd December 2019	
	Schools Forum	13 th December 2019 and 10 th January 2020	
	Schools Funding paper to Cabinet	14 th January 2020	
Early years block	Early Years Reference group	27 th November 2019	28 th February 2020
	Schools Forum	24 ^h January and 7 th February 2020	

ANNEX E: KEY REFERENCE DOCUMENTATION

The following key reference documents are available on the GOV.UK website. Other, related documentation is also available on these web links.

1. Schools Funding

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831848/Schools_operational_guide_2020_to_2021.pdf

2. Early Years

<https://www.gov.uk/government/publications/early-years-funding-2020-2021>

3. High Needs funding 2020-21

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/837971/Operational_guide.pdf

4. A link to the Cabinet report on the Kirklees Schools funding formula for the previous year, 2019-20 is provided below.

<https://democracy.kirklees.gov.uk/documents/s26887/Item%209%20Jan19%20Schools%20Funding%20Cabinet%20Report%20V3.pdf>

Name of meeting: Cabinet
Date: 14 January 2020
Title of report: Interim Affordable Housing Policy 2020

Purpose of report: To seek Cabinet approval to adopt the Interim Affordable Housing Policy 2020. This provides updated interim policy and guidelines for dealing with affordable housing contributions in new housing development and replaces the Interim Affordable Housing Policy 2016. This is attached as Appendix 1.

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 Affects all electoral wards
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Karl Battersby - 06.01.20 Eamonn Croston - 06.01.20 Julie Muscroft - 06.01.20
Cabinet member portfolio	Cllr Peter McBride Cllr Cathy Scott

Electoral wards affected: All wards

Ward councillors consulted:

Public or private: Public

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

1. Summary

The Interim Affordable Housing Policy has been updated following the adoption of the Local Plan and the introduction of the Housing Strategy 2018-23.

The 2020 interim policy will replace the 2016 interim policy. The new document seeks to provide further clarification, makes direct links to existing housing need evidence and updates on a range of issues relating to the implementation of national planning policy.

The report seeks endorsement from Cabinet to adopt the Interim Affordable Housing Policy 2020, which will be in place in the short term until it is replaced by a formal Supplementary Planning Document later in 2020.

2. Information required to take a decision

The Kirklees Local Plan, in policy LP11, sets out the housing mix and affordable housing policy for Kirklees. Based on national planning policy, local evidence in the Kirklees Strategic Housing Market Assessment (2016) and a District Wide Viability Assessment it requires housing developments of more than 10 homes to provide 20% affordable housing.

Prior to the adoption of the Local Plan, this evidence supported the 2016 Interim Affordable Housing Policy which was adopted by Cabinet on 15th October 2016. Since the 2016 Interim Affordable Housing Policy, the Local Plan has been adopted, the Kirklees Housing Strategy 2018-23 has been published and national planning policy and guidance has been updated.

The updated interim policy seeks to provide further clarification to help inform negotiations to secure affordable housing that best meets locally identified needs. The four main updates to the interim policy are set out below:

The definition of affordable housing types

The Interim Affordable Housing Policy 2020 reflects the updated Affordable Housing definition that is contained within Annex 2 of the National Planning Policy Framework (NPPF). This provides further clarification to the definition that was included in the 2016 interim policy based on the 2016 Housing and Planning Act.

Addressing national policy requirements regarding provision of affordable homes for sale

The Interim Policy has been updated to reflect the content of the National Planning Policy Framework (NPPF) (paragraph 64) regarding affordable homes for sale. NPPF states that at least 10% of homes within major developments should be available for affordable home ownership; but only within the context of not significantly prejudicing the ability to meet the identified affordable housing needs of specific groups; the interim policy provides further information on this.

The provision of starter homes and discounted market sales housing relative to housing needs in Kirklees

This change has been made to ensure consistency with reference to the provision of Starter Homes and Discounted Market Sales housing in the Affordable Housing definition in Annex 2 of NPPF and the requirement in paragraph 64 of NPPF. The Interim policy makes it clear that the tenure split identified in the latest Strategic Housing Market Assessment (SHMA) is for 55% affordable rent which means Starter Homes provision alone is unlikely to meet identified needs. This is supported by information in the Interim Policy showing incomes across the housing market sub-areas of the district (from the SHMA) which concludes that an overwhelming majority of eligible households would not be in a position to take advantage of Starter Homes. The Interim Policy also sets out how the council are dealing with the provision of Starter Homes whilst awaiting the formal legislation being put into place by the government.

The requirements of a viability appraisal

The Interim Policy has been revised to reflect updated National planning policy and guidance stating the expected content of a viability appraisal and how the local planning authority should assess it.

An updated Interim Affordable Housing Policy that reflects these changes to national policy will ensure that there is more clarity in the expectations of the make-up of affordable housing that is provided on site by developers, for negotiations between developers, the housing growth team and planning officers.

The Interim Policy would remain in place until the publication of an Affordable Housing and Housing Mix Supplementary Planning Document (SPD) at the end of 2020. The SPD will be subject to public consultation during 2020 and would be brought to Cabinet for a decision to adopt.

3. Implications for the Council

The affordable housing need in the district is based on meeting a shortfall of 1,049 per annum over the five year period from the base date of the 2016 Strategic Housing Market Assessment.

The Council's annual monitoring shows that in recent years, since changes to the affordable housing definition in national policy that the proportion of intermediate homes has increased, delivering more than 50% of affordable homes since 2016.

Type	2013/14	2014/15	2015/16	2016/17	2017/18
Social homes with HCA/Homes England grant support	0	0	0	19	0
Social rented homes – S106	27	16	100	19	38
Social rented other	251	78	33	14	4
Intermediate homes including affordable rent	42	86	22	69	58
Total	320	180	155	121	100

It is considered that including extracts from the housing mix evidence within the Interim Affordable Housing Policy 2020 provides more clarity in decision making and will therefore assist the planning process in securing a wide mix of affordable properties including more social rent and affordable rented homes to be delivered. The revised policy would secure more homes for affordable rent as it sets out the latest evidence of affordable housing need in the district by type and sets out the evidence regarding the affordability of starter homes and discounted market sales housing.

4. Consultees and their opinions

The development of this interim policy has involved input from Development Management and Housing Growth colleagues.

5. Next steps and timelines

The Local Development Scheme (LDS) approved at Cabinet on the 3rd December 2019 sets out the adoption of the Interim Policy 2020 in January 2020. The recommendation is that the approval of the Interim Affordable Housing Policy 2020 would mean the Interim Affordable Housing Policy 2016 is revoked.

The LDS also includes the production of a Supplementary Planning Document for Affordable Housing and Housing Mix to be adopted by the end of 2020 (to replace the Interim Policy). This SPD would be a comprehensive review of the guidance on affordable housing and a review of whether further updated evidence is required.

6. Officer recommendations and reasons

- 1) Officer recommendation that Cabinet approve the Interim Affordable Housing Policy 2020 which provides updated interim policy and guidelines for dealing with affordable housing/financial contributions from new housing developments. This is attached as Appendix 1. As this will replace the Interim Affordable Housing Policy 2016, the recommendation also includes revoking the 2016 Interim Affordable Housing Policy.

Reason: To ensure that the council has an up-to-date interim policy reflecting the adopted Local Plan and ensuring the evidence base is clearly set out to allow the planning applications process to secure affordable housing contributions that better meet locally identified needs.

- 2) Subject to the decision on recommendation 1 above, Cabinet delegate authority to the Service Director for Growth and Housing to make any further additional modifications that relate exclusively to factual updates, grammatical and formatting corrections in the process of publishing the Interim Affordable Housing Policy 2020.

Reason: To ensure that the council has an up-to-date interim policy reflecting the adopted Local Plan and ensuring the evidence base is clearly set out to allow the planning applications process to secure affordable housing contributions that better meet locally identified needs.

7. Cabinet Portfolio Holder's recommendations

Councillor McBride was briefed on the 25th November 2019 and was supportive of the updated Interim Affordable Housing Policy 2020 being presented to Cabinet for adoption by the council.

8. Contact officer

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9. Background Papers and History of Decisions

- Appendix 1: Kirklees Interim Affordable Housing Policy 2020

10. Service Director responsible

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Kirklees Interim Affordable Housing Policy – January 2020

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Introduction

This document provides guidance on the implementation of the Kirklees Local Plan Housing Mix Policy (LP11) in terms of providing affordable housing in new housing developments in the district. It replaces the initial interim update to SPD2 (Affordable Housing) which was adopted in 2008 and seeks to provide short-term clarity in relation to the evidence base and implementation of the LP11. The council are proposing a formal update to the Affordable Housing Supplementary Planning Document later in 2020.

An Interim Affordable Housing Policy was approved in 2016 to be used prior to the adoption of the Local Plan. This 2020 revision to the Interim Affordable Housing Policy (*The Interim Policy*) supersedes that document and provides guidance on how current identified affordable housing needs should be secured in accordance with Local Plan Policy LP11 and reflects policy related to affordable housing set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). This Interim Policy will be used as a material planning consideration when securing affordable housing as part of the determination of planning applications. It takes account of national changes to the definition of affordable housing, including the introduction of Starter Homes, as set out in Annex 2 of the NPPF. The policy also sets out preferences for early delivery and a process to consider viability issues on planning applications.

Definition of Affordable Housing

Annex 2 of NPPF includes a definition of Affordable Housing based on the 2016 Housing and Planning Act. Annex 2 of NPPF sets out the definition of Affordable Homes:

Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- (a) Affordable housing for rent*
- (b) Starter homes*
- (c) Discounted market sales housing*
- (d) Other affordable routes to home ownership*

Affordable Housing for Rent requires rent to be set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including services charges where applicable); the landlord is a registered provider, except where it is included as part of a Build to Rent scheme; and it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

The Starter Homes definition refers to Sections 2 and 3 of the 2016 Housing and Planning Act (henceforth referred to as the Act). This defines starter homes as new dwellings, to be available for purchase for qualifying first-time buyers only, sold at or at least 20% below the market value and less than the price-cap. A qualifying first time buyer is an individual who is aged at least 23 years old but has not reached the age of 40 and the price-cap is £250,000 outside of Greater London. The explanatory note to the Act expresses the purpose of the Chapter in the Act on Starter Homes is to promote their delivery; and that there is a duty to promote the supply of Starter Homes when planning functions are carried out, and a specific duty in relation to decisions on planning applications. The NPPF specifically recognises Starter Homes as an affordable housing product. However, the required secondary legislation to govern precisely how Starter Homes should be controlled in terms of maintaining their status and terms of tenure is still awaited. Upon a developer request and to allow Starter Homes to be secured in Kirklees, the Council has taken the initiative to allow new homes which meet the Starter Homes definition to be secured currently on the basis of an agreement between the developer and Local Planning Authority as part of a Section 106 agreement. Until secondary legislation is introduced, where Starter Homes are defined in any agreement by reference to the terms of Section 2 of the Act, those criteria apply in full; where age restrictions are not required, then Discounted Market Sales housing is available.

Discounted Market Sales housing is housing sold with a discount of at least 20% below local market value; with eligibility determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

Other affordable routes to home ownership includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to government or the relevant authority specified in the funding agreement.

Kirklees Interim Affordable Housing Policy

The delivery of affordable housing is a key priority both nationally and locally. Local Plan Policy LP11, assisted by this Interim policy seeks to improve the delivery of affordable housing across the district as part of the Council's broader approach to improve housing delivery in Kirklees.

Supplementary Planning Document 2 – Affordable Housing ['SPD2'] was adopted in November 2008. Since then there has been a transformation within the housing market, both nationally and locally. This change has, in part, been influenced by the economic factors. Nationally there have been significant changes to planning policy and guidance with the issuing of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). More recently the definition of

affordable housing has changed further as set out in the revised NPPF. This includes a shift in focus to include home ownership options and the provision of Starter Homes as detailed in the Housing and Planning Act (2016). Locally, in February 2019 the Kirklees Local Plan was adopted as the development plan for Kirklees.

The requirements as set out in SPD2 were 15% of floorspace on brownfield sites, and 30% of floorspace on greenfield sites on developments of 5 or more. The site size threshold is no longer appropriate as paragraph 63 of NPPF now only seeks affordable housing contributions on major developments. Local Plan Policy LP11 seeks affordable housing on sites of more than 10 dwellings. In relation to the proportion of affordable housing, a district-wide assessment of the economic viability¹ of land for housing has shown that, for market housing schemes in Kirklees, 20% of the total units on sites should be provided as affordable housing. Negotiation will take place on individual planning applications if viability information is provided to show that the level of affordable homes required cannot be delivered. This Interim Policy also reflects that the Local Plan Policy LP11 requirement is based on the number of units rather than floorspace as was set out in SPD2.

Evidence of need

A robust evidence base for devising a deliverable affordable housing policy is required, and this needs to be set within the national policy context and the need for that housing economic viability of any affordable housing requirement. The economic viability of meeting affordable housing needs was considered in the preparation of the Local Plan. A district-wide assessment of the economic viability of land for housing has shown that, for market housing schemes in Kirklees, 20% of the total units on sites should be provided as affordable housing

Need

The NPPF highlights the importance of meeting the need for new homes. It also places importance on widening the choice of high quality homes, the delivery of both market and affordable homes, and widening the opportunities for home ownership. Paragraph 62 of NPPF states that provision should be met on site unless off site provision or an appropriate financial contribution in lieu is robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.

The Kirklees Strategic Housing Market Assessment (SHMA) (October 2016)² was prepared to support the production of Kirklees Local Plan and to identify housing needs in the district in accordance with national planning policy and guidance. The SHMA evidences a net imbalance of affordable housing in the district of 1,049 per annum over the following five years. This figure is an expression of the overall annual shortfall in affordable housing needs and should not be taken as a district

¹ [Local Plan CIL Viability Addendum](#)

² [Strategic Housing Market Assessment \(2016\)](#)

target. It does, however, justify the need for new developments to provide affordable housing of a type which addresses the identified need.

The SHMA sets out the current required tenure split in Kirklees as 55% affordable rent, and 45% intermediate tenure. In terms of Annex 2 of NPPF, Starter homes, discounted market sales housing and other affordable routes to home ownership are intermediate housing.

Annex 2 of NPPF includes home ownership products as part of the definition of Affordable Housing and paragraph 64 expects at least 10% of homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

The SHMA also provides evidence on household incomes and house prices across the district which is considered appropriate to note when considering levels of affordability for households. The SHMA shows that median house prices in Kirklees are around £125,000 with median income at around £25,000 per annum, with lower quartile prices at £93,000 and lower quartile incomes at £18,500 per annum. Both of these represent a ratio of income to house price of 5 times.

Broader policy context

Kirklees's Housing Strategy for 2018 – 2023³ sets out the national, regional and local housing context, and the issues that the Council and its partners will address. The Strategy supports and complements the Local Plan, and it references the SHMA evidence base in identifying housing need. The Kirklees Housing Strategy is also a contributor to the ambitions and outcomes set out in the Joint Health and Wellbeing Strategy and the Economic Strategy.

The Kirklees Housing Strategy underlines how good, secure and affordable housing in attractive and inclusive communities, underpin the overarching partnership outcomes for Kirklees, and the people who live and work here.

The three priorities for housing in Kirklees are:

- **Need:** Meeting the housing need of vulnerable people
- **Quality:** Improving housing quality and making the best use of existing housing

³ <https://www.kirklees.gov.uk/beta/housing/pdf/kirklees-housing-strategy.pdf>

- **Growth:** enabling housing growth and long term supply of market and affordable housing

The development industry and the planning process are key contributors to supporting the strategy outcomes.

Delivering against policy requirements

In implementing local policy responses, the council recognise that there are often different circumstances on sites and are therefore willing to work with site promoters to seek solutions to enable the affordable housing needs to be met. Housing provision should seek to meet the needs identified in the locality or sub-market area where the development is located, as set out in table 7.11 of SHMA and shown later in this document.

The Local Plan Strategy and Policies document (paragraph 8.38)⁴ states that on housing sites, where smaller parcels of land are developed incrementally, these will be expected to make a contribution to the provision of affordable housing for the entire allocation.

The type of housing required in the different sub-market areas is set out in the SHMA and within this document. Any proposal where affordable housing is required should seek to meet affordable housing needs that are identified in that sub-area.

Viability

The ability of development within the district to be economically viable is a key consideration when setting an affordable threshold. Paragraph 34 of the NPPF highlights the importance of viability in setting policy standards and paragraph 57 of NPPF states that where up-to-date policies have set out the contributions expected from them, planning applications that comply with them should be assumed to be viable.

A viability study for the whole of the district entitled the Kirklees Local Plan Infrastructure and Viability Study 2015 ('KVS') was commissioned as part of preparation of the Local Plan and Community Infrastructure Levy; with an addendum published in 2016. The KVS and addendum informed policies in the Local Plan including the level of affordable housing provision and the preliminary rates for the Community Infrastructure Levy (CIL). The viability study carried out a district wide assessment considering issues such as land prices, build costs, sales values, abnormal and professional fees, finance, S106 contributions and developer profit levels.

⁴ <https://www.kirklees.gov.uk/beta/planning-policy/pdf/local-plan-strategy-and-policies.pdf>

The KVS concluded that an affordable housing rate of 20% was appropriate as a district-wide target, unless demonstrated to be economically unviable for specific applications.

Vacant Building Credit

Vacant building credit is national policy set out in the NPPG and provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of the vacant buildings when the local planning authority calculates any affordable housing contribution. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

Affordable housing contributions may be required for any increase in floorspace.

The Local Planning Authority (LPA) will determine on a case by case basis whether a building is vacant or abandoned. As a general principal to qualify for the vacant building credit a building should be vacant at the time a planning application is registered. The LPA will consider case law where a dispute arises about whether a building is abandoned rather than vacant. The credit is only applicable to relevant vacant buildings. The LPA will not accept, for example, sheds and non-permanent buildings as being relevant for the purposes of calculating a vacant building credit.

Further information on vacant building credit is set out in the NPPG.

Outline Planning Applications

On outline applications where the number of units is not known, the Council will require the applicant to submit an indicative layout to demonstrate the number of dwellings which will be proposed.

Student Accommodation

Affordable housing contributions are not sought on schemes for student accommodation. This may be restricted through the imposition of planning conditions. In the longer term, where market demands change, it is possible that site owners may wish to remodel and provide this accommodation as market housing outside the student sector. In such circumstances where units are being re-provided for market sectors other than student housing, the Council will apply this Interim Affordable Housing Policy to the dwellings brought forward.

Off Site Provision

The policy assumes on site provision. However, exceptionally, where the LPA considers it appropriate, a financial contribution to be paid in lieu of on-site provision will be acceptable. It may be appropriate for an off-site contribution in smaller

apartment schemes where a 20% affordable housing contribution would result in less than 3 affordable dwellings to be provided and that needs identified locally would be difficult to meet on site. The calculations for financial contributions will be of at least equal value to that of onsite provision to enable provision elsewhere. The Interim affordable housing policy sets out the mechanism for calculating the financial contribution based on the RICS Build Cost Information Service.

Interim Affordable Housing Policy (2020)

In accordance with the Local Plan policy LP11, for schemes of more than 10 dwellings, including proposals involving self-contained residential units; the council will negotiate with developers for the inclusion of an element of affordable homes.

The proportion of affordable homes should be 20% of total units on market housing sites, including affordable private rented homes to be provided in build to rent schemes. The proportion may be less where viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal. Achievement of a higher proportion of affordable housing on sites will be encouraged.

The affordable homes should be incorporated within the development, but where justified and agreed with the LPA, a financial contribution of at least equal value of median build costs for Kirklees recognised by the RICS Build Cost Information Service (BCIS) may be accepted to provide affordable homes elsewhere or to improve the existing housing stock.

A financial contribution may also be appropriate on smaller apartment developments where a 20% affordable housing contribution would result in less than 3 affordable dwellings to be provided. The 20% affordable housing contribution will normally be rounded to the nearest whole number.

Smaller land parcels on one site developed incrementally will also need to provide affordable housing if the overall site capacity is more than 10 dwellings.

The affordable housing provision should:

- a) cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups, taking into account evidence in the Kirklees SHMA (2016) which states:
 - *Evidence of the need for an affordable housing split of 55% Affordable Rent and 45% Intermediate Tenure*
 - *Evidence of the affordable needs by SHMA sub-area and property size*
- b) incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and
- c) be indistinguishable from market housing in terms of achieving the same high quality of design.

Housing Mix Issues

The SHMA sets out household needs and examines the current range of housing stock. In addition consideration is given to the needs of residents within Kirklees in the Joint Health and Well-being Strategy (JHWS), Kirklees Joint Strategic Assessment (KJSA) and the Kirklees Housing Strategy, which has priority outcomes based on housing need, housing quality and housing growth. In terms of housing need, the strategy seeks to meet a diverse range of housing needs, prioritising those of vulnerable people with a continued and strengthened focus on prevention and early intervention to enable people to access and sustain a suitable home of their own and live as independently as possible

The Housing Strategy identifies a long term shortfall of extra care accommodation, including for people with dementia. To meet such need, extra care housing which provides for a range of needs including those of frailer older people, is particularly favoured. There is also the need to provide for the care facilities of both adults and children with disabilities, those with long-term illnesses and residents with mental health issues. Where there is evidence of local need, the Council would welcome the inclusion of units which meet these needs. Applicants are encouraged to discuss this aspect at an early stage of scheme development.

Affordable Rent consists of Affordable Rent or Social Rent as set out in the definition in national policy. Intermediate housing includes discounted market sales housing or other affordable routes to home ownership, including Starter Homes as set out in the definition in national policy. For Starter Homes, it should be acknowledged that the 20% discount identified in NPPF is a minimum.

Data from SHMA (October 2016) (Table 7.11) provides evidence on the number of eligible households that could afford starter homes:

	Batley and Spen	Dews and Mirfield	Hudds North	Hudds South	Kirklees Rural – East	Kirklees Rural – West	Kirklees Total
Starter Home Price	£96,000	£101,600	£106,000	£94,080	£152,000	£113,000	£104,000
% existing eligible households considering owner occupation who could afford Starter Homes	33.9%	0%	0%	32.4%	40%	69.3%	31.5%
% newly forming households who would consider owner occupation who could afford a Starter Home	53.5%	20.7%	23.5%	14.4%	34.7%	67.0%	23.3%

Table 7.8 of SHMA sets out evidence of the affordable needs by SHMA sub-area and property size by setting out the net annual affordable housing imbalance by sub-area, property size and designation.

Sub-area	General Needs		Older Person	Total
	1-2 bed	3 bed	1-2 bed	
Batley and Spen	96	209	10	315
Dewsbury and Mirfield	-89	175	-17	69
Huddersfield North	74	134	-13	195
Huddersfield South	21	139	22	182
Kirklees Rural – East	93	11	3	106
Kirklees Rural – West	173	-25	34	182
Total	367	642	39	1049

The sub-areas are based on groupings of wards and these are illustrated on the map below:



Implementation of the Interim Policy

The Kirklees Local Plan was adopted in February 2019 and includes a housing requirement of 1,730 dwellings per annum. The council is committed to improving

housing delivery through a number of initiatives set out in the Housing Delivery Test Action Plan. In meeting needs, as set out in Local Plan Policy LP11, it is important to provide the required mix in terms of tenure and types but without making schemes unviable.

To further support the delivery of housing within the District the approach also sets out how economic viability assessments will be considered when applications do not meet the policy requirements set out in the policy.

Demonstrating Viability

When applications cannot fully meet the requirements of the Interim Affordable Housing Policy, a viability appraisal for the proposal will be required that accords with the guidance set out in Appendix B. When applications are compliant with the Local Plan Policy LP11 (20% provision) no viability assessment is required but negotiations will need to take place on mix, tenure and the proportion and affordability of specific affordable products (such as Starter Homes) in accordance with this Interim Affordable Housing policy

Appendix A - Transfer Values

As set out in SPD2 (Affordable Housing), the table below sets out the price to be paid to the developer by the Registered Provider or other housing provider accredited by the Council for the affordable element of a scheme. The transfer values have been assessed and considered viable in the Kirklees Local Plan Infrastructure and Viability Study 2015 and help to ensure that the affordable housing are affordable to the occupants at the point of delivery.

The figures represent the price which will be paid per square metre of gross internal floorspace.

Per m2	Affordable & Social Rented	Intermediate
House	£588	£999
Flat	£698	£1171

Appendix B - Viability Appraisal Requirements

Background

The Council fully recognises that financial viability is inherently linked to the ability to satisfy planning policy and to deliver regeneration objectives and economic development.

In the current economic climate this is particularly important in the context of negotiating section 106 contributions/obligations including affordable housing, public open space and education and where such contributions are to be relaxed, or where full policy compliance may not be possible

Paragraph 57 of NPPF states *'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.'*

Pre- Application discussions

The Council encourages applicants to engage in pre-application discussions around key policy requirements and issues around viability. The council will work with developers to consider alternative approaches that may help developments to deliver against policy objectives and remain viable.

There are small charges for this advice and this is updated periodically. It is a valuable part of the overall process and one which is recommended.

Requirements – both full and outline applications.

The submission of a planning application for a development where a relaxation of 'policy driven' contributions is sought on viability grounds will need to be accompanied by a viability assessment/financial appraisal ('the appraisal').

The Council will expect that this is independently assessed. The independent assessor will be one which is approved by the Council. The cost of the independent financial assessment shall be borne by the applicant as a separate cost to the planning application fee.

Agreement to pay this cost will be required at the time the application is submitted. The application will not be validated without that agreement in writing. In addition the Council will not progress the application until the necessary fee has been paid.

Submission of any planning application for development which is intended to comply with policy requirements will need to be accompanied by a statement which sets out that financial viability has been fully considered and that the full contributions can be met, in accordance with NPPF paragraph 57. All viability assessments, including

any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

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Name of meeting: Cabinet
Date: 14 January 2020
Title of report: Enhanced Lettable Standard Pilot 2020

Purpose of report:

This report is to advise and seek support from Cabinet about a targeted Enhanced Lettable Standard and Home Starter Fund pilot that Kirklees Neighbourhood Housing (KNH) propose to deliver on behalf of Kirklees Council (KC) from January 2020 to December 2020. The report will also support a strategic discussion with Cabinet about the opportunities offered by the pilot to establish a long term Enhanced Lettable Standard and Home Starter Fund offer that will be ground-breaking in the social housing sector and give new Kirklees tenants the best possible start to their tenancies.

Both the Enhanced Lettable Standard and the Home Starter Fund will positively contribute to the KC Partnership Outcomes of Best Start, Well, Independent, Safe and Cohesive, Aspire and Achieve. The Kirklees Housing Strategy (2018-2023) states ‘Access to a good home is vitally important to people’s start in life, ongoing health and wellbeing, economic prosperity, security and to foster aspirations’ and the proposed pilot will also be a significant step forward in delivering this outcome.

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 pilot will require identified HRA resources to fund the enhanced lettable standard and the home starter fund for the 12 month period.
Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u>	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 12.12.2019
Is it also signed off by the Service Director - Finance?	Eamonn Croston - 17.12.2019
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 13.12.2019
Cabinet member portfolio	Councillor Cathy Scott - Housing and Democracy

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- Kirklees Neighbourhoods Housing (KNH) manage just under 22000 Council owned residential properties on behalf of KC. In recent years the average number of properties relet each year has reduced to around 1700, which is relatively low in the social housing sector. This is in part an outcome of focussed work by KNH and its partners to support more tenants in sustaining successful tenancies, which then positively contributes to successful communities where people are proud of where they live.
- Council owned properties managed by KNH are currently relet to a lettable standard that was reviewed and updated in 2018. This revised standard includes flooring and mechanical extraction to kitchens and bathrooms as well as more customer responsive flexibility to change things such as kitchen layouts or offer additional items to meet the specific needs of new tenants.
- Potentially introducing a further enhanced lettable standard would give assurance to the Council that new tenants, in particular those who are the most vulnerable, are provided with a very good standard of accommodation to give them the best chance of sustaining their tenancy and settling in their community

2. Information required to take a decision

- **The Enhanced Lettable Standard** proposed would mean each home relet would have:
 - Underlay and carpets in a choice of colours fitted throughout
 - Blinds fitted to all windows
 - Fully plaster skimmed walls where the existing condition of walls will not accept new emulsion
 - Decorated throughout with wood gloss and emulsion to walls and ceilings
 - A fused spur at the top or bottom of any staircase (which could be used to power a stairlift if required) unless there is an obvious reason why a stairlift would never be an option for a particular property.
 - A welcome to your new home starter pack which will be left in each property
- It is important that the additional work carried out is sustainable and not likely to be removed and replaced by the new tenant so the quality of the additional elements such as carpets will be of a high standard and will be selected in advance by the incoming tenant.
- This enhanced offer directly aligns to the KC Housing Strategy strands on improving housing quality and on meeting a range of diverse housing needs to support good health and wellbeing and enable people to sustain a suitable home of their own and remain independent as long as possible. Key additional elements such as the inclusion of a fused spur in certain properties to allow a future easier installation of a stairlift if needed is an example of how this pilot will be important in delivering long term positive outcomes for new Kirklees tenants.
- During the pilot the following new tenant groups will receive the Enhanced Lettable Standard and they have been selected for specific reasons:
 - **Care leavers** – care leavers are a vulnerable group facing setting up a home for the first time and the enhanced lettable standard offer will give them a good foundation to start to put a first home together without having to worry about decorating, carpets and blinds.
 - **Tenants moving from a Domestic Violence Refuge** – this is a group of new tenants who are often traumatised and facing setting up a new home with very little from their former home and often facing financial difficulties. They are often at high risk of not sustaining their tenancy and the enhanced lettable standard gives them a good foundation to start to rebuild their lives.

- **Tenants moving from KC Temporary accommodation** – this is another group of new tenants who have faced homelessness and may have been living in temporary accommodation for quite a long time. They are also at high risk of not sustaining their tenancy unless the level of support offered makes setting up a new home easier and quicker.
- **Tenants moving into a Retirement Living Scheme property** – Often these will be people who are downsizing so there is potential to free up larger accommodation for families in housing need if they are already a Kirklees Tenant. Also many people moving into Retirement Living Schemes are vulnerable with health problems and the enhanced lettable standard will help people quickly settle into their new home and start their tenancy on a more positive route to staying healthy in independent accommodation longer.
- **Existing tenants who are downsizing** - often people who are living in accommodation that is too big for them are daunted by the prospect of moving home and all that is involved. By making the move easier it is hoped that more people will decide to take up opportunities to downsize thus freeing up larger accommodation for people in housing need in the higher allocations bands
- There will also be flexibility and provision for additional groups to be identified and receive the standard as they emerge during the pilot. It is expected that the pilot will involve about 25% to 30% of all properties relet throughout 2020 based on figures from April to September 2019.
- **The Home Starter Fund** will allow certain eligible new tenants to apply for funding to help them buy carpets (if they are not in the Enhanced Lettable Standard pilot group), white goods, beds and household goods up to a value of £2000. Frequently tenancies that fail in the first few months are because of the difficulties some new tenants have accessing the basics they need to start to put a home together. Therefore this provision will have a direct impact on tenancy sustainability and contribute further to giving new tenants the best possible start. The criteria for accessing the fund will target the highest need groups and those more likely to struggle with the basics that are needed to establish a home such as people who are homeless and have been living in temporary accommodation. There will be some individuals who qualify for both the Enhanced lettable Standard and the Home Starter Fund and others who will qualify for one or the other.
- With reference to the climate emergency the Project Team who are developing the Home Starter Fund will be exploring with KC and partner colleagues ways to give new tenants access to appropriate quality recycled goods and will also look at retaining used but high quality carpets and blinds left by previous tenants if they meet the quality offered new through the Enhanced Lettable standard.

3. Implications for the Council

Working with People

- Both elements of the proposed pilot present a great opportunity for the Council to develop a more person focussed rehousing offer that would relate to individual, personal need. In addition to giving some new tenants a much better property to make their home through the Enhanced Lettable Standard pilot, the Home Starter Fund pilot will offer some new tenants real, practical support to set up a home and sustain their new tenancy.
- There will be built in flexibility during the pilot that will allow new tenants to decide if any of the elements are ones they want to opt out of or delay until they move in, such as the installation of blinds. There will be a conversation with each new tenant about what is being offered so they can make personal choices about each additional element including choices on colour schemes. This will directly support the KC restorative practice approach of working with people rather than doing to or for them.

- Throughout the pilot new tenant decisions and requests will be recorded and tracked to help inform any final decision on what a long term Enhanced Lettable Standard and Home Starter Fund might look like.

Working with Partners

- Throughout the pilot there will also be work done to track the sustainability of relevant tenancies and consider in each case what additional support was needed to ensure the individual had the best possible outcomes and what challenges were faced in getting the individual the support that they needed. This will then help develop an understanding of what more is needed in addition to the two elements of the pilot that are being proposed, as for some people their ability to sustain a successful tenancy is such a challenge that even this additional offer might not be enough to secure the outcome being sought.
- The success of the pilot will also depend on positive partnerships with external contractors such as carpet and blind suppliers and where possible these contractors will be Kirklees based and employ Kirklees people positively contributing to a sustainable local economy and contributing directly to the climate emergency work due a reduced carbon footprint of the services provided.

Place Based Working

- The pilot will deliver outcomes that in addition to supporting sustained and successful tenancies will also support developing diverse and successful communities in places where people are proud to live. Communities thrive where people feel settled, safe, and welcome and have a strong sense of belonging and this foundation is undermined if new people to a community struggle to settle and commit to a place as their home. The aspiration is that by providing new tenants with an offer that gives them the best possible start to their tenancy, over time positive impacts will be seen across all communities in Kirklees.

Improving outcomes for children

- The pilot is intended to evidence that by offering certain tenant groups an improved empty home offer accompanied by more support, it will increase their chances of sustaining a tenancy and support other life outcomes. A significant number of the households affected by the pilot will include children and there is a direct correlation between the existence of a stable, good quality home and life outcomes for children. For instance, simple things such as having a place to do homework at home has a significant impact on the educational achievement of children.

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

- The Enhanced Lettable Standard will have some impact on void rent loss but KNH is focussing on looking at all aspects of the empty homes process to ensure each is as efficient as possible and directly counteracts any significant impact on how quickly properties are relet. By offering new tenants unprecedented help to set up a home and sustain their tenancies it is expected that this will have a positive impact on turnover rates and on the stability and success of communities. This will then have a direct positive impact on void rent loss levels.
- Funding of the pilot will come from the Housing Revenue Account and is including in the 2020/21 budget preparation work.

4. Consultees and their opinions

- The proposed Enhanced Lettable Standard was presented to the KC Leadership Management Team (LMT) on the 21 October 2019. LMT welcomed the proposals and the benefits that they would deliver in terms of assisting tenants to settle in properties and in increasing the appeal of properties. LMT agreed to endorse the pilot with a view to informing the development of a potentially broader, long term delivery plan.

5. Next steps and timelines

- A Project Team is working on a plan to start delivering the Enhanced Lettable Standard for the identified tenant groups from January 2020.

6. Officer recommendations and reasons

- Cabinet are asked to support the proposal for a targeted Enhanced Lettable Standard and Home Starter Fund pilot that Kirklees Neighbourhood Housing (KNH) propose to deliver on behalf of Kirklees Council (KC) from January 2020 to December 2020.

7. Cabinet Portfolio Holder's recommendations

- The portfolio holder, Councillor Cathy Scott, is fully supportive of the recommendations proposed, within this report and would ask, that Cabinet support the proposal for a targeted Enhanced Lettable Standard and Home Starter Fund pilot that Kirklees Neighbourhood Housing (KNH) propose to deliver on behalf of Kirklees Council (KC) from January 2020 to December 2020.

8. Contact officer

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(01484) 221000 (ext73272)

9. Background Papers and History of Decisions

Enhanced Lettable Standard paper to LMT 21 October 2019

10. Strategic Director responsible

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

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Name of meeting: Cabinet
Date: 14th January 2020
Title of report: Housing Revenue Account (HRA) rent and service charge setting report and key housing challenges

Purpose of report

This report provides the financial context and basis for the annual setting of rents and service charges as well as for the HRA budget, which will be considered by cabinet on 14th January 2020.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director & name	Karl Battersby - 24.12.2019
Is it also signed off by the Service Director - Finance?	Eamonn Croston - 03.01.2020
Is it also signed off by the Service Director - Legal, Governance and Commissioning?	Julie Muscroft - 06.01.2020
Cabinet member portfolio	Cllr Cathy Scott

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

GDPR has been considered when preparing this report and there are no implications.

An integrated impact assessment has been carried out.

1. Summary

- 1.1 The report is seeking Member approval for a CPI + 1% increase in dwelling rents in 2020/21 and for the proposed garage rents and other service charges an annual uplift of 2.7% in 2020/21 with the exception of Extra Care services - Intensive Housing Management which has a proposed annual uplift of 2% and Extra Care services - Night Time Security, which has a proposed annual uplift of CPI +1%.

- 1.2 The report proposes that Kirklees Council continue to charge a target rent on all properties let to new tenants.
- 1.3 The report aims to provide context in terms of the key challenges for the Housing Revenue Account including the CPI + 1% rent increase.
- 1.4 The appendix to the report sets out the full schedule of proposed weekly dwelling rent, service and other charge increases to Council tenants for 2020/21, noting that these will be calculated on a basis that matches the billing period to the number of weeks in the year (i.e. 52 weeks for 2020/21) Appendix 1.

2. Information required to take a decision

- 2.1 The Government has confirmed it has clear expectations of a revised national rent setting policy. The expectation is that following the 1% reduction in rents for 4 years from April 2016 to March 2020 (For Kirklees, cumulative £24.3m) Councils will increase rents by CPI + 1% from April 2020 for five years. The lost rental income from the 4 year reduction cannot be recouped fully during the lifetime of the HRA Business Plan, but was partially recouped from the MTFP savings achieved
- 2.2 Post Grenfell there has been the Hackett review which has meant a refocus on areas of compliance, especially in relation to fire regulations, but also asbestos, water hygiene, electrical testing, gas and other safety related services. This has meant a tightening of regulations and if all recommendations are implemented, this will provide reasonable assurance that tenants can remain safe in their own homes. In addition to the rent increase, the removal of the borrowing cap will provide for additional borrowing, so that resources can be directed to areas where statutory and regulatory requirements must be met, but also it will provide for additional investment into existing Council houses and to invest in building and acquiring new houses. The Government are committed to increasing the number of houses built and to improving the quality of homes available to let and to buy, which will reduce homelessness and improve living conditions for existing and future tenants and residents. There is also an increased focus to engage with tenants to ensure that the tenants' voice is heard.
- 2.3 Rent convergence was introduced from April 2002 and the key objective of this was to achieve convergence of actual property rents with a calculated formula (sometimes referred to as a "target") based on size, value, location and local earnings levels over the restructuring period (April 2002 – March 2012, extended to March 2016). This formula rent is calculated for each property and as a general principle it was intended that by the end of the restructuring period (2015/16) this would equal the actual rent charged. Kirklees Council intend to continue to charge a target rent on all properties re-let to new tenants, as currently rents charged for council properties are below target.
- 2.4 The HRA is a ring fenced account and has to live within its means. Its main income source is rents. Future year HRA income forecasts prior to the July 2015 government announcement had assumed annual rent uplifts based on CPI + 1%. These forecasts have now been re-cast in light of the 1% reduction for four years and the future CPI + 1% increases from April 2020 onwards for 5 years and then CPI thereafter. Forecast income must be provided to:
 - a) Service HRA Debt.
 - b) Maintain current stock at a decency standard over the longer term.
 - c) Provide a high quality housing management and housing repair service.
 - d) Explore opportunities for additional strategic investment e.g. New Build.

- 2.5 A number of key policy announcements have been made following the enactment of the Welfare Reform and Work Act 2016 and the Housing and Planning Act 2016. The implications of the new legislation have been included within the 30 year financial modelling for the HRA and are summarised below in section 4. The budget proposals for 2020-2023 result from a joint review of the HRA with Kirklees Council and KNH with the key objective to deliver a balanced 30 year HRA business plan.
- 2.6 Rental Income will reflect the increase of CPI + 1% which will be applied for five years as per the Government announcement in October 2017.

Housing Challenges and Context

Universal Credit and Welfare Reform and Work Act 2016

- 2.7 The impact of the introduction of Universal Credit (UC) in Kirklees has not been fully felt yet. The rollout of UC started in June 2015 with new, single claimants and the second full digital rollout stage commenced in November 2017 and initially involved all new claimants and existing Housing Benefit claimants with a change of circumstances.
- 2.8 KNH Income Management resources are being made available and targeted towards new and transitioning UC claimants to ensure that they receive the support that they need to successfully make the change and keep in control of their rent accounts. Due to the waiting period of around 5 weeks before the first payment is received it is inevitable that most tenants in receipt of UC will accrue some rent arrears during this waiting period. There are significant strategic and operational challenges in dealing with the estimated total of 10,000 claimants in Kirklees Council tenancies, as UC continues to be rolled out in Kirklees over the next 4 years, with increased risks associated with managing the HRA, cashflow and income collection rates. A KNH Universal Credit Programme Board is in place to oversee the delivery of a set of action plans designed to directly mitigate the impact of welfare reform changes such as UC on tenants and the HRA.

Proposed Rent and Service Charge

- 2.9 The new average weekly HRA dwellings rent for 2020/2021 is £70.16, based on a 52 week billing period and incorporating the CPI + 1% increase.
- 2.10 It is proposed that the annual increases to average weekly garage rent and other service charges for 2020/21, as attached at Appendix 1, continue to be uplifted in line with the same Consumer Price Index (CPI) figure (September snapshot) which for 2020/21 is 1.7% plus 1%, calculated over a 52 week billing period. It is proposed that charges for Extra Care Services – Intensive Housing Management are uplifted by 2% and Extra Care Services – Night Care Service by 2.7% (CPI + 1%), this is because there is no local flexibility, as uplift rates are explicitly tied into the contract terms agreed to deliver the service.
- 2.11 The proposed changes to rent and service charges for 2020/21, as set out above, will be effective from 6th April 2020.
- 2.12 It is proposed that Charges for properties let to new tenants continue to be charged at a target rent. This is closely linked to the Kirklees Council lettable standard, which was reviewed and updated in 2018. The standard provides for flooring to kitchens and bathrooms and extractor fans where required. The standard has recently been reviewed and an enhanced lettable standard is being piloted for twelve months from January 2020. This will be targeted primarily at care leavers, existing tenants that are

downsizing, those moving into retirement living accommodation, those moving from Kirklees Council temporary accommodation and those moving from a domestic violence refuge. The enhanced lettable standard will provide for carpets and underlay, blinds, decorated throughout, fully plastered where required. It will also include an additional switched fused spur fitted at either the top or bottom of the stairs, which could be used as power for a stair lift and tenants will be provided with a home starter fund to assist certain new tenants who may struggle to set up a new home.

- 2.13 The target rent is based on size, value, location and local earnings levels and will generate around £90k additional income during the first three years based on 5% of stock re-let and based on an average increase of 52p per property per annum in the first year. This would generate additional income of £900k over the 30 year life of the HRA business plan. Kirklees Council currently charge one of the lowest average rents per week across the country (Limit rents 2018-19 England, letter dated 9th March 2018).

3. Implications for the Council

3.1 Working with people

N/A

3.2 Working with partners

N/A

3.3 Place based working

N/A

3.4 Climate change and air quality

N/A

3.5 Improving outcomes for children

N/A

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

- 3.6 The rent increase and wider key housing challenges set the broader financial context for the HRA budget discussions in February 2020.
- 3.7 The proposed CPI + 1% rent increase for 2020/21 will directly impact on around 35% of Council tenants not in receipt of housing benefit. Those in receipt of Universal Credit will see their housing cost element increase in line with the rent increase (once the claimant notifies DWP of the change).
- 3.8 As part of HRA self-financing settlement, central government's debt allocation to Kirklees was £216 million. This was based on a nationally modelled assumption that Kirklees HRA would have sufficient future rental income streams to be able to service this level of debt, provided it continued to uplift rents annually in line with national rent guidelines. The debt cap has now been removed but future rental income streams need to be sufficient to enable the Council to build up resources to be able to maintain existing housing stock at a level of decency over the longer term.
- 3.9 The cumulative impact of the four year 1% rent reduction on the 30 year business plan was previously identified as a business risk to the Council. This has been and is being managed by

- a) Savings to the management fee

- b) Reviewing Income streams, following the successful merger of Building Services and KNH. A new charging model will be in place from April 2020, which will focus on service delivery and better management of costs, leading to the service becoming more efficient.
 - c) Continuation of interventions which mitigate the impact of welfare reform on the HRA.
- 3.10 The Equality Act 2010 (Section 149) requires the Council to have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- 3.11 It is believed that the proposals to change rents and other charges set out in this report will not have an unduly adverse impact on any persons in any of the nine protected characteristics namely, age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion, or belief, sex and sexual orientation. All tenants affected by any approved changes to rents and other charges will be notified of the specific changes to their charges and be provided with information and guidance on how to access information and guidance on housing and other benefits.
- 3.12 During 2019 the council reviewed the cost of two extra care services which are included in the service charge; grounds maintenance and cleaning with its contractor. Both of these charges are eligible for housing benefit and currently the service charge is set to ensure the costs are recovered in full. Following the review the total costs of these two services need to increase by more than an inflationary amount if costs are to be covered in full. Options have been considered for setting the service charge in 2020/21 and discussed with the Lead Member for Housing. Support has been received for officers proposals to increase these service charge elements by CPI +1% with the resultant shortfall being met by the HRA.
- 3.13 One extra care service charge Night Time Security provides services which are commissioned by the council by Adult Social Care. Night Time Security provides a staff presence in the extra care schemes overnight every day and to respond to any emergency calls made by tenants during the night. The charge that tenants pay for this service amounts to 50% of the total cost and this is also eligible for housing benefit. The total cost of this service also needs to increase by more than an inflationary amount if costs are to be covered. Options have been considered for setting the service charge in 2020/21 and discussed with the Lead Member for Housing. Support has been received for officers' proposals to increase this service charge element by CPI +1% with the resultant shortfall being met by the HRA.
- 3.14 On 6th March 2018, Cabinet approved a proposal to introduce a new service charge in extra care to cover the costs of providing an on-site bistro at each scheme. Officers progressed the proposal however current housing benefit rules as applied to meals and meals services will negatively impact on tenant income. Options were considered and discussed with the Lead Member for Housing. Support has been received for the new charge not to be implemented; however officers will continue to identify additional sources of income for the bistros and to develop and evaluate other delivery options.

4. Consultees and their opinions

- 4.1 Awareness of the CPI + 1% rent increase has been communicated to Tenant and Resident Associations through a briefing note sent out in November 2019 and it was communicated at the Tenants conference which was held on 24th October, where comments and feedback were requested on the proposals contained in this report. TRA's are supporting the rent and service charge increase proposals set out in this report based on the information communicated to them as part of the proposed budget for 2020/21. Individual tenants will be formally notified of the approved changes by letter and in accordance with the statutory 4 week notice period.
- 4.2 It is intended that there will be further Member, Portfolio Holder, Senior Officer and other key stakeholder briefings through 2020 to continue to assess the future opportunities for the HRA and key sensitivities impacting on longer term HRA business plan forecasts.

5. Next steps and timelines

In order to comply with the requirements of the Local Government and Housing Act 1989 to have a balanced HRA and the Welfare Reform and Work Act 2016 and the rent standard which requires registered providers to comply with specified rules about their levels of rent set under section 194(2A) of the Housing and Regeneration Act 2008; to implement the increase of CPI + 1% subject to Cabinet approval, Council and KNH officers will prepare for the implementation of rents and service charge changes from 6th April 2020 as set out in Appendix 1 and the issuing of prior notification letters to individual tenants in accordance with the statutory 4 week notice period.

6. Officer recommendations and reasons

- 6.1 That Members, in order to comply with the requirements of the Local Government and Housing Act 1989 to have a balanced HRA and the Welfare Reform and Work Act 2016 and the rent standard, increase the proposed rents and service charges payable for social housing by CPI + 1% from April 2020 which are contained within this report.
- 6.2 That Members approve the charges for Extra Care Services – Intensive Housing Management uplifted by 2% and Extra Care Services – Night Care Service uplifted by 2.7% (CPI + 1%) in line with other increases.
- 6.3 That Members agree to continue to charge a target rent on all properties let to new tenants.

The approval of the above recommendations will ensure that a balanced HRA is achieved which means the Council is compliant with the Local Government and Housing Act 1989.

- 6.4 That Members note the national and local financial challenges outlined above in preparation for HRA budget discussions in February 2020.

7. Cabinet portfolio holder's recommendations

- 7.1 That the proposed dwelling rent, garage rent, service and other charges set out in the report be approved and be effective from 6th April 2020.
- 7.2 That the national and local financial challenges outlined in the report are noted in preparation for the HRA budget discussions in February 2020.

8. Contact officers

Helen Geldart
Head of Housing Services – Kirklees Council
Tel 01484 221000
Email - helen.geldart@kirklees.gov.uk

Jacqui Fieldhouse
Head of Finance – Kirklees Neighbourhood Housing
Tel 01484 221000
Email - jacqui.fieldhouse@knh.org.uk

9. Background Papers and History of Decisions

Annual rent and service charge setting report 2019/20
Consultation letter sent to Tenant & RA's week commencing 11th November 2019
Presentation slides from the tenants' conference held on 24th October 2019.

10. Service Director responsible

Naz Parkar - Service Director, Growth and Housing
Tel 01484 221000
Email - naz.parkar@kirklees.gov.uk

Schedule of Weekly Rent and Service Charges for 2020/21

	Schedule as at 1 April 2019 £	Schedule as at 6 April 2020 £	Increase %
RENTS			
Average Dwelling Rent	68.32	70.16	2.7
Split:			
Average 1 Bedroom Rent	60.22	61.85	2.7
Average 2 Bedroom Rent	71.13	73.05	2.7
Average 3 Bedroom Rent	80.06	82.22	2.7
Average 4 and Over Bedroom Rent	84.87	87.16	2.7
Garage Rents (Excluding VAT)	5.11	5.25	2.7
Housing Benefitable Service Charges			
Concierge	2.17 to 14.11	2.23 to 14.49	2.7
Door Entry Systems	0.38	0.39	2.7
Communal Cleaning	0.88 to 6.78	0.90 to 6.96	2.7
Communal Cleaning (contract extension)	1.50	1.54	2.7
Window Cleaning	0.19 to 2.25	0.20 to 2.31	2.7
Sheltered Housing:			
Scheme Management	12.42	12.76	2.7
Scheme Coordinator	4.58	4.70	2.7
Furnishings	16.00, 17.05	16.43, 17.51	2.7
PFI Service Charges			
Communal Cleaning	9.59 to 13.06	9.85 to 13.41	2.7
Communal Utilities	1.97 to 10.46	2.02 to 10.74	2.7
External Lighting (General Needs Only)	1.54 to 2.28	1.58 to 2.34	2.7
Grounds Maintenance	2.58 to 6.71	2.65 to 6.89	2.7
Intensive Housing Management (Extra Care Only)	22.78 to 58.12	23.24 to 59.28	2.0
Management and Admin	1.16 to 1.17	1.19 to 1.20	2.7
Night Time Security (Extra Care Only)	17.18	17.64	2.7
Property Management (Extra Care Only)	19.54	20.07	2.7
R&M Com fac&ut cost	4.59 to 10.48	4.71 to 10.76	2.7
Other Charges			
Parking Spaces	4.40	4.52	2.7
Other Utilities charges	13.00, 18.16	13.35, 18.65	2.7
Older People Support	6.95, 18.73	6.95, 19.24	2.7
Council Tax	4.41, 6.92	4.59, 7.20	3.99
Gardening	2.93	3.01	2.7
Sheltered heating :			
Bedsit	9.24	9.49	2.7
1 bed	10.58	10.87	2.7
2 bed	11.87	12.19	2.7
3 bed	13.03	13.38	2.7



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%	
										Council Tax Base for KMC - Chargeable Dwellings Band 'D' Equivalent
										120,827.80

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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