

Public Document Pack



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

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Thursday 23 April 2020

Notice of Meeting

Dear Member

Cabinet

A Meeting of **Cabinet** will take place remotely at **3.00 pm** on **Friday 1 May 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

Emergency Cabinet Portfolio Responsibilities During Covid-19

Cllr Shabir Pandor	Leading the immediate response to the pandemic Leading recovery strategy Public Health
Cllr Peter McBride	Immediate support to business Planning the post-pandemic inclusive economy
Cllr Viv Kendrick	Statutory responsibility for children's social care Safeguarding our most vulnerable children throughout the pandemic
Cllr Musarrat Khan	Statutory responsibility for vulnerable adults Responsible for vulnerable adult social care, and safeguarding our most vulnerable adults throughout the pandemic
Cllr Carole Pattison	Working with schools to maintain services Planning for return to school
Cllr Graham Turner	Financial oversight Resources
Cllr Naheed Mather	Council staff, including staff wellbeing
Cllr Cathy Scott	Engaging and supporting voluntary sector capacity for immediate responses to the pandemic Strengthening place-based working for the future (North Kirklees)
Cllr Rob Walker	Engaging and supporting voluntary sector capacity for immediate responses to the pandemic Strengthening place-based working for the future (South Kirklees)

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

To receive apologies for absence from Cabinet Members who are unable to be present.

2: Minutes of Previous Meetings

1 - 16

To receive the Minutes of the Meetings of the Cabinet held on 14 January and 25 February 2020.

3: Interests

17 - 18

The Councillors will be asked to advise 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: Written Questions

Due to current Covid-19 restrictions, Elected Members and Members of the Public may submit written questions to the Leader and/or Cabinet Members. Any questions should be emailed to executive.governance@kirklees.gov.uk no later than 5.00pm on Thursday 30 April 2020.

The Leader or relevant Cabinet Member will provide an oral response to any questions received, or if they are not able to do so, a written response will be provided.

6: Decisions taken during the COVID-19 Pandemic (to date)

To receive details of decisions taken to date by the Chief Executive (and others) using Emergency Powers for the period from 16 March 2020 to date to seek approval and/or noting and to describe some of the new roles of the Cabinet during this period.

Contact: Julie Muscroft, Service Director – Legal, Governance and Commissioning

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 14th January 2020

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

95 Membership of Cabinet

All Members of the Cabinet were present.

96 Minutes of previous meeting

RESOLVED - That the Minutes of the Meetings held on 12 November 2019 and 3 December 2019 be approved as a correct record.

97 Interests

No interests were declared.

98 Admission of the Public

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

99 Deputations/Petitions

No deputations or petitions were received.

100 Public Question Time

No questions were asked.

101 Member Question Time

No questions were asked.

102 Capital Scheme - Cherry Trees Respite

Cabinet gave consideration to a report which sought approval to proceed with a capital scheme at Cherry Trees respite, an 8 bed learning disabilities respite unit in Shepley, which is owned and managed by the Council. Cabinet noted that the initial outline business case had been approved during February 2019 and that the full business case was now submitted, as attached at Appendix 1 to the considered report. The business case set out details of the proposal, which was to undertake internal works and changes to the existing building in order to ensure that it was fit

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for purpose in meeting the needs of service users, and also enhancing the use of the grounds and external facilities.

The report advised that the detailed design had identified an estimated outturn cost of £735k, excluding £115k for fire safety works and Cabinet was now requested to agree and release the sum of £735k so that tenders and works could be progressed. Cabinet noted that the capital investment was budgeted for within the overall Day Services Support for Vulnerable Adults Programme and that the £115k of investment for fire safety works would be met from the Corporate Landlord capital plan. The report set out a proposed timeframe, which indicated that the works were estimated for completion in August 2020.

RESOLVED - That approval be given to the release of £735k to enable works at Cherry Trees Respite to be progressed.

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

Cabinet received a report which requested 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. The report advised that there was a school led opportunity to reorganise school places in the Dewsbury West area, resulting in St John's CE (VC) Infant School becoming a 30 place all through primary school, with complimentary charges to pupil numbers at Westmoor Primary School, thereby reducing the transition points for pupils and ensuring sustainable delivery models for both schools.

Cabinet were asked to support the undertaking of a non-statutory consultation in order to seek the views of key stakeholders on the proposals. The report provided an indicative timeline, illustrating that the consultation process would conclude on 21 February 2020, with potential implementation commencing in September 2021.

RESOLVED - That approval be given to the undertaking of a 4 week non-statutory consultation process regarding the reorganisation of Dewsbury west school place planning area.

104 Kirklees School Funding Arrangements for Financial Year 2020/2021

Cabinet gave consideration to a report which sought approval of Kirklees' School Funding Arrangements for the financial year 2020-2021. The report set out details of the arrangements that had been consulted upon for the funding of local schools and academies and Cabinet were asked to give approval to (i) the specific funding factors to be used and the relative weightings and values of the funding factors (ii) central budget provision within the Dedicated Schools Grant Schools Block of Funding, the Central School Services Block and the Early Years Block and (iii) de-delegation arrangements for mainstream maintained schools.

The report provided details in regards to (i) funding information (ii) the movement towards national funding formula in the soft National Funding Formula years of 2018-2019 to 2020-2021 (iii) exceptions applications to the Education and Skills Funding Agency (iv) central budget provision within the Dedicated Schools Grant funding blocks (v) de-delegation arrangements for mainstream maintained schools

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(vi) High Needs Block funding 2020-2021 (vii) Early Years Block Funding 2020-2021 (viii) Dedicated School Grant Funding Settlement 2020-2021 and (ix) recommendations from the 2020-2021 Dedicated Schools Grant schools funding formula from the Kirklees Schools Forum.

The report advised that the Schools Forum would continue to help shape schools funding arrangements at their meeting on 10 January 2020, prior to the deadline for submission of the school funding allocations for 2020-2021 to the Education and Skills Funding Agency on 21 January 2020. Cabinet noted that it was expected that the local authority would inform maintained schools of their 2020-2021 budget shares by 28 February 2020 and that the Education and Skills Funding Agency would advise academies of their 2020-2021 budget allocations by 31 March 2020.

RESOLVED –

- 1) That details of the consultative process, undertaken in collaboration with Head Teachers to determine the ongoing local approach to the distribution of Dedicated Schools Grant Schools Block funding for 2020-2021, be noted.
- 2) That the exceptions applications made to the ESFA, and subsequently approved, be noted.
- 3) That the changes to the schools funding formula funding arrangements for 2020-2021, leading up to the full introduction of the National Funding Formula for Schools from April 2021, be noted.
- 4) That the ongoing local consultation with schools and other providers to ensure an appropriate local response to national funding formula developments be noted.
- 5) That approval be given to the submission of the schools funding formula for 2020-2021 (based upon a guaranteed funding rise of at least 1.84% per pupil in comparison to each school's 2019-2020 per pupil baseline) to the Education and Skills Funding Agency.

105 Interim Affordable Housing Policy 2020

Cabinet gave consideration to a report which sought approval to adopt the Interim Affordable Housing Policy 2020, which had been updated following the adoption of the Local Plan and the introduction of the Housing Strategy 2018-2023. Cabinet were advised that the 2020 interim policy would replace the 2016 interim policy and that the new document sought to provide greater clarification, make direct links to existing housing need evidence and provide updates on a range of issues relating to the implementation of national planning policy. Cabinet were advised that the document would be in place on a short term basis, until it is replaced by a formal Supplementary Planning Document later in 2020.

The report explained that the updated policy would help inform negotiations to secure affordable housing that best meets locally identified needs and that the main updates related to (i) the definition of affordable housing sites (ii) addressing national policy requirements regarding provision of affordable homes for sale (iii) the provision of starter homes and discounted market sales housing relative to housing needs in Kirklees and (iv) the requirements of a viability appraisal.

RESOLVED -

- 1) That approval be given to the Interim Affordable Housing Policy 2020, which provides updated interim policy and guidelines for dealing with affordable housing/financial contributions from new housing developments, as attached at Appendix 1 of the considered report, and that the 2016 Interim Affordable Housing Policy be revoked.
- 2) That authority be delegated to the Service Director (Growth and Housing) to make any further additional modifications which relate exclusively to factual updates and format corrections in the process of publishing the Interim Affordable Housing Policy 2020.

106 Enhanced Lettable Standard Pilot 2020

Cabinet gave consideration to a report which sought support for a targeted Enhanced Lettable Standard and Home Starter Fund pilot that Kirklees Neighbourhood Housing proposed to deliver on behalf of the Council from January 2020 to December 2020. The report detailed the opportunities that would be offered by the pilot in terms of establishing a long term Enhanced Lettable Standard and Home Starter Fund offer that would give new Kirklees tenants the best possible start to their tenancies.

Cabinet were advised that the Council's properties were currently re-let to a lettable standard that was last reviewed in 2018 and that the revised standard included flooring and mechanical extraction to kitchens and bathrooms, as well as more customer responsive flexibility to make change. Cabinet noted that the further enhancement of the lettable standard would provide assurance to the Council that new tenants, in particular those who are the most vulnerable, are provided with a standard of accommodation which provides the best chance of sustaining their tenancy and settling into the community.

RESOLVED - That approval be given to the implementation of the targeted Enhanced Lettable Standard and Home Starter Fund pilot that Kirklees Neighbourhood Housing proposal to deliver on behalf of Kirklees Council, from January 2020 to December 2020.

107 Housing Revenue Account (HRA) Rent and Service Charge Setting and Key Housing Challenges

Cabinet received a report which provided the financial context and basis for the annual setting of rents and service charges, and the Housing Revenue Account budget. The report sought approval of a CPI (Consumer Price Index) +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 2020/2021 with the exception of Extra Care Services – Intensive Housing Management, which had a proposed annual uplift of 2%, and Extra Care Services – Night Time Security, which had a proposed annual uplift of CPI+1%.

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The report also provided context in terms of the key challenges for the Housing Revenue Account including the CPI+1% rent increase. An appendix to the considered report set out the full schedule of proposed weekly dwelling rent, service and other charge increases to Council tenants for 2020-2021.

RESOLVED –

- 1) That approval be given to the proposed dwelling rent, garage rent, service and other charges by CPI (Consumer Price Index) +1%, as set out within the report, with effect from 6 April 2020, in order to ensure a balanced Housing Revenue Account which is compliant with the Local Government and Housing Act 1989.
- 2) That approval be given to charges for Extra Care Services – Intensive Housing Management to be uplifted by 2% and Extra Care Services – Night Care Services uplifted by 2.7% (CPI +1%), in line with other charges.

108

Calculation of Council Tax Base 2020/2021

Cabinet gave consideration to a report seeking approval from Council for the various tax bases, which would apply to the Kirklees area for the financial year 2020/21 in connection with the Council Tax. There were no proposed changes to the current Council Tax Reduction Scheme (CTRS) for 2020/21.

RESOLVED – 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, be referred to the meeting of Council on 15 January 2020 with a recommendation of approval;

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

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 25th February 2020

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

Observers:
Councillor Martyn Bolt
Councillor Andrew Cooper
Councillor Alison Munro
Councillor John Taylor
Councillor Elizabeth Smaje

129 Membership of Cabinet

All Members of Cabinet were present.

130 Minutes of Previous Meetings

RESOLVED - That the minutes of the meetings of Cabinet held on 20 and 28 January 2020 be approved as a correct record.

131 Interests

No interests were declared.

132 Admission of the Public

It was noted that Agenda Items 20 and 21 would be considered in private session (Minute No.s 148 and 149 refer).

133 Deputations/Petitions

No deputations or petitions were received.

134 Public Question Time

No questions were asked.

135 Member Question Time

Cabinet received questions from;

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- (a) Councillor Bolt in regards to (i) revising the flood risk strategy due to recent severe weather conditions, and further considerations in regard to flood mitigation and prevention measures (ii) a request to ban planning permissions on floodplains and (iii) the Cabinet's commitment to the climate emergency, including measures to provide to dwellings of high environmental standards and reducing fuel costs.
- (b) Councillor Cooper (i) as to whether the Cabinet would request Government to enable a review the content of the Local Plan and Local Planning Policy Framework due to the recent incidents of flooding and (ii) support being provided to homeowners in terms of flood protection measures.
- (c) Councillor Munro in regards to (i) the robustness of tools for assessing flood risk areas and the impact of new homes upon existing homes within flood risk assessments and (ii) the potential for a meeting to take place with Officers and residents affected by flooding in the Fenay Bridge area.

Responses were provided by the Leader of the Council.

136 Collections Development Policy Review

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

Cabinet gave consideration to a report which sought approval for the review and renewal of the Museums and Galleries Collections Development Policy (also known as the Acquisition and Disposal Policy). The report advised that the policy enabled the Council to fulfil its responsibility to ensure that museum collections would exist for future generations and that they are managed appropriately and with adequate resources. The policy also described the current collections, comprising of approx 500k objects, and identified what would be collected in the future.

Cabinet noted that the policy, which was appended to the considered report, was usually reviewed every five years to meet the Museums Accreditation Standard, and set out the Council's commitment to operate within legal and ethical constraints in accordance with established museum industry standards.

RESOLVED - That the Collections Development Policy, as appended to the considered report, be approved.

137 Determination of school admission arrangements for 2021/22

Cabinet gave consideration to a report which sought to determine admission arrangements for all Kirklees Community and Voluntary Controlled Schools for 2021/2022. The admission arrangements for Kirklees Community and Voluntary Controlled Schools, and the Kirklees Co-Ordinated Admission Schemes for 2020/2022, including in-year admissions, were set out as an appendix to the considered report, along with details of Published Admission Numbers (PAN) which included an increased PAN at both Lowerhouses CE (VC) Junior Infant and Early Years School and Hade Edge Junior and Infant School at the request of their

Governing Bodies. Cabinet noted that there had been no significant changes to the admission arrangements for community and voluntary controlled schools, except changes to the priority admission areas for schools affected by the change in age range at Almondbury Community School.

RESOLVED - That approval be given to (i) the Kirklees co-ordinated admission schemes for 2021/2022, including in-year admissions, as set out at Appendix 2 to the considered report (ii) the admission arrangements for Kirklees community and voluntary controlled schools as detailed in Appendix 1 to the considered report and (iii) the Published Admission Numbers as set out in Appendix 1D to the considered report, including changes to Hade Edge Junior and Infant School and Lowerhouses CE (VC) Junior Infant and Early Years School.

138 Small Affordable Housing Sites Programme (SAHS) – Consideration of an objection received to the Section 123 Notice on the proposed disposal of land at Kitson Hill Crescent, Mirfield

(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 details of an objection that had been received following a statutory consultation process which had been carried out under Section 123 (2A) of the 1972 Local Government Act in regards to the disposal of land at Kitson Hill, Mirfield. Cabinet noted that the site was a Council owned site which was to be disposed of to registered housing providers as part of the Small Affordable Housing Sites Programme, as approved by Cabinet in August 2018.

Cabinet were provided with a copy of the received objection and were advised that, as it related to the effect upon a neighbouring property rather than the loss of open space to the community, it should be dismissed.

The report advised that planning permission for six bungalows on the site had been granted on 9 January 2020.

RESOLVED –

- 1) That the objection to the Section 123 open space consultation be dismissed on the grounds that it relates primarily to planning issues and the effect of the scheme on a neighbouring property, rather than the loss of open space to the community.
- 2) That approval be given to the disposal of land at Kitson Hill Crescent, Mirfield.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree terms and complete the sale of land at Kitson Hill Crescent, Mirfield.
- 4) That a detailed update on the Small Affordable Housing Sites Programme be submitted to a future meeting of Cabinet, including the outcome of the Section 123 consultation process for other sites within the programme.

139 Annual RIPA Update

Cabinet received a report which provided an annual update with regards to the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA). The report advised that, arising from the recommendations of the Office of Surveillance Commissioners, a training session had been delivered to relevant staff by independent training company, ACT Now. It was noted that no RIPA authorisations had been granted within the last 12 month period.

Cabinet were also advised that raising awareness of RIPA would be continued, particularly with regards to the use of social media to obtain intelligence, and that a Social Media Policy for RIPA was to be drafted.

RESOLVED -

- 1) That the Annual RIPA update be noted.
- 2) That authority be delegated to the Senior Responsible Officer to finalise the RIPA Social Media Policy.

140 Early Education and Childcare SEND Inclusion Funding Policy

Cabinet gave consideration to a report which sought approval of the Special Education Needs and Disabilities (SEND) Inclusion Funding Policy. Cabinet were advised that, as a consequence of an earlier scoping exercise, and subsequent funding decisions made in relation to increasing capacity within the Early Years Special Educational Needs Team, the policy relating to early years SEND funding for inclusion needed to be considered and had been produced in accordance with statutory guidance. It was noted that the meeting of Cabinet on 23 January 2018 had made a decision to invest in early years specialist outreach support as part of the early help offer and that work would commence to determine the investment strategy for capacity building in the Access Fund. Pursuant to this, the Council had continued to have an enhanced non-statutory offer (SENDIF+) for parents and carers who are working.

Cabinet were advised that the policy, which set out the parameters regarding access to SENDIF and SENDIF+, and provided clarity to early years providers and parents/carers.

RESOLVED - That approval be given to the Special Educational Needs and Disability Inclusion Fund Policy.

141 Kirklees Youth Alliance Holiday Programme

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

Cabinet received a report which provided detail of the 2019 Kirklees Youth Alliance Healthy Holiday Programme, which was a co-ordinated school holiday activity programme aimed at engaging children in informal learning during the six week holiday period, including enrichment programmes, physical activities and healthy food. Cabinet were informed that there had been over 11,000 attendances at the sessions and that the programme had been funded by the Council at a cost of £225k, being targeted at communities with higher levels of deprivation and designed

to support good outcomes for children. The report sought approval for recurring funding for the programme at the same level for future years and advised that, if approved, work would be undertaken to develop a holiday programme from April 2020 onwards.

RESOLVED –

- 1) That the impact of the 2019 Kirklees Youth Alliance Healthy Holidays Programme be noted.
- 2) That support be given to the continuation of work with Kirklees Youth Alliance and the development of the programme in order to achieve positive outcomes for children, particularly those living within the most deprived communities.
- 3) That approval be given to the offer of a grant to Kirklees Youth Alliance in order to enable the scheme to be operated, in accordance with a process to be agreed with the Service Director (Resources, Improvement and Partnerships) under Financial Procedure Rule 20.8a.

142 Kirklees Flood Recovery Support Scheme

Cabinet gave consideration to a report which sought approval to create a local Flood Recovery Support Scheme for businesses and households' following the extreme incidents of flooding which occurred and severely affected several communities, including occurrences of internal residential flooding. The report proposed a package of financial and other measures to support households, businesses and charitable organisations in meeting immediate costs associated with the clearing up of premises, and for the provision of a free bulky waste collection for residents affected by flooding. Cabinet noted the package of support measures that had been developed in line with the Government's Flood Recovery Framework and endorsed the proposed flood recovery grant scheme which was intended to support immediate recovery and clean up costs through the provision of fixed grants to enable eligible households (£750) and business/community organisations (£3000).

RESOLVED –

- 1) That approval be given to the implementation of the proposed package of financial support measures for households, businesses and charities that are severely affected by flooding, as outlined in section 2 of the considered report.
- 2) That authority for implementation and monitoring of the Flood Recovery Grant scheme be delegated to the Strategic Director Economy and Infrastructure and the Service Director (Finance).
- 3) That authority be delegated to the Service Director (Finance) to award Council Tax Reductions under s13A(1)(c) of the Local Government Finance Act 1992 in any case where properties have experienced internal flooding, as defined in section 2 of the report, and that such reductions be limited to a maximum of three months.
- 4) That authority be delegated to the Service Director (Finance) to award Business Rate Discounts under s47 of the Local Government Finance Act

1988, as amended by the Localism Act 2011, in any case where properties have experienced internal flooding as defined in section 2 of the report, and that such reductions be limited to a maximum of three months or until the business is able to resume trading from the premises if longer.

- 5) That authority be delegated to the Strategic Director (Economy and Infrastructure) and the Service Director (Finance) in consultation with the Leader of the Council for the monitoring of the programme and development of further financial and other measures to support recovery from severe weather events
- 6) That authority be delegated to the Service Director (Finance) to negotiate with the Ministry for Housing, Communities and Local Government in relation to the recovery of any eligible costs arising from the implementation of the Flood Recovery Grant scheme, Council Tax and Business Rate Discounts; and the reimbursement of the Council's uninsurable costs under the Bellwin Scheme.

143 Huddersfield Blueprint - Next Steps

Cabinet received a report which sought approval of the Huddersfield Blueprint and to proceed with the statutory planning process to convert the Blueprint to a Supplementary Planning Document (SPD), which would provide greater support in the delivery of the Huddersfield Town Centre Regeneration Programme. It set out areas of change to the original blueprint arising from the consultation processes carried out during 2019 and also provided the timetable to convert the blueprint to an SPD.

The report advised that, subject to approval, a four week consultation process would commence on 2 March and that the responses would be analysed prior to a decision on the Huddersfield Town Centre blueprint SPD being taken in May/June 2020. The proposed amendments to the blueprint were set out at Appendix 1 to the considered report.

RESOLVED –

- 1) That approval be given to the Huddersfield Blueprint and that it be endorsed as a Council document.
- 2) That approval be given to proceed with the statutory planning process to convert the Blueprint to a Supplementary Planning Document, with consultation commencing 2 March 2020.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to make any further additional modifications that relate exclusively to factual updates, grammatical and formatting corrections, in the process of publishing the Huddersfield Town Centre Blueprint SPD.

144 Corporate Finance Report Quarter 3

Cabinet gave consideration to the Corporate Financial Monitoring Report, Quarter 3, 2019/2020, which provided financial monitoring information for General Fund Revenue, the Housing Revenue Account and Capital Plan.

The report advised that strong progress at Quarter 3 in terms of delivering overall spending plans within available resources and that the Q2 overspend of £0.9m had been reduced to a forecast £0.5m overspend and that it was expected that overall spending plans would be within budget by year end. The forecast revenue outturn at Quarter 3 was summarised at Appendix 1 of the considered report, and a summary of all key variances were set out at Appendix 4. The report provided an overview of information in regards to (i) General Fund Reserves (ii) the Collection Fund (iii) the North and West Yorkshire Business Rates Pool (iv) the Housing Revenue Account and (v) capital.

RESOLVED –

- 1) That the roll forward of £11.2m High Needs overspend through the Dedicated Schools Grant mechanism be noted.
- 2) That the 2019/2020 forecast revenue overspend of £0.5m as at Quarter 3, net of (1) above, be noted.
- 3) That it be noted that Strategic Directors will work to identify opportunities for spending plans to be collectively brought back in line with the Council's overall budget by year end.
- 4) That the forecast year end position on corporate reserves and balances be noted.
- 5) That the forecast position on the Collection Fund as at quarter 3 be noted.
- 6) That the Quarter 3 forecast Housing Revenue Account surplus and forecast year-end reserves position be noted.
- 7) That the Quarter 3 forecast capital monitoring position for 2019/2020 be noted.
- 8) That approval be given to the re-profiling across years of the capital plan, as outlined at para. 1.10.2 of the considered report.
- 9) That the increased capital expenditure budget for the works at Cliffe House, as outlined at para 1.10.9 of the considered report.

145 The Arcade, Market Place Dewsbury

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

Cabinet gave consideration to a report which sought authority for the purchase of The Arcade, Market Place, Dewsbury. The report advised that The Arcade, which was a Grade 2 listed Victorian Arcade in the centre of Dewsbury, had been closed and vacant since 2016 and presented a poor visual appearance in the town centre due to general deterioration.

Cabinet were informed that the re-opening the Arcade was part of the Council's scheme to regenerate the town centre and that a programme of repairs needed to be undertaken in order to ensure that the condition of the building does not

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deteriorate further. The report advised that Officers had recently agreed terms to acquire the property from its owners and that approval was therefore now sought for both its purchase and for funding to carry out repair works to the building, while entering into discussions with third parties with a view to reopening the Arcade with a mix of uses.

(Cabinet gave consideration to the exempt information at Agenda Item 20 (Minute No. 148 refers) prior to the determination of this Agenda Item).

RESOLVED –

- 1) That approval be given to the acquisition of the Arcade by the Council on the terms as outlined in Part B of the considered report.
- 2) That, pursuant to (1) above, approval be given to the subsequent grant by the Council of a lease of the Arcade to a third party to manage and operate the Arcade, and that the Council enter into any supporting or ancillary agreement to that lease with the third party.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) in consultation with the Cabinet Member (Regeneration Portfolio).
- 4) That approval be given to the funds required to purchase the building and carry out works to the building, as set out in Appendix 6 (exempt) of the considered report.

146 Dewsbury Riverside Development Strategy

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

Cabinet received a report which set out the progress of the Dewsbury Riverside Scheme since its approval on 19 March 2019, and now sought approval of (i) detailed proposals for the development of land in the Council's ownership within the Central Gateway and (ii) the acquisition of additional land to support the overall delivery strategy to meet Local Plan targets.

The report set out information regarding infrastructure requirements in respect of Lees Hall Road junction (Eastern Gateway), Forge Lane junction (Central Gateway) and Ravensthorpe Road junction (Western Gateway), and information regarding the proposed delivery framework. It was noted that the overall approach to accelerating the delivery of the Dewsbury Riverside site may involve the Council acquiring other land interests, which were detailed within the exempt appendix to the report.

(Cabinet gave consideration to the exempt information at Agenda Item 21 (Minute No. 149 refers) prior to the determination of this Agenda Item).

RESOLVED –

- 1) That the approach as outlined within the report be endorsed in order to bring Council owned land within the Central Gateway of the Dewsbury Riverside site forward as the first phases of development.

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- 2) That approval be given for the Council to acquire 11.5 hectares of land currently owned by Leeds Diocese, subject to the parameters as set out at the (exempt) appendix to the report.
- 3) That approval be given for the Council to acquire land interests within the Dewsbury Riverside within the cap, subject to the parameters as set out at the (exempt) appendix to the report.
- 4) That approval be given to capital expenditure of up to £1,050,000 in the 2020/2021 and 2021/2022 financial years in order to (i) facilitate the relocation of the Council owned Ravenshall allotments (ii) procure the preparation of a detailed and costed delivery plan for the development of Council owned land within the Dewsbury Riverside site and (iii) prepare detailed designs and invite tenders for the construction of the Forge Lane junction, spine road and associated drainage.

147 Exclusion of the Public

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

148 The Arcade - Market Place

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006, namely Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 17 (Minute No. 145 refers).

149 Dewsbury Riverside Development Strategy

(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 and business affairs of the Council and third parties. It is considered that disclosure of the information would adversely affect negotiations with third party landowners and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Council, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 18 (Minute No. 146 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 (held virtually)

Date: 1 May 2020

Title of report: Report on Decisions taken during the COVID-19 Pandemic to date for agreement and/or note

Purpose of report: To set out Decisions taken to date by the Chief Executive (and others) using Emergency Powers for the period from 16 March 2020 to date to seek approval and/or noting and to describe some of the new roles of the Cabinet during this period.

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 but see below
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	No – this report was not anticipated in the forward plan but some of the decisions reported here were in the plan. Decisions were taken using Emergency Powers which were required to be used arising from the immediate impact of the Covid 19 pandemic
The Decision - Is it eligible for call in by Scrutiny?	No see above
Date signed off by <u>Strategic Director</u> & name	Jacqui Gedman 23/04/20
Is it also signed off by the Service Director for Finance?	Eamonn Croston 23/04/20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft 23/04/20
Cabinet member <u>portfolio</u>	The Leader

Electoral wards affected: Potentially all

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 This report marks the beginning of restoring formal Cabinet decision making in Kirklees. It describes the move from emergency decision making to re-opening democracy through virtual Cabinet meetings.
- 1.2 The report also sets the blueprint for renewed political leadership in Kirklees. New Cabinet responsibilities will focus members' energy on the immediate consequences of the pandemic: to protect lives, livelihoods and the most vulnerable members of the community. The new portfolios lay the foundation for Kirklees' recovery in the long term and how the council will adapt to its changed circumstances.
- 1.3 As a result of the COVID-19 pandemic it was not possible to maintain social distancing measures and at the same time to be in compliance with the provisions of the Local Government Act 1972 which require Members to be physically present at a meeting to enable them to take decisions. This includes Cabinet meetings, Planning, Licensing, Council etc.
- 1.4 In the week beginning 12 March 2020 a number of meetings were cancelled and with effect from 24 March all meetings were cancelled.
- 1.5 This report sets out how decisions have been taken during this period, having regard to the powers that already exist in the Council's Constitution. These include Emergency Powers of the Chief Executive, [as well as other delegations which are given to Strategic Directors and Statutory Officers which are also set out in the Constitution].
- 1.6 A number of decisions taken by the Chief Executive during this period require to be reported back to the first meeting of Cabinet which Cabinet is asked to endorse and note. This report seeks to do that, it also informs the meeting about other Emergency decisions taken.

2. Information required to take a decision

- 2.1 Since the middle of March it has not been possible for Members to meet together and take decisions at Cabinet or Committee meetings or Council.
- 2.2 As a result of this the Chief Executive has exercised her Emergency Powers which are relevant to the current circumstances which are set out in Section F (Part 3.7 of the Council's Constitution) as follows:

"The Chief Executive may:

(c) Deal with emergencies and disasters and the carrying out of civil defence functions

(d) Take emergency action in the following circumstances:

The Chief Executive (or any Strategic Director nominated from time to time by the Chief Executive, or if any such Strategic Director is not available or if no such nomination has been made, any Strategic Director) is empowered, in consultation with the Leader or relevant Committee Chair (unless the urgency makes this impracticable) to make decisions on any issues in circumstances which he/she reasonably considers to be an emergency, reporting to the Cabinet or relevant Committee as soon as possible thereafter."

- 2.3 The same section of the Constitution also sets out the various other delegations to Strategic Directors and Statutory Officers.
- 2.4 As a result, during this period of time the Council has been able to continue to function. This has been done firstly by prioritising areas where decisions need to be made and where necessary delaying them. Where it has not been possible to delay it has been done:

- i) By using the Council's existing Scheme of Delegation in Part 3.7 (Section F) of the Constitution to Strategic Director and Statutory Officer Service Directors; and
- ii) By using the Chief Executive Emergency Powers pursuant to paragraphs c) and d) set out above.

2.5 The Coronavirus (Flexibility of Local Authority and Police and Crime Panel Meetings) Regulations 2020 ("the Regulations") came into force on 4 April 2020. This put in place the ability for Councils to hold meetings virtually, so long as they meet certain criteria specified in the regulations. This report is being considered by the first virtual Cabinet meeting and marks the end of the necessity for the Chief Executive (and other officers) to take emergency Executive decisions moving forwards and will enable the Cabinet to start to get back to taking decisions -business as normal as well as make decisions which may be required arising from current circumstances.

2.6 Decisions to date

- 2.6.1 Officers have been working together to look at prioritising decisions and then using the existing Scheme of Delegation. In situations where they were not available, the Chief Executive has made a number of decisions using the general power in paragraph c) above as well as a limited number which were made pursuant to paragraph d) which enables the Chief Executive to make some decisions which might ordinarily have been made by Cabinet and/or Committees in a situation of urgency or an emergency.
- 2.6.2 The Chief Executive has made a number of decisions which have been primarily made using the power in paragraph c) in paragraph 2.2 above. These relate to decisions made as a result of an immediate need to do something to protect the public and/or Council Members and/or officers and/or partners or as a reaction to an instruction from Government. A decision log has been shared with the Chair of Overview and Scrutiny Management Committee as well as Group Leaders and has been published on-line. It shows the decisions made, when, where and why and the extent to which there was any discussion with Cabinet Members, the Leader or Group Leaders virtually as appropriate. The up to date copy of this log is attached to this report as Appendix 1. A link to the web page where the decision log is kept is here <https://democracy.kirklees.gov.uk/mgDelegatedDecisions.aspx?bcr=1&DM=0&DS=2&K=0&DR=&V=0>. It is not expected that there will continue to be as many decisions required over the next few days and weeks as there were when the impact of the pandemic started to materialise.
- 2.6.3 The log makes reference to 5 decisions which are decisions which would otherwise have been considered by the Cabinet had it been possible to meet. More details of those are set out in the paragraphs below. The Chief Executive used her Emergency Decision Making Power under d) in paragraph 2.2 above to do this and the constitution requires the decisions to be reported back to the next meeting of the Cabinet.
- 2.6.4 To date 5 decisions have been made by the Chief Executive in consultation with the Leader virtually (and with other Cabinet Members where possible):
 - The decision to commence the Governance Review for the West Yorkshire Devolution Deal (24 March 2020). This report had been published and was on the Cabinet agenda for the day after Government announced the lockdown. The Cabinet meeting was cancelled and other items on that agenda will need to be considered at a later date. It was necessary for the Chief Executive to take this decision in order to comply with the timetable that all 5 councils and the Combined Authority had agreed with Government.
 - Proposals relating to non-domestic rates which were required to enable the Council to operate the new schemes to assist businesses in this period of the COVID-19 pandemic (31 March 2020).
 - To change the Council's housing allocation scheme to suspend the full implementation of the enhanced lettable standards and the Home Starter Fund Pilot to increase options and availability of appropriate accommodation for

homelessness to increase temporary capacity during the COVID-19 situation and in order to comply with requirements from Government (14 April 2020)

- To remove the 80% limit on entitlements in the Council Tax Reduction Scheme and to allocate 100% and to implement the Government's Council Tax Hardship Scheme at £150 in line with the Government's Council Tax Hardship Fund guidance – COVID-19 related (14 April 2020).
- Agreeing the Highway Capital Programme to enable some aspects of highways work to commence quickly (23 April 2020).

2.6.5 Copies of the reports considered by the Chief Executive to enable her to make those decisions are attached for information at Appendices 2-6.

2.6.6 In consultation with Cabinet, with the Leaders of Group and the Chair of Overview and Scrutiny Management Committee, Officers have sought to limit the number of decisions which were required to be taken during the period. The 5 decisions taken by the Chief Executive which would otherwise have been considered by Cabinet were felt to be ones which were needed as a result of the COVID-19 pandemic or in the case of the devolution to commence the beginning of the devolution process of reviewing governance arrangements before commencing consultation and engagement. Our decision was the last of the 5 constituent Councils and was due to be taken on the day that the Government issued a lockdown notice on Monday 23 March. The Highways report was agreed to enable highways works to commence in certain areas without delay.

2.6.7 Cabinet is asked to endorse the decisions taken by the Chief Executive in consultation with the Leader and to endorse and note the other decisions taken as set out in the action log.

2.7 Future Decisions

It is intended that future decisions are now made by Cabinet at virtual meetings. If on any occasion an emergency decision is required during the period of the pandemic this will be reported back as appropriate to the next virtual Cabinet meeting. It is not anticipated that this will be required to be used on a regular basis but it may be necessary from time to time if a decision is needed urgently between planned Cabinet meetings, or it isn't possible to hold a virtual meeting.

2.8 Scrutiny

The Chief Executive has been liaising regularly with the Chair of Overview and Scrutiny Management Committee who has a copy of the decisions taken using special emergency provisions.

2.9 Work of the Cabinet

Cabinet members have taken on reshaped roles that enable them to focus on the issues that matter most in protecting lives, businesses and communities across the borough during the coronavirus pandemic.

Cllr Shabir Pandor	Leading the council's immediate response to the pandemic. Leading the recovery strategy. Public Health.
Cllr Peter McBride	Immediate support to business. Planning the post-pandemic inclusive economy.
Cllr Viv Kendrick	Statutory responsibility for children's social care. Safeguarding the most vulnerable children throughout the pandemic and beyond.
Cllr Musarrat Khan	Statutory responsibility for vulnerable adults.

	Responsible for vulnerable adult social care and safeguarding the most vulnerable adults throughout the pandemic and beyond.
Cllr Carole Pattison	Working with schools to maintain services at the heart of communities. Planning for return to school.
Cllr Graham Turner	Financial oversight. Long term resource planning.
Cllr Naheed Mather	Council staff, including staff wellbeing Planning new ways of working and delivering services through staff.
Cllr Cathy Scott	Engaging and supporting voluntary sector capacity for immediate responses to the pandemic in North Kirklees. Strengthening place-based working for the future.
Cllr Rob Walker	Engaging and supporting voluntary sector capacity for immediate responses to the pandemic in South Kirklees. Strengthening place-based working for the future.

This renewal of Cabinet portfolios provides leadership as we work with partners and communities to combine all our resources and efforts and tackle the impacts of the coronavirus.

It also offers a devoted team to lead us towards a positive future, taking the best of what we've learnt from our collective response across the communities of Kirklees, tackling the new challenges the pandemic has created, and focusing on our enduring priority of creating an inclusive and resilient economy and society.

Alongside the Council, communities and neighbourhood groups, voluntary and community organisations, businesses big and small and large organisations like the University and Colleges have come together in response to the impacts of the coronavirus. This experience will make us a stronger organisation, even more focused on working with others and enabling communities to build the futures they look towards.

3 Implications for the Council

The Council is committed to continuing to ensure that it considers the shared outcomes and priorities of the Corporate Plan during this period. We will review with partners whether the shared outcomes remain appropriate goals for Kirklees as we move out of the immediate impacts of the pandemic.

The Council is looking carefully at the impact of this period on the way that it works. We will consider how our existing values and behaviours have guided our response, and whether there are things we might learn that will influence the kind of organisation we want to be moving forwards.

3.1 Working with People

Our response to date has focused on working closely with people to support a response that draws on the strengths of all the communities of Kirklees. We have prioritised enabling people to take action to support themselves and others. Encouraging volunteering that supports vulnerable people is a key part of this approach, as is the promotion of the mutual aid organisations that have organised themselves to help their neighbours in local places across Kirklees. We're working closely with a network of larger community organisations who are a key part of our co-ordinated efforts across Kirklees. Two Cabinet members now have dedicated roles that involve engaging and supporting voluntary sector capacity.

3.2 Working with Partners

Our response is based on working closely with partners across Kirklees and beyond. This has built and rapidly expanded on existing partnership arrangements. Our forward planning will ensure this commitment to partnership working is central to how we learn from the current circumstances and move forwards together.

3.3 Place Based Working

We have four virtual Community Response hubs across Kirklees. Each has a team of Kirklees Council staff who are responding to requests for help, working alongside voluntary organisations and local groups. Each hub is working closely with local councillors and developing a response that works for each local place.

3.4 Climate Change and Air Quality

There are some positive impacts, for example in terms of reduced traffic. Some of the decisions about closing facilities and new ways of working will have also had a positive impact on emissions and air quality. More work will be done to consider how we learn lessons from this in order to take these positives and ensure they inform our long term planning around climate change and air quality.

3.5 Improving outcomes for children

Our response has focused on ensuring all children, including vulnerable children are supported at this time. Under the new portfolio arrangements the Cabinet member with statutory responsibility for children's social care, will also be responsible for safeguarding the most vulnerable children throughout the pandemic and beyond.

3.6 Other (eg Legal/Financial or Human Resources)

Financial

A report will be presented to Cabinet by the Chief Finance Officer on the next meeting of Cabinet on 19 May which will set out the emerging impact of COVID on the overall Council finances, informed as well by broader local government sectoral impact assessments and national Government funding support to date. There will be a follow up report to the following Cabinet on 26 May which will set out a number of early proposals through the 2019-20 final accounts process to support the Council's overall financial resilience. It should be noted that the Government has provided Grant Funding and other monies to the Council to enable it to comply with or assist with some of the steps it has been required to take during this period of time. More detail will be provided on 19 May 2020.

Legal

There have been various powers taken into account as part of the actions required to be taken during this time period.

4 Consultees and their opinions

N/A

5 Next steps and timelines

Further virtual meetings of Cabinet are planned for 19th and 26th May 2020. Other dates will follow.

6 Officer recommendations and reasons

That Cabinet

6.1 Endorse and note the decisions taken by the Chief Executive during the period of the COVID-19 pandemic, in particular the decisions on the report set out in Appendices 2-6;

- 6.2 Note and endorse the other actions taken in the action log attached at Appendix 1;
- 6.3 Note the other actions that officers have taken to ensure that steps are in place to manage the decisions moving forwards;
- 6.4 Note that virtual meetings of Cabinet and other Council meetings are planned in the future; and
- 6.5 Welcome the new emphasis on their portfolio roles in supporting citizens, partners and businesses during this time.

7 Cabinet Portfolio Holder's recommendations

I have been consulted by the Chief Executive in relation to the decisions she has taken during this period and agree them as well as the work done by officers during this period to support that. I welcome the introduction of virtual meetings.

8 Contact officer

Julie Muscroft – Service Director – Legal, Governance & Commissioning (Monitoring Officer)
Tel: 01484 221000
Email: julie.muscroft@kirklees.gov.uk

9 Background Papers and History of Decisions

Appendix 1 – Decision Details
Appendix 2 - Devolution
Appendix 3 – Non-Domestic Rates
Appendix 4 - Homelessness
Appendix 5 – Council Tax
Appendix 6 – Highways Capital programme

10 Service Director responsible

Julie Muscroft – Service Director – Legal, Governance & Commissioning (Monitoring Officer)
Tel: 01484 221000
Email: julie.muscroft@kirklees.gov.uk

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DECISION LOG – Link is here

<https://democracy.kirklees.gov.uk/mgDelegatedDecisions.aspx?bcr=1&DM=0&DS=2&K=0&DR=&V=0>



Name of meeting: Cabinet
Date: 24 March 2020
Title of report: West Yorkshire Devolution Deal – Review of Governance Arrangements

Purpose of report:

To seek Member endorsement to the “minded to” West Yorkshire Devolution Deal and to seek approval for a statutory Review to be undertaken by Constituent Councils and the Combined Authority

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable – This is not a key decision If no give the reason why not
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	Jacqui Gedman, Chief Executive – 16/3/2020 Eamonn Croston – 16/3/2020 Julie Muscroft – 16/3/2020
Cabinet member portfolio	Cllr Pandor – Leader of the Council

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.3 The West Yorkshire “minded to” Devolution Deal announced in March 2020 offers the opportunity for the region to receive functions and funding additional to that received under previous Deals in return for adopting the model of a directly elected Mayor by May 2021. The Deal has the potential to benefit the region by unlocking central government funding to allow more local and accountable decision making.
- 1.4 The “minded to” Deal is the starting point ultimately to the adoption of a Mayoral Combined Authority model with additional functions which will require an Order of the Secretary of State. Each council and the Combined Authority will need to agree specific actions as part of the statutory procedures which must be followed before the Secretary of State may grant such an Order. These are set out in more detail below but include carrying out a statutory Review of constitutional arrangements and functions for the proposed electoral area and preparing and adopting a Scheme which will then go out to public consultation. Councils will subsequently have the opportunity to consider the representations received before deciding to submit the Scheme to the Secretary of State setting out proposed arrangements, along with a summary of consultation responses. The consent of each Council and the Combined Authority will subsequently be required to the making of the Order.
- 1.5 This report seeks members endorsement to the “minded to” Deal. It also seeks authority for a statutory Review to be undertaken, jointly by Constituent Councils and the Combined Authority, and for a further report to be prepared in due course including a draft Scheme for consideration (subject to the outcome of the Review).

2. Information required to take a decision

- 2.1 The Deal will devolve a range of powers and responsibilities to the West Yorkshire Combined Authority, supporting the region to drive economic growth and prosperity within its communities and across the North of England. It will build upon the area’s history of collatoration to maximise this investment and increase its contribution to national economies.
- 2.2 The Local Authorities of the West Yorkshire Combined Authority and Government have agreed an initial devolution deal which will provide powers and funding to enable the region to make progress as a significant step forward towards achieving that ambition.
- 2.3 The City Region partnership has grown and strengthened over more than a decade, from the Leeds City Region Leaders Board to the West Yorkshire Combined Authority working with the Leeds City Region Local Enterprise Partnership (LEP).
- 2.4 The West Yorkshire Councils and Leeds City Region LEP secured the area’s City Deal in 2012 and a £1bn Growth Deal in July 2014. This success has enabled the City Region to make a strong start:
- bring close to £3 billion public and private sector investment into the region to boost growth and jobs
 - set to create 20,600 jobs and add £2.1 billion a year to the economy by 2031
 - putting in place a £1 billion package of transport investment to upgrade transport links, making it easier for people and businesses to get around
 - helping 4,800 businesses to grow since 2011, unlocking close to half a billion pounds of private sector investment

- creating over 4,300 work opportunities for young people aged 16-24, including 3,837 apprenticeships adding an expected £1.4 billion to the economy by 2020 as a result of work over the past four years.
- 2.5 West Yorkshire's ambition is to go much further to address historic and emerging challenges, including the need to improve air quality and tackle the climate emergency. With a population of over 2.3 million people and a GVA of over £55bn p.a., West Yorkshire offers enormous potential. Sizeable parts of West Yorkshire enjoy a great quality of life, good wages, and lower living and housing costs, and for many the region is a great place to live, work, visit and invest. But substantial long-term investment and greater powers are needed, to tackle the challenges facing the region, and to harness its huge economic opportunity for the benefit of people in the region and for the whole UK.
- 2.6 The West Yorkshire deal will unlock significant long-term funding and give the region greater freedom to decide how best to meet local needs and create new opportunity for the people who live and work there. This agreement is the first step in a process of further devolution. The Government will continue to work with West Yorkshire on important areas of public service reform and infrastructure investment, to support inclusive economic growth in towns, cities and rural areas whilst tackling the climate emergency.
- 2.7 The following section of the report provides a summary of the key elements of the "minded-to" Deal in terms of key devolved powers and funding commitments; a description of the Mayoral Combined Authority model, the process for its establishment and to provide for other associated changes set out in the Deal; the Review geography and scope; and the key elements of any subsequent Scheme. A copy of the Deal is attached as Appendix 1 to this report.

2.8 Deal proposals

2.8.1 West Yorkshire devolution – what it means for Kirklees

2.8.1.1 The £1.8billion deal will mean far greater decision-making powers allowing the West Yorkshire region to set its own priorities.

2.8.1.2 As part of the devolution deal, the Government has awarded £317million of Transforming Cities Fund money. This represents a larger allocation, both in cash and per head, than any of the other areas that submitted a bid.

2.8.1.3 It is enough to fund every scheme in the 'low' scenario. In Kirklees this includes:

- Enhancements to the A638 in Dewsbury to improve public transport and active travel.
- Connecting employment and skills in Dewsbury.
- Developing Huddersfield Railway Station and employment land around it to maximise the benefits of the Trans Pennine Route (TRU) upgrade.

2.8.1.4 We have also negotiated a number of freedoms which will allow us to take decisions on a West Yorkshire level on how to prioritise expenditure on the additional resources this brings to the region. This means our 'high' scenario can be fully funded, allowing us to progress schemes such as:

- North Kirklees Growth Zone (Dewsbury – Batley - Tingley)
- Further funding for improving Huddersfield Station ready for TRU

2.8.2 The devolution deal includes the following headline commitments:

- £38m for 30 years into West Yorkshire Investment Fund with a 25%/75% capital/revenue split
- Government commitment to work with West Yorkshire to develop modern mass transit system through access to a new five-year integrated transport settlement
- £317m from the Transforming Cities Fund to dramatically improve access to public transport, cycling and walking
- Access to bus franchising powers
- Control of the £63m annual Adult Education Budget for West Yorkshire to closer align spending on skills to the opportunities and needs in the local economy
- A £25M heritage fund to support the development of a British Library North in Leeds
- £500,000 of Government funding to support master planning in Bradford City Centre to maximise regeneration opportunities from Northern Powerhouse Rail
- £75,000 to support the creation of a Digital Skills Partnership
- The creation of a West Yorkshire Mayor to be elected in May 2021
- A commitment to work towards policing and crime powers to be transferred to the Mayor in 2024
- Government commitment to engage with the Combined Authority on priorities emerging from the Future Ready Skills Commission
- Access to the Government's new Brownfield Regeneration Fund to support housing growth and £3.2m to support the development of a pipeline of housing sites across West Yorkshire
- £200,000 funding to support the work of the Yorkshire Leaders Board.

2.8.3 Under the deal, West Yorkshire Combined Authority would retain its current powers in relation to economic development, regeneration and transport functions (with the Mayor taking responsibility for preparing the transport plan and strategies). Working with the Mayor, these will be strengthened with additional powers as set out in legislation:

- Finance – power to borrow up to an agreed cap for non-transport functions
- Adult education and skills functions
- Economic development – duty to prepare an assessment of economic conditions
- Housing functions relating to compulsory purchase (subject to the consent of the constituent council affected by the exercise of the function), plus provision of housing and land, land acquisition and disposal, and development and regeneration of land
- Transport powers to set up and coordinate a Key Route Network on behalf of the Mayor (unless otherwise agreed locally, all operational responsibility for key Route Network roads will remain with the constituent councils)
- Powers to collect contributions from utility companies for diversionary works needed as a result of highways works carried out on the Key Route Network
- Powers to operate a permit scheme designed to control the carrying out of works on the Key Route Network
- The Combined Authority will be able to seek consent to raise a Strategic Infrastructure Tariff.

2.8.4 The directly elected Mayor for the West Yorkshire Combined Authority will autonomously exercise their new functions with personal accountability to the electorate, devolved from central Government and set out in legislation. These functions will be:

- The functional power of competence
- Housing and planning
 - i Statutory spatial planning powers to produce a spatial development strategy; exercisable with the unanimous consent of the constituent authorities

- ii Power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation (subject to the consent of the council in whose area this would apply)
- iii Housing and land acquisition powers (subject to the consent of the council in whose area this would apply) to support housing, regeneration, infrastructure and community development and wellbeing.
- Finance:
 - I Power for the Mayor to set a precept on council tax to fund Mayoral functions (resulting from the setting of the Mayoral budget as set out below),
 - ii Power to charge business rate supplement (subject to ballot)
- Transport:
 - i Power to draw up a local transport plan and strategies (The Combined Authority will be able to amend the Mayor's transport strategy if a majority of members agree to do so)
 - ii Power to request local regulations requiring large fuel retailers to provide Electric Vehicle charging points
 - iii Bus franchising powers
 - iv Ability to pay grants to bus service operators
- Police and Crime Commissioner functions from the Mayoral election in 2024.

2.9 Mayoral Combined Authority model

2.9.1 To secure the functions and funding set out in 2.8 above, the Government requires a Mayoral Combined Authority to be established with the election of a directly elected Mayor by 2021 for the area of the five West Yorkshire authorities of Calderdale, Bradford, Kirklees, Leeds and Wakefield.

2.9.2 As reflected in the Deal, the proposed Mayoral Combined Authority will provide local accountability and exercise decision-making including over newly-devolved functions and funding in relation to transport, skills, economic development and regeneration and allow for strategic prioritisation and integrated policy development across the Combined Authority's area.

2.9.3 Appendix 2 outlines the key features of any Mayoral Combined Authority.

2.9.4 Paragraphs 11- 29 of the Deal (Appendix 1) include the proposed constitutional arrangements. Key features of the constitutional arrangements are:

- **Membership:**

Voting members to include:

- i The elected Mayor
- ii Five elected members, one appointed by each of the five Constituent Councils
- iii Three elected members agreed by the Constituent Councils to reflect the balance of political parties across the Combined Authority area.

- i In addition there will be:

An elected member appointed by the city of York Council (which will remain as a non-constituent member of the West Yorkshire Combined Authority).

- ii The Chair of the Leeds City Region LEP

These members will be non-voting unless the Combined Authority resolves to give them a vote on any issue.

- **Voting arrangements in relation to non-mayoral functions:**

The Mayor will have one vote as will all other voting members of the Combined Authority. Any questions that are to be decided by the combined Authority are to be decided by a simple majority of the members present and voting, unless otherwise provided for in legislation. Where the decision relates to a new function which the Combined Authority acquires pursuant to the Deal, or where required by the Authority's constitution, that majority must include the vote of the Mayor.

In addition, for the following decisions the majority of members must include the consent of three of the five members for the Constituent Councils (but not that of the three additional Constituent Council members appointed for political balance):

- i Approving the Combined Authority's budget (excluding decisions which relate to the Mayor's budget)
- ii Setting a levy

- **Constraints on the Mayor's decision-making**

The Mayor will be required to consult the Combined Authority on their strategies, and this will be subject to the following specific conditions:

- i The spatial development strategy will require the unanimous consent of all five members for the Constituent Councils (but not that of the three additional Constituent Council members appointed for political balance)
- ii The Combined Authority will be able to amend the Mayor's budget if five eighths of the members agree to do so;
- iii The Combined Authority will be able to amend the Mayor's transport strategy if a majority of members agree to do so

2.10 Process

2.10.1 The Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) sets out statutory processes to be followed before any Order is made to:

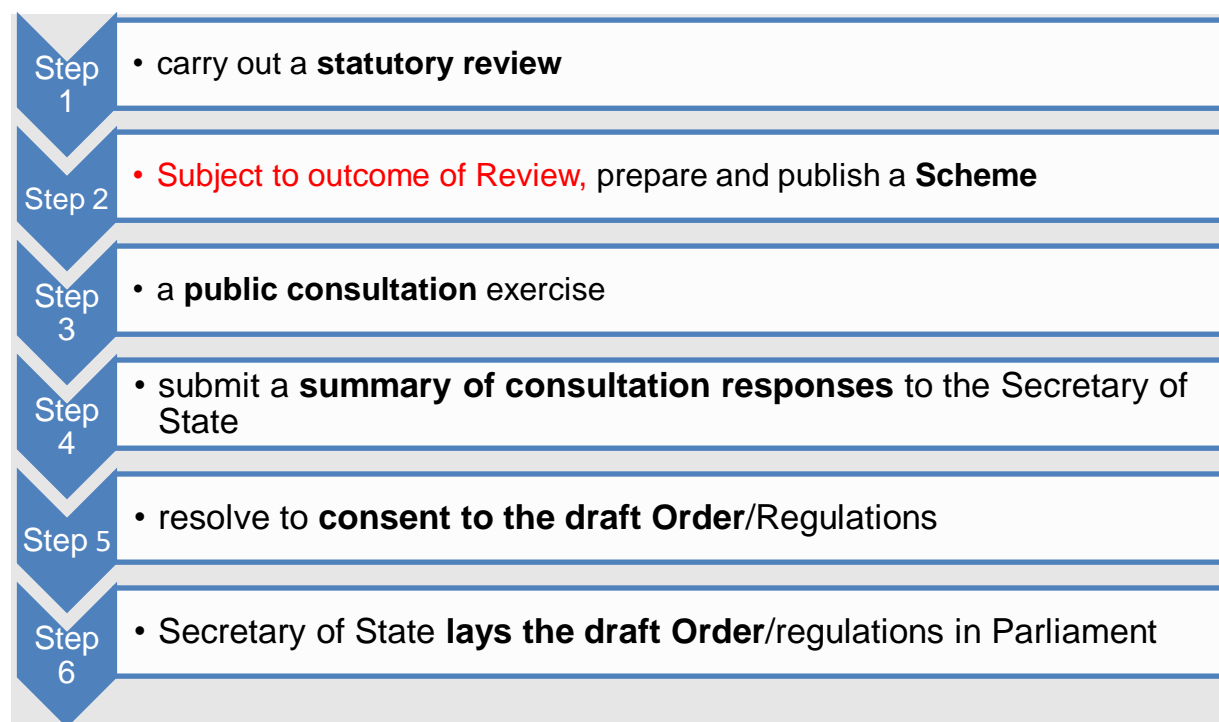
- a) adopt a Mayoral Combined Authority model
- b) provide for the Mayor to carry out and delegate mayoral general functions
- c) provide for the joint exercise of general functions by the Mayor
- d) change the constitutional arrangements of a Combined Authority (voting, membership)
- e) delegate Secretary of State functions to the Combined Authority, and
- f) delegate Local Authority functions concurrently to the Combined Authority.

2.10.2 Each aspect listed in 2.10.1 above has a specific statutory procedure to be followed. In addition, the consent of each Constituent Council and the Combined Authority is required to any Regulations giving the Combined Authority powers to borrow for non-transport functions.

2.10.3 It is proposed that the process set out in the flow chart below is followed. This process addresses all statutory procedural requirements, facilitates an understanding of the overall impact of the changes, and maximises engagement with stakeholders including the public. Further details about each step are set out in Appendix 3.

2.10.4 Flow chart of proposed process:

Flow chart of proposed process:



2.10.5 Appendix 4 to this report is a timeline which outlines the main decisions and estimated timescales involved in obtaining the necessary secondary legislation to implement the 2020 Deal. Significant parts of the process are outside of the control of the Constituent Councils and the Combined Authority (the Secretary of State drafting the Order and placing it before Parliament).

2.10.6 The proposals in this report do not include any proposals to progress at this time, the transfer of either Police and Crime Commissioner functions or fire and rescue functions to the Combined Authority. However, the Deal anticipates that the responsibility for PCC functions will be taken on from 2024 but this will be subject to a separate statutory process.

2.11 Review area

2.11.1 The proposed area of the Review is the Combined Authority's area, namely the area which comprises the constituent Councils of Bradford, Calderdale, Kirklees, Leeds and Wakefield. It is proposed that the Combined Authority jointly carries out the review with the Constituent Councils.

2.11.2 Options to enable wider collatoration will be explored as part of the Review including the wider City Region, Yorkshire and the North.

2.12 Review scope

2.12.1 The Review will be required to test the proposition, including by drawing on evidence from stakeholders, that any Order relating to the proposed constitutional arrangements or conferral of functions to the Combined Authority would be likely to improve the exercise of statutory functions.

2.12.2 Specifically, the Review will need to consider the relevant systems, structures and procedures that are in place across the area to make decisions, set strategy, manage delivery, assess performance and report on progress. Analysis of options (such as leaving existing governance unchanged, strengthening or restructuring existing governance arrangements, or adopting a Mayoral Combined Authority model) would be undertaken.

2.12.3 Any final report of the Review process which concludes that the proposed revised constitutional arrangements and the additional functions proposed to be exercised by the Combined Authority would be the most beneficial option in terms of improved outcomes would in effect provide the Business Case for the Mayoral Combined Authority arrangements. It would inform the preparation of a Scheme of governance.

2.13. Carrying out the review and preparing a draft Scheme

2.13.1 It is proposed that the Combined Authority's Managing Director, in consultation with the Chief Executive of each Constituent Council carries out a Review on behalf of the Constituent Councils and the Combined Authority.

2.13.2 It is also proposed that the Combined Authority's Managing Director be asked to prepare a draft Scheme for consideration by the Constituent Councils and the Combined Authority, subject to the outcome of the Review. It is proposed that a project group of officers drawn from the Constituent Councils and the Combined Authority contribute to the Review and to drafting the Scheme. The project group will be multi-disciplinary and provide expertise including on transport, economic development, and other relevant functions.

2.14 Scheme

2.14.1 Subject to the findings of the Review, the Scheme would form the basis for a revised Order establishing the Mayoral Combined Authority. It would contain information on:

- proposed membership, voting and any other constitutional arrangements;
- functions to be conferred on the Mayoral Combined Authority and how they are exercised, that is, by the Combined Authority, concurrently with Constituent Councils or by the Mayor (including any constraints or limitations to the Mayor's powers);
- any changes to the way in which the Combined Authority will be funded, including power for the Mayor to issue a precept, or prudential borrowing powers for functions other than transport;
- practical arrangements, including any property transfers and ensuring transparency via enhanced scrutiny arrangements.

2.14.2 It will be important to ensure that any revised sub-regional arrangements secure and enhance effective working arrangements between the Mayoral Combined Authority and the Constituent Councils and their democratic arrangements, to facilitate a joined-up and collaborative approach to policy, delivery and decision-making.

3. Implications for the Council

3.1 Working with People

The premise of the Deal is on bringing funding and functions to a more local level. Dependent on the findings of the Review, the consultation on the Scheme will provide a further opportunity for input from stakeholders.

3.2 Working with Partners

The Review will consider how systems, structures and procedures support the area's

decisions, set strategy and manage delivery in collaboration across a range of partners in West Yorkshire. Inclusive Growth is a key priority for West Yorkshire Combined Authority and the LEP. Although there are no immediate implications on Inclusive Growth arising as a direct result of the report, the Review and Scheme to be commissioned and consulted upon will look at the potential for Mayoral Combined Authority governance arrangements to deliver West Yorkshire's Inclusive Growth ambitions.

3.3 Place Based Working

The Review will address how appropriate governance structures reflect the needs and opportunities across the West Yorkshire area and the places within it.

3.4 Climate Change

Should the Review and Scheme progress, the Devolution Deal announced in the March Budget includes measure to collaborate around a Spatial Development Strategy, and resources for flood prevention and amelioration measures. As part of the Deal text, the Government has welcomed West Yorkshire's commitment to becoming a net zero carbon economy by 2038, with significant progress by 2030. Although there are no immediate implications on Clean Growth arising as a direct result of the report, the Review and Scheme to be commissioned and considered and consulted upon will look at the potential for Mayoral Combined Authority governance arrangements to deliver West Yorkshire's clean growth ambitions.

3.5 Improving outcomes for children

Should the Review and Scheme progress, the Devolution Deal announced in the March Budget includes measures around funding and functions focused on skills and education, including careers advice, apprenticeships and Further Education.

3.6 Other (eg Legal/Financial or Human Resources)

Statutory processes need to be followed, before any Order or regulations may be made to implement the Deal.

S101(5) Local Government Act 1972 provides that two or more Local Authorities (defined to include a Combined Authority) may discharge any of their functions jointly and may arrange for the discharge of those functions by an officer of one of the authorities.

The Deal includes a number of flagship funding arrangements including £38m for 30 years into the West Yorkshire Investment Fund, £317m from the Transforming Cities Fund and control over the £63m annual Adult Education budget. The implications of these and the other funding provisions contained with the Deal will be considered as part of the Review and subject to future reports.

4. Consultees and their opinions

4.1 The Leader of the Council supports the recommendations.

4.2 As part of the statutory process, as set out above, public consultation is required, with the results summarised and submitted to the Secretary of State before an Order creating the West Yorkshire Mayoral Combined Authority can be made (Appendices 3 and 4 set out more detail on the proposed process and timeline). A future report will seek authorisation to undertake a public consultation on an adopted governance Scheme and set out the consultation process and methodology including digital and other appropriate means in order to ensure accessibility.

5. Next steps and timelines

5.1 With regard to next steps, the first step is the governance review.

- 5.2 Subject to the outcome of the statutory Review a draft Scheme is prepared for consideration by Constituent Councils and the Combined Authority before the wider public consultation with business and other stakeholders. It is proposed that there is one consultation exercise co-ordinated by the Combined Authority, but that this is led by each Council in relation to their district. Following this, a summary of consultation responses will be brought back to the Constituent Councils and the Combined Authority to approve before the Scheme is submitted to the Secretary of State.
- 5.3 Details of the Scheme would then be embodied in the draft statutory Order to establish a Mayoral Combined Authority, and any relevant consents sought in due course from the Constituent Councils and the Combined Authority in respect of the draft Order and related Regulations.

6. Officer recommendations and reasons

- 6.1 To note and endorse the “minded to” Deal announced in March 2020 and attached as Appendix 1 to this report.
- 6.2 To agree that Kirklees Council should be party, together with the Combined Authority and four Constituent Councils of Bradford, Calderdale, Leeds and Wakefield to a Review of the Combined Authority’s constitutional arrangements and of the functions carried out by the Combined Authority over the Combined Authority’s area, as set out in paragraph 2 of this report and pursuant to S111 of the Local Democracy, Economic Development and Construction Act 2009.
- 6.3 To authorise the Combined Authority’s Managing Director in consultation with the Chief Executive of each Constituent Council, to carry out the Review on behalf of each Constituent Council and the Combined Authority.
- 6.4 To authorise the Combined Authority’s Managing Director in consultation with the Chief Executive of each Constituent Council to prepare a draft Scheme for consideration by the Constituent Councils and the Combined Authority, subject to the outcome of the Review and on behalf of each Constituent Council and the Combined Authority.
- 6.4.1 Accordingly, to authorise Kirklees Council’s Chief Executive to act as the consultee on behalf of the Council for these purposes.
- 6.4.2 To note that it is proposed that there is one public consultation exercise co-ordinated by the Combined Authority, and to authorise Kirklees Council’s Chief Executive to lead on this consultation exercise in relation to the Kirklees area; And following this a summary of consultation responses to be reported back to the Cabinet/Council to approve and/or endorse before the Scheme is submitted to the Secretary of State.
- 6.5 To note the provisional timetable set out in Appendix 4 to this report and the next steps including, if appropriate, the submission of a summary of the consultation to the Secretary of State by the end of July 2020 so that a Mayoral Combined Authority model and associated changes may be adopted and implemented by May 2021 as set out in the Deal.
- 6.6 To delegate authority to the Chief Executive, in consultation with the Leader, and the Service Director, Legal, Governance & Commissioning to take any action and decisions necessary, which would ordinarily fall to be taken by the Cabinet, to ensure progress of the required statutory process and procedural steps for the timely progress of the Deal. That authority to be exercised only in extremis should there be disruption/cancellation of

decision making Cabinets/Council meetings but excluding authority to take the decision to give required consent to an Order.

Reasons

Each constituent council member of the West Yorkshire Combined Authority is seeking authority to commence a joint Statutory Review and subject to the outcome of that to prepare a draft Scheme and to enable formal public consultation with stakeholders on that Scheme.

7. Cabinet Portfolio Holder's recommendations

- 7.1 The Leader of the Council supports the recommendations at Paragraph 6 above and notes that the "minded to" West Yorkshire Devolution Deal agreed on 11 March 2020 will support his vision to secure additional investment and opportunities for Kirklees and to take decisions affecting our communities within the region.
- 7.2 The Leader thanks all Kirklees councillors from across different parties in working together with us on this to deliver such a ground-breaking deal for West Yorkshire. Along with other West Yorkshire authorities, there will be an opportunity for Full Council to comment on the devolution arrangements in forthcoming meetings.

8. Appendices

Appendix 1 – Deal

Appendix 2 – Key features of a Mayoral Combined Authority

Appendix 3 – Proposed process

Appendix 4 – Timeline

9. Contact officer

Julie Muscroft – Service Director, Legal Governance and Commissioning –
julie.muscroft@kirklees.gov.uk – 01484 221000

Kate McNicholas – Head of Policy, Partnerships and Corporate Planning –
kate.mcnicholas@kirklees.gov.uk – 01484 221000

10. Background Papers and History of Decisions

There are no background documents referenced in this report.

11. Service Director responsible

Jacqui Gedman – Chief Executive –

jacqui.gedman@kirklees.gov.uk – 01484 221000



Name of meeting: Cabinet meeting where the report was due to be considered on the 31st March 2020 was cancelled because of the Covid - 19 pandemic.

The report is therefore being considered by the Chief Executive Jacqui Gedman exercising her emergency powers, with the 151 Officer - Eamonn Croston and in consultation with the Leader to make a decision on this matter.

The decision will be reported in the usual way and will be reported back to the next possible meeting of Cabinet.

Date: 31 March 2020

Title of report: Business Rates Discounts - additional retail reliefs for 2020/21

Purpose of report: A decision is required in accordance with section 47 of the Local Government Finance Act 1988 in relation to Business Rates,
Grants, Retail Discount and a Business Rates Pubs Discount.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes If yes give the reason why - there is potential for discounts totalling £250k or more notwithstanding that the spend will be reclaimed in full from central government.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision - 2 March 2020 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?	Rachel Spencer-Henshall - 20 April 2020 Eamonn Croston - 15 April 2020 Julie Muscroft - 30 March 2020
Cabinet member portfolio	Cllr Graham Turner

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

The original report in relation to Business Rate discounts was due to be considered at Cabinet on 31st March 2020. On 24th March 2020 an emergency decision was taken by the Chief Executive to cancel future Cabinet and other meetings because of the Covid-19 pandemic. In addition, at the same time and as a result of the pandemic the Government was in the process of changing the potential support package available for businesses and the original report for 31st March required further amendments to reflect the new measures being proposed.

The Local Government Finance Act 1988 requires a decision to be taken before the end of the Council's financial year and therefore for the reasons set out above the decision must be taken using the Chief Executive's emergency powers. In this case this will be with the section 151 officer and in consultation with the Leader. The decision will be reported in the usual way with a copy of this report to ensure transparency.

The Government has announced a range of financial packages and other measures to help manage the impacts of coronavirus, and these includes help with business rates relief, loans and cash grants

Local authorities that wish to offer those discounts to local business need to make a decision to do so in accordance with s47 of the Local Government Finance Act 1988. Local authorities cannot award relief to themselves under this provision.

2. Information required to take a decision

- 2.1 The increase in the level of the business rates retail discount from one-third to 100 per cent will apply in 2020/21. All businesses in the retail, leisure and hospitality sectors will now receive 100% relief on their business rates for the 2020/21 financial year, through the expansion of the Business Rate Retail Discount. This covers businesses including shops, restaurants/cafes, gyms, museums, theatres, hotels and night clubs.
- 2.2 Nursery businesses who are providers on OFSTED's Early Years Register will also be eligible for 100% business rates relief in 2020/21.
- 2.3 The Council will identify businesses that are eligible for 100% relief and apply this to bills automatically. Businesses will not need to do anything to benefit from this scheme, and work is already underway to identify the properties affected, however, the relief cannot be awarded until the software supplier has delivered the enhanced system functionality.
- 2.4 In addition, businesses in the retail, hospitality and leisure sectors with a rateable value of between £15,000 and £51,000 will be eligible for a £25,000 grant to help mitigate loss of trade or other impacts of the virus. The Council will be issuing

grants to eligible businesses in early April 2020 when funding becomes available from the Government.

- 2.5 All businesses with a rateable value of less than £15,000 and who are already in receipt of Small Business Rate Relief (SBR), Rural Rate Relief or tapered relief will also be eligible for a £10,000 grant. The Council will be issuing grants to eligible businesses in April 2020 when funding becomes available from the Government. The total estimated grant payment(s) are expected to be above £100 million in Kirklees.
- 2.6 For all business rate grant cases (£10,000 and £25,000) the council will be issuing a letter confirming the grant awards and checking the accuracy of the records held. The Council will ask eligible businesses to apply online with relevant details, including current banking details, as the vast majority of the cases being awarded the grant already get 100% SBR exemption and therefore the Council will not hold bank details for most of the eligible businesses. Grant payments will be processed electronically by BACS and will take 3 working days.
- 2.7 The extension of the £1,500 business rates discount for office space occupied by local newspapers will apply for an additional 5 years until 31 March 2025.
- 2.8 The pubs discount will provide a £1,000 discount to eligible pubs with a rateable value of less than £100,000 in 2020/21. This is in addition to the retail discount and will apply after the retail discount.
- 2.9 The United Kingdom left the EU on 31 January 2020, nonetheless under the Withdrawal Agreement the State Aid rules continue to apply during a transition period, subject to regulation by the EU Commission, therefore the State Aid limit of €800,000 applies, each company must self-regulate the awards they receive (grant(s) and reliefs) and must inform the Council immediately if this limit is being breached, grants/relief awarded that breach this threshold will need to be repaid. (see also para 3.11 of this report).
- 2.10 Government has confirmed that it will fully fund local authorities for awarding these reliefs via section 31 grant and provide new burdens funding to local authorities for administrative and IT costs.
- 2.11 The Government expects local authorities to ensure these changes are applied for the start of the 2020/21 billing period. The Government has subsequently published amended guidance.
- 2.12 Given the current position and the speed in which support is being put in place there are many issues that require to be finally settled in more detail but a decision is needed now in order put changes in place for the beginning of the new financial year.

3. Implications for the Council

3.1 Working with People

Not applicable.

3.2 Working with Partners

Not applicable.

3.3 Place Based Working

Not applicable.

3.4 Climate Change and Air Quality

Not applicable.

3.5 Improving outcomes for children

Not applicable.

3.6 Other (eg Legal/Financial or Human Resources)

Financial

3.7 The exact cost of providing the retail discount scheme in 2020/21 at 100% and the actual grant scheme costs are both unknown at this point. Central government will reimburse the authority in full for the actual cost of the relief which will be met by the council making a claim for Government grant under section 31 Local Government Act 2003.

3.8 The Government is conducting a New Burdens assessment on the delivery of the schemes. Such funding will cover costs associated in providing the retail discount scheme and pub discount scheme, including software development costs.

Legal

3.9 Discretionary rate reliefs can only be awarded where a Billing Authority has decided to make such an award in accordance with section 47 Local Government Finance Act 1988 together with the Non-Domestic Rating Discretionary Rate Relief Regulations 1989 and in accordance, where appropriate, with the State Aid 'De Minimis' regulations.

3.10 The Discounts are awarded subject to the rules on State Aid. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years). The intention will be to award the relief based on the criteria outlined in the appendix 1 and 2, and a message will be added to the rate bill confirming that state aid rules apply; It will be the ratepayer's responsibility to confirm that the award of relief breaches state aid limits, and they must notify the Council of this so relief can be cancelled. Further information will also available in the business rates leaflet on the Councils website.

3.11 The UK is scheduled to leave the EU on 31 January 2020, the Withdrawal Agreement negotiated by the Government and the EU provides that during the implementation period State Aid rules will continue to apply as now and will be subject to control by the EU Commission as at present. Kirklees will therefore

continue to apply State Aid rules, including De Minimis, to the relief during the implementation period.

4. Consultees and their opinions

Not applicable.

5. Next steps and timelines

To approve the business rates scheme(s) as outlined in this report and to implement the schemes and award the grants and discounts for the 2020/21 financial year.

6. Officer recommendations and reasons

As Cabinet is temporarily suspended due to the coronavirus outbreak, it is recommended that the decision to approve this report is taken under the current emergency powers, that rests with the Chief Executive Jacqui Gedman and the 151 Officer Eamonn Croston in consultation with the Leader of the Council.

1) That the Billing Authority in accordance with Section 47 of the Local Government Finance Act 1988 makes the following Determination(s):

- i) adopt the extension of the Retail Discount Guidance set out in this report and in government guidelines, and with regard to broadly similar property as delegated in the existing scheme agreed by Cabinet on the 19th March 2019.
- ii) Adopts both grant schemes as outlined in this report;
- iii) adopt the Pubs Discount Guidance set out in the Ministry of Housing, Communities & Local Government Business Rates Pubs Discount 2020/21 – Local Authority Guidance dated January 2020 as set out in Annex B” including the extension of the retail discount to those eligible music venues and cinemas with a rateable value of less than £51,000;
- iv) adopt the extension of the current £1,500 business rates discount for office space occupied by local newspapers will apply for an additional 5 years until 31 March 2025: and
- v) Authority be delegated to officers to undertake the administration of the various scheme(s) above, and related processes, including the determination of any other broadly similar property types including any other changes outlined in the guidance or regulations.
- vi) That delegated responsibility is given to the Service Director finance (151 officer), to amend the schemes as required in light of any changes to guidance, or in relation to any new schemes or variation of schemes that may be introduced.

7. Cabinet Portfolio Holder's recommendations

To accept the recommendations set out in section 6 above.

8. Contact officer

Steven Bird - Head of Welfare and Exchequer Services
Jacqui Wilson - Senior Manager Welfare and Exchequer Services

9. Background Papers and History of Decisions

Business Rates Retail discount scheme 2019/20 - Cabinet report 19 March 2019,
report link below :

<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CIId=139&MIId=5613>

Service Director responsible

Eamonn Croston - Service Director - Finance

Item for Executive Team – 9th April 2020

Housing Services - Accommodation Update (Covid 19)

1. Purpose

- 1.1 To update Executive Team: -
- On the approach being taken to maintain the delivery of statutory homelessness services, especially the requirements to provide temporary accommodation for a wider group of homeless people. (E.g. Rough Sleepers and those with no recourse to public funds).
 - On the work being done to increase temporary accommodation capacity, including how this links to the suspension of the letting of empty council housing.
 - On the services joint work with Adult Social Care and Health services on supporting the discharge of people from hospital and moving people through the care system.
- 1.2 To request decisions on postponing the full implementation of the Enhanced Lettable Standards and Home Starter Fund pilot when letting empty council housing and on the approach to be taken to allocating and letting properties that are both within and outside current policy.

2. Decisions required

- 2.1 Confirmation that it is considered appropriate where feasible to move people on from temporary accommodation into empty council or private rented accommodation where such moves are within existing policy and where households can as necessary be supported with essential furniture and cooking facilities. This will free up additional capacity to accommodate more homeless households.
- 2.2 Having agreed to honour the 'offer' of council homes to applicants made prior to the suspension of Choose n Move lettings to decide whether or not new tenants should be asked to sign up on an introductory tenancy and or given the option of signing a temporary agreement. (Not every applicant has physically viewed the property they have been allocated). If signed up on a temporary basis this will be reviewed later and either converted to an introductory tenancy or alternative accommodation options discussed and agreed.
- 2.3 In relation to the 'not allocated' category of empty council properties two possible approaches could be taken to using them to help house homeless households.
- i) Agree a direct let to a household who has been accepted as statutorily homeless and to whom we have a duty to provide accommodation. Could be seen to be jumping the queue as other such homeless households on the Register are on hold.
 - ii) Take the properties into the Temporary Accommodation portfolio to house homeless households. Once the crisis has passed a decision could then be taken as to whether or not to leave some of the properties in the Temporary Accommodation portfolio to help address the temporary accommodation sufficiency gap.

A decision on whether either of the above options should be implemented is requested.

- 2.4 Confirmation that full implementation of the Enhanced Lettable Standards and Home Starter Fund Pilot can be suspended due to material and furniture availability issues. All properties will meet the agreed Lettable Standards and eligible households will be advised that the enhanced elements will be made available at a later date.
- 2.5 Clarification whether or not at this point in time additional Home from Home properties should be identified and furnished.

3. Background

- 3.1 The Homelessness Reduction Act 2017 (HRA17) placed increased duties on Local Authorities to prevent and relieve homelessness for eligible households regardless of whether or not they are in a priority need group by offering information and support but not a requirement to secure accommodation. The main homelessness statutory duty to eligible homeless households in defined priority need groups remains as does the Local Authorities duty to secure for such priority households suitable accommodation. In addition, the duty to provide interim or temporary accommodation remains.
- 3.2 The Council's Accessible Homes Team are responsible for providing cross tenure medical rehousing and home adaptations services. This includes joint working with social care and health colleagues to both prevent admission to but also discharge people from hospitals and care settings. The staff team work jointly with Adult Social Care colleagues and others on the Home from Home Scheme and the Extra Care Housing Allocations Panel.
- 3.3 Government's response to Covid 19 and rough sleeping is to bring in those on the streets to protect their health and stop wider transmission. Local Authorities were asked to support rough sleepers and other vulnerable homeless people into appropriate accommodation by the end of the week commencing 23rd March 2020 and to continue to support people to stay in that accommodation until such time as restrictions ease and step down arrangements can be put in place.
- 3.4 Government guidance is that home buyers and renters should, where possible, delay moving to a new house while measures are in place to fight coronavirus. If moving is unavoidable for contractual reasons and the parties are unable to reach an agreement to delay, people must follow advice on staying away from others to minimise the spread of the virus.

4. Key issues

- 4.1 In response to government and MHCLG guidance on Covid 19 homelessness services are being delivered as follows: -
 - Most staff working from home providing information, advice and assessment by telephone. Out of hours services are provided by the Council's Emergency Duty Team.
 - Customer Service Centres are closed but if people present as roofless with no telephone, they can be seen by a staff working in Dewsbury and Huddersfield. (Skeleton staff in the office on a rota carrying out essential work)
 - The Rough Sleeper team continue to do outreach work to verify rough sleepers and in accordance with MHCLG guidance support rough sleepers to accept and maintain temporary accommodation.
 - Temporary Accommodation is being provided to eligible households.
- 4.2 In response to the anticipated increase in demand for temporary accommodation for homeless households and for people needing to be discharged from hospital or moved

through the care system as a result of the worsening Covid 19 crisis, a joint Council and Kirklees Neighbourhood Housing (KNH) Project Team has been established to: -

- Confirm the process for receiving and responding to requests for temporary accommodation for homeless households.
- Establish the existing range, capacity and availability of temporary accommodation and how to increase the number and range of temporary accommodation options.
- Determine how the Council's 183 empty council homes should be allocated and let.
- Determine the property standards that should be worked to during this period.
- Agree how logistically households can be supported to move on from temporary accommodation into council homes to free up temporary accommodation capacity. Including the provision of furniture / white goods and removals.
- Confirm the process for letting properties and signing up new tenants.
- Confirm the type of tenancy to be granted to households moving on from temporary accommodation into empty council homes who had not previously been allocated, matched and offered that property prior to the suspension the Choose n Move choice-based lettings system.
- Confirm the process for receiving and responding to requests for temporary accommodation in the Home from Home properties and accommodation in the Council's Extra Care Housing Schemes.
- Confirm the process for and agree how logistically households can be supported to move on from Home from Home properties.
- Confirm with Adult Social Care colleagues if there is a need to expand the number of Home form Home properties and if so, agree how many and a plan for setting up additional properties.

Links have been established between this project and the Additional Community Bed Base Task and Finish group led by the Health CCGs (Toni Smith) and Adult Social Care (David MacDonald). The work of each to increase capacity does not compete for the same accommodation but does where possible compliment and support.

- 4.3 People – Anticipated increase in requests for temporary accommodation
Due to new restrictions put in place by government to prevent evictions for a 3-month period we should see a decrease in the number of people threatened with homelessness as a result of rent arrears or other breaches of tenancy.

However, we anticipate that we could see an increase in presentations from the following: -

- Domestic abuse victims
- Younger people asked to leave friends and family – sofa surfers
- Hospital discharge
- Prison release
- New rough sleepers.

It is difficult to accurately predict what the demand for temporary accommodation will be. Information on the recent numbers and reasons for homeless presentations will be provided at the Executive Team Meeting.

The existing process for receiving homelessness referrals from individual households, other services and partners is considered fit for purpose during the current Covid 19 ways of working. A process map will be shared at Executive Team meeting.

- 4.4 Places - Temporary Accommodation – Capacity (as at 5.4.20)
An analysis of the current homeless temporary accommodation capacity in B&B/hotels, hostels and temporary accommodation properties is shown in the table below.

Name of provision	Client Type	Unit nos.	No of vacancies @ 5/4/20	Any other notes (e.g. if not taking new referrals)
Clare House	Men and women 21+	22	0	Will accept new referrals but don't see any spaces in the near future as no move on plans in place
Hollinbank	Young people 16 – 25	10	0	2 voids – 1 possibly becoming available 6.4.20
Swan Lane	Young people 16 - 25	8	1	Needs bedding
Batley Foyer	Young people 16 - 25	10	0	2 voids on hold due to disrepair
Spring Street	Men age 18+	8	0	Still accepting referrals
Domestic Abuse refuges	Domestic abuse	33	1	1 void in N Kirklees, ready to let w/c 14/4/20
B&B / hotels	Singles, couples, families	164	27	Spread across 4 B&Bs currently used. NB total no. of available rooms does not equate to no. of placements made by Housing Solutions Service.
Temporary Accommodation properties managed by Housing Solutions Service	Singles, couples, families	130	3 + 1 crashpad	24 Temporary Accommodation voids currently, 3 ready to occupy.
TOTALS		385	32 + 1 crashpad	

As the existing temporary accommodation options are in effect 'silting up' due to the lack of move-on accommodation, in part due to the suspension of the letting of council accommodation, work to identify additional temporary accommodation capacity is underway and includes: -

- Contacting B&B and Hotels in the Kirklees and surrounding area to establish if they would be willing to work with us to accommodate homeless households
- Exploring the possibility of using student accommodation, although the cluster and shared facility model along with the fact that some students are still living in the properties does not easily lend itself to meeting this need.
- Exploring the potential to use service, furnished 2/3/4 bed apartments, possibly for families who are homeless as a result of domestic abuse.
- Contacting private landlords to establish if they will offer 12-month tenancies to homeless households or allow us to use their accommodation as temporary units.
- Considering the advantages and disadvantages of furnishing empty council housing which is ready to let and using it as temporary accommodation.

4.5 Places – Empty Council Homes Allocation and Letting

When the letting of council housing was suspended on 25th March 2020 there were 183 empty properties. These properties were at different stages some were

- Allocated and ready to let (35)
- Allocated to prospective tenants but not yet ready to let (111)
- Ready to let not allocated but advertised and bid on (4)
- Not yet ready to let or advertised or allocated (41 includes the 4 above)

It was decided to honour the offers to those applicants who had been allocated properties (146) although in practice and bearing mind initial government guidelines around postponing or stopping house moves and the logistics of actually arranging a house move, supporting tenants with securing furniture / white goods etc, the new tenants have so far been prevented from moving in.

In order to release capacity in temporary accommodation, initially those in B&B and hostel/refuge accommodation, work has now started on developing a process and the associated logistical measures so that those with a confirmed offer whose property is ready to let, can be moved on and into their new home. The process map will be shared at the Executive Team meeting.

As some applicants will not have had chance to view the property allocated to them in advance of us arranging for them to sign up and move in it has been suggested that anyone uncertain about the offer be signed up on a temporary agreement. This can then be reviewed later and either confirmed as the final offer and the new tenancy started or a further offer of accommodation made. Often people who live in our temporary properties and get used to living there and settled in the community say that they would prefer to stay rather than move on again so it is anticipated that most people will choose to remain in the property allocated. Executive Team are asked to confirm whether or not they are happy for this approach to be adopted.

In relation to the 'not allocated' category above two possible approaches could be taken to using them to help house homeless households.

- iii) Agree a direct let to a household who has been accepted as statutorily homeless and to whom we have a duty to provide accommodation. Could be seen to be jumping the queue as other such homeless households on the Register are on hold.
- iv) Take the properties into the Temporary Accommodation portfolio to house homeless households. Once the crisis has passed a decision could then be taken as to whether or not to leave some of the properties in the Temporary Accommodation portfolio to help address the temporary accommodation sufficiency gap that was discussed by Executive Team on the 3rd March 2020 or return them to the general housing stock for letting.

4.6. Places – Empty Council Homes Enhanced Lettable Standard and Home Starter Fund Pilot

KNH Property Services are continuing to repair and make ready to let the empty council properties. Due to some difficulties in sourcing all the materials needed to meet the enhanced lettable standards the properties are being repaired to at least the current lettable standard and where possible incorporating additional works such as decoration and carpets. It is proposed that those tenants who would have been eligible for additional works will be revisited at a later date so that additional works can be followed up. Executive Team are asked to confirm if they agree with this approach.

In addition, there may be some difficulty providing eligible tenants with all the furniture and white goods needed under the Home Starter Fund scheme. The contracted suppliers have confirmed they are able to continue supplying Kirklees Council / KNH as long as they have a letter confirming they are carrying out essential work and that they have or can source items requested. It is proposed that tenants who are able to move into their property without some of the items can do so if they wish and when supplies are available again, they will be provided. Executive Team are asked to confirm if they agree with this approach.

4.7 Home from Home Properties

These properties facilitate discharge from hospital or other care settings before moving back home or finding suitable alternative accommodation. There are currently 7 council Home from Home properties, 6 are occupied and one is vacant. The existing allocations panel process managed by Accessible Homes and Adult Social Care is considered fit for purpose during the current situation. The process map will be made available at the Executive Team meeting.

The key issues for consideration are how best to move people on from the Home from Home properties and whether or not additional Home from Home properties should be identified and made ready.

In relation to move on it is proposed that we adopt a case by case approach and where possible we facilitate move on in the same way as we have outlined above for moving people into other council properties above.

In relation to additional properties clarity is required from adult social care colleagues on whether or not more are needed. Initial discussions have been held around the possibility of securing hotel accommodation to address carer breakdown capacity rather than dispersed Home form Home properties.

4.8 Discharge to Assess Pathway

The Accessible Homes team are supporting the new health and adult social care Discharge to Assess pathway by offering Occupational Therapists and other staffing resources to facilitate urgent equipment and adaptation needs assessments that will enable people to move on or home.

The Accessible Homes Team, the Kirklees Integrated Community Equipment Service and KNH Property Services have developed plans to ensure that requests from hospitals to provide equipment and minor adaptations to facilitate discharge from hospitals over the 4-day Easter weekend can be dealt with.

4.9 Extra Care Allocations Panel

The current joint Housing and Adult Social Care allocations panel arrangements can be maintained on a virtual basis. Any vacancies in the Extra Care Housing schemes will be allocated and new tenants supported to move in. Pinnacle PSG are supportive of this approach.

5. Implications for the Council

5.1 Working with People

All people who present as homeless are supported to develop a Personal Housing Plan. This plan is an agreement between the authority and the individual which is based on the individual or households circumstances and support needs and sets out the actions that each will take to prevent them from becoming homeless or to find and secure suitable and affordable accommodation.

5.2 Working with Partners

It is recognised that ownership of the preventing and relieving homelessness agenda must be partnership based, across the council and its partners. The council cannot prevent homelessness on its own, partners play a vital role in preventing and responding to homelessness. In developing our responses to the corona virus, we have and continue to work collaboratively with key services and partners including: -

- KC social care services
- Kirklees Neighbourhood Housing and registered providers of social housing
- Health services

- Providers of KC commissioned hostel accommodation
- B&B and hotel proprietors.

5.3 Place Based Working

In addressing issues of homelessness and rough sleeping, a Place Based approach is needed. This includes consideration of peoples support networks and where and how they access services. When providing temporary accommodation, we normally consider factors such as children's education / childcare arrangements / employment and health and support needs so that wherever possible the accommodation provided is suitable. We will continue to consider these aspects however may not due to the current situation always be able to meet all needs or expectations.

5.4 Climate Change and Air Quality

When providing temporary accommodation all efforts are made to ensure that the accommodation is located within walking distance of town centres or as near as possible to well served bus routes.

6. Financial, HR, Communications issues (including value for money)

- 6.1 MHCLG have announced a Coronavirus (COVID-19) Rough Sleeping Contingency Fund. KC can make a retrospective claim for additional costs associated with accommodating and supporting rough sleepers up to £12,000.
- 6.2 MHCLG have announced Coronavirus (COVID-19) Emergency Funding for Local Government, £12,227,930 for KC, which includes provision to provide additional support for the homeless and rough sleepers.
- 6.3 Housing Services have established a separate Covid 19 cost code so that all increased and additional expenditure associated with the Covid 19 response can be recorded.
- 6.4 Staff are continuing to deliver statutory homelessness services in accordance with government guidance on for example social distancing, travel and the use of PPE.
- 6.5 Communication with homeless people and other individuals and households is being maintained. All wider public communications will be produced and approved via the corporate Communications Team.

7. Options

- 7.1 The decisions section outlines options for consideration.

8. Recommendations

- 8.1 Executive Team are asked to note: -
- The approach being taken to maintain the delivery of statutory homelessness services, especially the requirements to provide temporary accommodation for an increasing and wider group of homeless people. (E.g. Rough Sleepers and those with no recourse to public funds).
 - The work being done to increase temporary accommodation capacity, including how this links to the suspension of the letting of empty council housing.
 - The services joint work with Adult Social Care and Health services on supporting the discharge of people from hospital and moving people through the care system.

8.2 Consider and confirm decisions requested in section 2 above.

Report Sponsor: Naz Parkar, Service Director	Contact Officer: Helen Geldart, Extension:77935
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Name of meeting: Cabinet meeting would have been convened in order to consider the report but could not be because of the Covid -19 pandemic.

The report is therefore being considered by the Chief Executive Jacqui Gedman exercising her **emergency** powers, with the 151 Officer Eamonn Croston and in consultation with the Leader to make a decision on this matter.

The decision will be reported in the usual way and will be reported back to the next possible meeting of Cabinet.

Date: 14th April 2020

Title of report: Covid-19 Government Hardship Fund for 2020/21

Purpose of report: To set out Council proposals to provide council tax relief in the local area in 2020/21, incorporating utilisation of the Government Hardship Grant.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes If yes give the reason why – there is potential for grant spend totalling £4.9 million notwithstanding that the spend will be reclaimed in full from central government.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – N/A 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?	Rachel Spencer-Henshall - Eamonn Croston – 21/04/2020 Julie Muscroft
Cabinet member portfolio	Cllr Graham Turner

Electoral wards affected: All Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

As part of its response to COVID-19, the Government announced in the Budget on 11 March that it would provide local authorities in England with £500m of new grant funding to support economically vulnerable people and households in their local area.

The expectation is that the majority of the Hardship Fund will be used to provide council tax relief, alongside existing council tax support schemes.

Government has allocated £4.9m funding for Kirklees (based on most current government statistics of an estimated Council caseload of about 22,000 working age claimants). Government strongly expects Councils to use the funding to award £150 to each working age Council Tax Reduction (CTR) recipient who has a council tax liability of £150 or more, and that Councils extinguish liability in any cases where it is less than £150. Any remaining funding could be used to meet additional discretionary support locally.

The link to the relevant Government Hardship fund guidance to local authorities is included below for information :

<https://www.gov.uk/government/publications/council-tax-covid-19-hardship-fund-2020-to-2021-guidance>

and

<https://www.gov.uk/government/publications/32020-council-tax-information-letter-16-april-2020>

The Council recognises that COVID-19 is likely to cause significant household income fluctuations, and as a result some of our most vulnerable working age residents will struggle to meet council tax payments.

Therefore the Council intends to implement an enhanced local support offer in 2020/21 that takes as a starting point the Government guidance with regard to the £150 reduction and enhances it locally with a higher level of council tax reduction for working age CTR recipients whose annual liability exceeds £150, alongside additional support through the Council's Local Welfare Scheme.

2. Information required to take a decision

- 2.1 In April 2013 Council Tax Benefit (a fully funded social security benefit administered by councils) was replaced with a locally defined Council Tax Reduction (CTR) Scheme. The CTR scheme is not a social security benefit and is not fully funded.
- 2.2 In Kirklees the scheme includes a government prescribed scheme for pensioners that mirrors the old Council Tax Benefit and uses the same scheme for Working Age claimants, other than for a reduced capital limit (from £16,000 to £8,000), and a maximum 80% of entitlement for many applicants.

Both the CTR pension and working age schemes are means tested and so the **applicant** gets an award that is directly related to their income and the capital they have.

- 2.3 Leaving the Scheme as is and using the Government's Hardship fund to meet Government's minimum expectation of a further £150 reduction for working age CTR recipients, in-year, is estimated to cost a minimum of £1.9m, based on existing **Page 54**

numbers. However, there is expected to be a significant increase in CTR applications through 2020/21, which will increase the cost commitment further.

- 2.4 Removing the 80% limit on entitlement in the CTR scheme to 100% would increase the forecast cost for existing CTR working age claimants to a minimum of £3.5m. Again, the overall cost commitment will increase further in anticipation of a significant increase in CTR applications through 2020/21.
- 2.5 Note that in both options above the figure in bold is the annual cost and that if they operated for 6 months only the forecast costs would change accordingly.
- 2.6 While acknowledging the Government funding allocation of £4.9m, the Council also recognises its commitment to an enhanced local support offer for the full year. At this stage it is not known if the Government funding allocation will be sufficient to cover both existing working age CTR claimants and anticipated significant rise in working age CTR claimants through 2020/21, and the Council will therefore underwrite any funding shortfall from set aside earmarked reserves.
- 2.7 The above Council funding underwrite commitment also extends to the Council setting aside approximately £1m additional resources to its Local Welfare provision (LWP) budget for 2020/21. This is to meet anticipated additional discretionary support needs for some of our most vulnerable residents and households in receipt of CTR, for food, fuel and miscellaneous expenditure. These households will be signposted through established referral processes for the LWP.

3. Implications for the Council

3.1 Working with People

Increases available household income so potentially reducing poverty.

Individuals and Families are experiencing a whole host of new challenges as Covid-19 reduces opportunities and means that many folk are having to stay at home.

Fewer employment opportunities and increased costs mean that fewer Households can avoid the need for a Council Tax Reduction. This increased support recognises the new challenges that the Social Distancing measures are placing upon Households.

Many more Households are experiencing more general Hardship. The increase in funding available for discretionary support around food and fuel allows us to meet the individual needs of families that are experiencing unprecedented change, many having lost employment and waiting for financial support to arrive.

3.2 Working with Partners

We are actively engaged in discussions with Third Sector leaders about how the Hardship fund might help them and therefore us support those most in need through the wider Community Response.

3.3 Place Based Working

As part of our working with partners we are exploring a response that can be delivered at community level that would extend hardship provision 7 days per week for those in greatest need.

3.4 Climate Change and Air Quality

Not Applicable

3.5 Improving outcomes for children

Increases available household income so potentially reducing poverty and potentially augmenting Free School Meals provision for those that are experiencing particular Hardship.

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

Financial

3.7 Government has provided Grant Funding of £4.9 Million in 2020/21 for the new burdens cost of delivering the support. Forecast costs have been estimated over a whole year for existing CTR claimants. The anticipated increase in CTR recipients in-year could increase overall costs above the Government funding allocation.

3.8 The Council is committed to an enhanced local support offer for some of our most vulnerable residents and households, and will underwrite any funding shortfall in-year from earmarked reserves. The Council will also continue to work with Government, in conjunction with the Local Government Association and other representative Sectoral organisations to ensure it receives appropriate recompense for COVID-19 related additional costs incurred, including the above, as appropriate.

Legal

3.9 Ordinarily CTR schemes decided under s13A(1)(a) and 13A(2) of the Local Government Finance Act 1992 require a period of consultation with decisions only taken by full council.

3.10 S13A of the act however also includes provision for the authority to exercise discretion as to council tax in individual cases or classes determined in accordance with s13A(1)(c) of the act. That discretion can be exercised without a decision of full Council as such a decision is not a "Function to be discharged only by authority" in accordance with s 67 of the Act.

3.11 It is possible to deliver such a discretion by an increase in the percentage of award as a parameter in the software that the Council uses and for that to constitute a discretionary reduction for the purposes of the Act if such a decision is documented as such (see also, Appendix A).

4 Consultees and their opinions

Not directly applicable though day to day operation of an additional £1m Local Welfare Provision funding is and will continue to be the subject of wider discussions.

5 Next steps and timelines

To make the appropriate changes to software, recalculate entitlement and to issue amended Council Tax bills for the 2020/21 financial year.

To make decisions regarding one off support for families in greatest need using the existing Local Welfare provision scheme and the £1m increase In Hardship funding for Food and Fuel.

6 Officer recommendations and reasons

As Cabinet is temporarily suspended due to the coronavirus outbreak, it is recommended that the decision to approve this report is taken under the current emergency powers, that rests with the Chief Executive Jacqui Gedman and the 151 Officer Eamonn Croston in consultation with the Leader of the Council:

- i) that the Billing Authority in accordance with Section 13A(1)(c) of the Local Government Finance Act 1992 makes the Technical Determination(s) as set out at Appendix A to give effect to a decision to remove any restriction upon entitlement in the Council Tax Reduction Scheme without amending that Scheme, and to create a mechanism by which to award up to £150 in cases where that is appropriate

For the purposes of this determination, the value of any additional award will be treated as a discretionary reduction for the purposes of this award and will continue to apply until a determination is made to the contrary.

- ii) that a sum of £1m be allocated to the Local welfare Provision budget to support the meeting of additional discretionary support for food and fuel and miscellaneous expenditure.

Leader's recommendations

Councillor Shabir Pandor, Leader of Kirklees Council, said: "These are incredibly difficult times for all of us but for many the coronavirus pandemic has also unfortunately caused financial worries and problems. I have had no hesitation in making this decision to help more people and go beyond what the Government is offering by giving up to a 100 per cent Council Tax relief to those working age people most in need.

"I really welcome the money Government has made available to help people to be able to pay their Council Tax bill by offering discounts. We wanted to build on this further to support those in Kirklees who need help the most. In times like these, the last thing I want people to be worrying about is their Council Tax bill.

"I promise that we will continue to help residents as much as we possibly can through this pandemic. I hope that this additional support helps to ease the difficulties so many people are facing."

Portfolio Holder Comments:

As portfolio holder I fully support the Leaders comments and can assure residents that we will do all we can to support all our residents during these very difficult unprecedented times. And would like to thank all our staff for the hard work and commitment to our communities, to keeping them safe and in supporting those most in need financially.

7 Contact officer

Steven Bird - Head of Welfare and Exchequer Services
Julian Hobson - Senior Manager Welfare and Exchequer Services

8 Background Papers and History of Decisions

Service Director responsible

Eamonn Croston – Service Director- Finance

Determination of Classes of Case in accordance with s13A(1)(c) of the Local Government Finance Act 1992

In accordance with the provisions within s13A(1)(c) of the Local Government Finance Act 1992, the following Classes of case are both identified as classes for the purpose of this determination and that they shall be treated in the way determined for each Class.

Any reference to the Scheme in this determination means the Kirklees Council Tax Reduction Scheme (as amended).

For the purposes of this determination the value of any additional award will be treated as a discretionary reduction for the purposes of this award and will continue to apply until a determination is made to the contrary.

Class 1

Council Tax Reduction cases that would have fallen to be determined in accordance with Section 2, Schedule 9, Part 1, Paragraph 9 "Class J" AND Part 5 Paragraph 19 (4) of the Scheme; will from 01/04/2020 be determined in accordance with Part 5 Paragraph 19 (2) as though Part 5 Paragraph (4) of the Scheme did not exist.

Class 2

Council Tax Reduction cases that would have fallen to be determined in accordance with Section 2, Schedule 9, Part 1, Paragraph 10 "Class K" AND Part 5 Paragraph 19 (5) of the Scheme; will from 01/04/2020 be determined in accordance with Part 5 Paragraph 19 (3) as though Part 5 Paragraph (5) of the Scheme did not exist.

Class 3

This Class applies to any person that is in receipt of a Council Tax Reduction in accordance with the Scheme either with or without an additional award under Class 1 or 2 if they meet the additional conditions.

The additional conditions:

- a) they are entitled to a Council Tax Reduction in accordance with The Scheme on 01/04/20
- b) their Council Tax Liability on 01/04/20 is not already reduced to £0.00
- c) their reduced council tax liability for 2020/21 is less than £150

Their Council Tax will be reduced to £0.00 for 2020/21 by crediting their account with a sum equivalent to the sum identified in c) above.

Class 4

This Class applies to any person that is in receipt of a Council Tax Reduction in accordance with the Scheme either with or without an additional award under Class 1 or 2 if they meet the additional conditions.

The additional conditions:

- d) they are entitled to a Council Tax Reduction in accordance with The Scheme on 01/04/20
- e) their Council Tax Liability on 01/04/20 is not already reduced to £0.00
- f) their reduced council tax liability for 2020/21 is greater than £150

Their Council Tax will be reduced by £150.00 for 2020/21 by crediting their account with a sum equivalent to £150.00.

Class 5

This Class applies to any person that was

- a) not in receipt of an award under the Scheme on 01/04/20 who subsequently becomes entitled from a later date, or
- b) as the case may be, a person whose circumstances change such that they are now entitled to less under the Scheme than they previously were.

In those cases they will be entitled to a maximum of £150 for the Council Tax Year 2020/21 with the actual sum being calculated by reference to any such award they may have already received in respect of any period for which they were already in either Class 3, Class 4 or Class 5. So that no person will be entitled to a total of more than £150 irrespective of the Class under which any part of it was awarded.