

Public Document Pack



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

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Monday 14 September 2020

Notice of Meeting

Dear Member

Cabinet

A meeting of **Cabinet** will take place remotely at 3.00pm on **Tuesday 22 September 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', on a light-colored background.

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	Responsible For:
Councillor Shabir Pandor	Leader of the Council
Councillor Viv Kendrick	Cabinet Member - Children (Statutory responsibility for Children)
Councillor Musarrat Khan	Cabinet Member - Health and Social Care
Councillor Naheed Mather	Cabinet Member - Greener Kirklees
Councillor Peter McBride	Deputy Leader and Cabinet Member for Regeneration
Councillor Carole Pattison	Cabinet Member for Learning, Aspiration and Communities
Councillor Cathy Scott	Cabinet Member - Housing and Democracy
Councillor Graham Turner	Cabinet Member - Corporate
Councillor Rob Walker	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 attend this meeting.

2: Interests

1 - 2

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

3: Admission of the Public

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

4: Deputations/Petitions

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

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

5: Questions by Members of the Public (Written Questions)

Due to current Covid-19 restrictions, 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 10.00am on Monday 21 September 2020.

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions shall not exceed 15 minutes. A maximum of 4 questions per person may be submitted.

6: Questions by Elected Members (Oral Questions)

Cabinet will receive any questions from Elected Members (via remote access).

In accordance with Executive Procedure Rule 2.3 (2.3.1.6) a period of up to 30 minutes will be allocated.

7: Potential Reorganisation in the Dewsbury West School Place Planning Area – Outcome Report 3 - 42

To receive the outcomes from the non-statutory consultation on the potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School.

Wards affected: Dewsbury West, Dewsbury South

Contact: Martin Wilby, Head of Education, Places and Access

8: Small Affordable Housing Sites Programme Update - Disposal of land at Plane Street, Newsome 43 - 50

To receive an update on the Small Affordable Housing Sites Programme and to consider the disposal of a site at Plane Street, Newsome, Huddersfield, varying the terms of the previous Cabinet authority of 29 August 2018 to enable the disposal of the at less than market value.

Ward affected: Newsome

Contact: James Hinchliffe, Housing Growth Manager

9: Community Asset Transfer Policy 2020 51 - 70

To consider the approval of the Community Asset Transfer Policy 2020.

Wards affected: All

Contact: Giles Chappell, Asset Strategy

10: Huddersfield and Dewsbury Town Centre Finance 71 - 80

To receive details of the current status of the Blueprint Programmes in terms of finance and to make a decision to enter projects within the programme onto the Kirklees Capital Plan.

Wards affected: Dewsbury East, Dewsbury West, Dewsbury South, Newsome

Contact: Simon Taylor, Head of Town Centre Programmes

11: Proposal to allocate funding from the Sustainable Economy Strategic Priorities Capital Plan to the Huddersfield Market Hall Multi-Storey Car Park Demolition Scheme 81 - 88

To consider approval for the demolition of Huddersfield Market Hall Multi-Storey Car Park.

Wards affected: Newsome

Contact: David Martin, Head of Corporate Landlord

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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

Name of meeting: Cabinet
Date: 22 September 2020
Title of report: Potential reorganisation in Dewsbury West school place planning area outcome report

Purpose of report: To present Cabinet with the outcomes from the non-statutory consultation on the potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes affects more than 1 ward
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	Key Decision - Yes Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Yes If no give the reason why not
Date signed off by <u>Strategic Director</u> & name	Mel Meggs - 10.09.20
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 08.09.20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 08.09.20
Cabinet member portfolio	Cllr Carole Pattison - Learning & Aspiration Cllr Viv Kendrick - Children

Electoral wards affected: Dewsbury West, Dewsbury South and may affect other surrounding wards

Ward councillors consulted: YES

Public or private: Public

Has GDPR been considered? YES

1. Summary

On 14 January 2020 Cabinet members approved officers to undertake a non-statutory consultation on school led proposals for the potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School. This report details the findings from the non-statutory Consultation and officer recommendation. St John's CE(VC) Infant School wish to becoming a 30 place all through primary school over time and complementary changes to the pupil numbers at Westmoor Primary School were also proposed. The Proposal was:

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

2. Information required to take a decision

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

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

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

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

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

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

The regulations state that the governing body of St John's CE(VC) Infant School are the proposer as a Voluntary Controlled school. As a school designated as having a religious character St John's CE(VC) Infant School must seek approval to make such a proposal from the Leeds Diocesan Board of Education. As long as published proposals are determined within 2 months of the end of a statutory representation period, the Council is the decision maker.

The LA would need to apply to the Office of the Schools Adjudicator if the proposed changes to PAN are to be implemented from 2021/22. This is because the admission arrangements for 2021/22 have already been consulted upon and determined.

2.7 The four-stage statutory process set out below.

The DfE Guidance explains that, as the proposer, the LA must follow the four-stage statutory process set out below;

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

The DfE Guidance states that *'Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to consider all relevant considerations.'*

It was agreed that a non-statutory consultation would take place with key stakeholders to enable them to have the opportunity to engage with, and comment on, the proposals. At the meeting on the 14 January 2020, members requested that officers report the outcomes of the non-statutory consultation to Kirklees Council Cabinet for further consideration of the next steps.

Consultation Strategy and Methodology. A four-week non-statutory consultation on the potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School took place between 27 January 2020 and 24 February 2020, to seek the views of parents/carers, school staff, professionals, governors, pupils, other schools in the area, ward members, wider community stakeholders and other interested parties.

The 'Digital by Design' approach was adopted to bring processes into line with current council policies. Responses to the consultation could be made online via the council website, where the full details of the consultation were also available to view. Letters from the school were sent to the families of pupils at St John's CE(VC) Infant School and Westmoor Primary School with a link to the web page. Letters with the link to the web page were also sent to school staff, school governors, ward members, MPs, the Church of England Diocese, and other key stakeholders. Copies of the consultation document were sent to Trade Union representatives, early year providers, community centres/groups, libraries and health centres in the area. A brief outline and a link to the consultation was

published on HeadsUP! and in the weekly governors' bulletin and on Involve. A complete distribution list is attached at Appendix A.

A copy of the consultation document 'non-statutory consultation on the potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School' can be found at Appendix B.

The consultation document outlined the proposals and a proposed timeline for developments. A comprehensive paper and online response sheet was available on the Council website. The response sheet asked for feedback using three questions relating to the proposal. The consultation document had a feedback form that was designed to enable qualitative and quantitative feedback by asking respondents to explain why they had selected an answer. In addition, questions were asked to ascertain the type of stakeholder responding. The questions that were in the consultation document were;

- Q1) Do you support or oppose the proposals for St John's CE(VC) Infant School to reduce its PAN from 60 to 30 and to increase its upper age range from 4-7 to 4-11 years old.
- Q2) Do you support or oppose the proposals for Westmoor Primary School to increase its KS1 PAN from 45 to 60?
- Q3) If the other proposals are approved, do you support the current priority admission areas (PAAs) remaining unchanged?

Response forms could be completed electronically on the Council website. In addition, individuals were encouraged to feedback views either via email or letter. A 'Freepost' address was available for returning paper forms and/or letters to maximise the opportunities for receiving feedback to the proposals.

There were public consultation 'drop-in' session, which took place at St John's CE(VC) Infant School and Westmoor Primary School. The table below shows the number of parents that attended each event

Table 3. number of people who attended drop-in session			
Date	Venue	Time	Number of people attended
3rd February	Westmoor Primary School	2:45pm to 3:45pm	4
11th February	St John's CE (VC) Infant School	2:45pm to 3:45pm	8
		6:00pm to 7:00pm	3
Total			15

The purpose of the meeting was for officers to support and advise groups and individuals about matters relating to the proposals.

Bespoke meetings for staff at Westmoor Primary School were held on the 3 February and on the 11 February at St John's CE(VC) Infant School. Learning and Human Resources officers attended both meetings to answer any questions about the proposal. Notes of this meeting can be found at Appendix C.

Response to Consultation

The Council received 79 responses to this consultation. Two responses were received shortly after the closing date. All responses are included in full in Appendix D and a note indicates where they were late responses. The types of stakeholders responding to the

consultation are detailed in the table below. In addition to this there were two full governing body responses from St John's CE (VC) Infant school and Westmoor Primary School. Appendix C these have been included in the table below for full transparency.

Table 4. Responses received broken down into Stakeholder		
Type of respondent	Number received	Stakeholder
Parent/carer	59	56 St John's CE (VC) Infant school
		1 Westmoor Primary School
		2 Unknowns
Governor	4	1 Governing Body of Boothroyd Primary Academy
		2 (1) individual Governor at St John's CE (VC) Infant School (1) Full Governing Body of St John's CE (VC) Infant School
		1 Governing Body of Westmoor Primary School
Member of staff	10	10 St John's CE (VC) Infant School.
Local resident	1	1 resident
Other	3	1 Grandmother
		1 professional working in Kirklees
		1 Nursery teacher
Not stated	2	2 Unknown
Total	79	

**some stakeholders identified them self's as more than one stakeholder.*

Key Themes from the Consultation Responses

The responses have been analysed to identify key themes and these have been summarised along with an officer commentary on the issues raised. Responses received from Governing Body of St John's CE(VC) Infant School, Westmoor Primary School and Boothroyd Primary Academy were letters these have been included in the responses and key themes but will not appear in the analysis section.

The responses have been analysed to identify key themes and these have been summarised along with an officer commentary below:

Q1) Do you support or oppose the proposals for St John's CE(VC) Infant School to reduce its PAN from 60 to 30 and to increase its upper age range from 4-7 to 4-11 years old.							
Stakeholder	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know	Total
Parent/carer	40	11	5	1	-	1	58
Governor	1	-	-	-	2	-	3
Member of staff	9	1	-	-	-	-	10
Local resident	-	1	-	-	-	-	1
Other	3	-	-	-	-	-	3
Not Stated	2	-	-	-	-	-	2
Total	55	13	5	1	2	1	77

The feedback from the consultation features the following themes: -

Key Theme: Transition	
Summary response	Officer commentary
<p>Many parents did not want their child to move to another school at the end of KS1.</p> <p>Several respondents expressed that having continuation longer in one school would benefit the child as they would have the same staff and be in the same environment.</p> <p>A few responded expressed that their children who had moved to the Junior school found it hard and did not settle.</p> <p>Some respondent stated that if the school was to become an all through primary school this would benefit parents as all siblings would be in one site, be easier for parents to pick up children and parents don't have to buy different uniforms.</p>	<p>There are potential benefits to all-through primary schools including:</p> <ul style="list-style-type: none"> • evidence to suggest that the reduction in the number of transition points can improve educational outcomes for children and young people • the removal of the requirement for parents to apply for a new school at the end of key stage 1. <p>For these reasons Kirklees Council is generally supportive of such proposals where there is school system solution which can be self-funded.</p>
Key Theme: Staffing	
Summary response	Officer commentary
<p>Many of the responded praised the staff at St John's School with its nurturing environment.</p> <p>Some respondents believed that small class size offer a better learning environment for children.</p>	<p>It is recognised that many parents and children have expressed their satisfaction and happiness with St John's CE(VC) Infant School and value the staff who work to educate and support their children</p> <p>Small class sizes are likely to be as a result of the school being undersubscribed at this time. If the proposals are approved there will be less places available in the school and classes are more likely to be full.</p>
Key Theme: Admissions	
Summary response	Officer commentary
<p>A few respondents ask how the admissions policy would work and if the children were in the school would this give siblings more priority with the reduction in the PAN, and concerns were raised that if the PAN was to be reduced to 30 would all the children in the area get a place?</p>	<p>The average intake of pupils into St. Johns over the last 3 years has been around 49 pupils (54 in 2017, 52 in 2018 and 41 in 2019). Based on this history, if the proposal is approved this would mean an average of 19 pupils who have received a place in the past would not do so in the future. Whilst not necessarily meeting parental preference,</p>

	<p>there are however sufficient school places in the area at alternative schools.</p> <p>The admissions over subscription criteria gives priority in the following order:</p> <ol style="list-style-type: none"> 1. children in public care (looked after children) or a child who was previously looked after in England; 2. children who were previously in state care outside of England and ceased to be as a result of being adopted. 3. children who live in the school's Priority Admission Area (PAA) who have a brother or sister attending from the same address at the date of admission (the sibling rule); 4. children who live in the school's PAA; 5. children who live outside the school's PAA who have a brother or sister attending from the same address at the date of admission (the sibling rule); 6. children who live outside the school's PAA
Key Theme: Impact on other Schools	
Summary response	Officer commentary
<p>Response received from the Governing Body of Boothroyd Primary Academy raised a question about the impact on local schools if the proposal was implemented. They highlighted that over the past few years numbers of pupils have been falling and believe that there are sufficient places in the area. Concern was raised that if the proposal was to be implemented this would result in excess places at their school and could lead to staff implication including possible redundancies.</p> <p>Response received by the Governing Body of Westmoor Primary School raised concern that increasing the PAN does not create additional children to fill these places. The Governing Body undertook additional analysis which highlighted potential financial risks if places were not filled. They concluded that they should strongly oppose the current proposals as a result.</p>	<p>Evidence indicates that a small number of pupils who leave Key Stag 1 of St John's CE(VC) Infant School currently join Boothroyd Primary Academy.</p> <p>Introducing 30 additional Key Stage 2 places at St John's CE(VC) Infant School is likely to have an impact on the intake at other schools.</p> <p>These proposals have been School led. Both schools and the LA have been in discussions for some time. It is acknowledged that during the non-statutory consultation Westmoor Governing Body undertook further analysis about their financial risk and as a result responded to the consultation by strongly opposing the proposal. The Local Authority recognises the potential risk.</p>

Q2) Do you support or oppose the proposals for Westmoor Primary School to increase its KS1 PAN from 45 to 60?							
Stakeholder	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know	Total
Parent/carer	21	17	12	4	-	2	56
Governor	-	1	-	-	-	-	1
Member of staff	8	2	-	-	-	-	10
Local resident	-	-	1	-	-	-	1
Other	3	-	-	-	-	-	3
Not Stated	1	1	-	-	-	-	2
Total	33	21	13	4	0	2	73

The feedback from the consultation features the following themes: -

Key Theme: Westmoor Support St John's CE (VC) Infants School	
Summary response	Officer commentary
Many respondents felt that if St John's CE(VC) infant school was to reduce its PAN they would support the increase at Westmoor Primary School to ensure that all the children in the area would get a place at their local school.	The proposals were developed in a partnership approach where both schools have been working together. The consultation document provides information about the mismatch of key stage 1 places to key stage 2 places at present and the change if the proposals were agreed. Kirklees Council have been clear that there is no evidence of the basic need for additional school places in the area.
Key Theme: Impact on Westmoor	
Summary response	Officer commentary
Some responses believed that increasing the PAN at the school would result in more pressure being put on the school.	Westmoor Primary School is confident it could manage the pupil numbers associated with the proposals with sufficient time to plan for any agreed changes.
Key Theme: Financial impact on Westmoor Primary School	
Summary response	Officer commentary
Response received by the Governing Body of Westmoor Primary School raised concern that increasing the PAN does not create additional children to fill these places. The Governing Body undertook additional analysis which highlighted potential financial risks if places were not filled. They concluded that they should strongly oppose the current proposals as a result.	These proposals have been School led. Both schools and the LA have been in discussions for some time. It is acknowledged that during the non-statutory consultation Westmoor Governing Body undertook further analysis about their financial risk and as a result responded to the consultation by strongly opposing the proposal. The Local Authority recognised the potential risk.
Key Theme: traffic	

Summary response	Officer commentary
A respondent highlighted that traffic and congestion in the area would be an issue.	The Governing Body and school leadership continue to explore a range of strategies as part of the planning and implementation process for the management of traffic, safe walking and congestion.

Q3) If the other proposals are approved, do you support the current priority admission areas (PAAs) remaining unchanged?							
Stakeholder	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know	Total
Parent/carer	12	22	10	-	1	8	53
Governor		1	-	-	-	-	1
Member of staff	4	4	1	-	-	1	10
Local resident	-	-	-	-	-	1	1
Other	1	2	-	-	-	-	3
Not Stated	1	1	-	-	-	-	2
Total	18	30	11	0	1	10	70

The feedback from the consultation features the following themes: -

Key Theme:	
Summary response	Officer commentary
<p>Some respondents wanted the PAA to remain the same</p> <p>There was some confusion about the PAA and the impact this would have on them.</p> <p>A respondent wanted to know about the effect of getting a school place for those living outside the PAA who have a sibling at one of the schools.</p> <p>A respondent wanted to know if sibling would have a school place.</p>	<p>The national school admission system is complex and highly regulated. Parental preferences change from year to year so it is impossible to predict accurately who will be allocated a place at a specific school.</p> <p>The number of available places is a factor and given the admissions over subscription criteria detailed above, those lower down the priority list are most at risk of not receiving the offer of a school place at a particular school.</p> <p>Families with siblings at a school receive are priority but those living in the PAA without a sibling at the school receive a higher priority than those living outside the PAA with a sibling at the school.</p>

Summary of the consultation responses

At least 90% of respondents who responded to the consultation were existing parents, staff or governors from St John's CE(VC) Infant School and their support for the proposals is strong. This is also reflected in the collective governing body response from

St John's CE(VC) Infant School who state the benefits of an all through primary school on educational outcomes, the opportunity of greater choice for local parents and the opportunity for greater financial security for the school (see appendix C)

Some concerns were raised about the impact of reducing 30 places at St John's CE(VC) Infant School and the how pupil admission policies would work in this context. The officer commentary highlights previous admission numbers and the likely impact on an average of 19 families (11 to 24 based on the previous 3 years) who have been able to secure a place at St John's CE(VC) Infant School but would no longer be able to if the proposals are agreed. There were also references to the potential for improved popularity of St John's CE(VC) Infant School if it were to become an all through primary school which could lead to the school becoming further oversubscribed. It should however be noted that there would be sufficient school places in the area, so these points relate to the possible success of parents securing a place at their preferred school rather than not having a reasonable offer of a school place.

A concern was raised by another local school about the impact of more key stage 2 places being available in the area when there was no basic need for additional places. They highlighted the potential impact on their finances given current pupil movement at the end of key stage 1 from St John's CE(VC) Infant School in recent times. There is evidence of a small amount of movement from St John's CE(VC) Infant School to schools other than Westmoor Primary School that may reduce if the proposals were agreed.

The governing body of Westmoor Primary School collective response to the consultation states their wish to be supportive of St John's CE(VC) Infant School, however following further analysis and scrutiny they have concluded that the risks to their financial stability are such that they strongly oppose the current proposals. (see appendix C)

Conclusion from the consultation responses

Generally, the council has been supportive of opportunities to explore options for reducing transition points when proposals which are self-funded by schools, provide a whole school system solution and a long-term sustainable model for each school.

The proposals appeared to offer the opportunity for this at the time Cabinet approved officers to undertake a non-statutory consultation. However, the non-statutory consultation has revealed this is no longer the case with the current proposals at this time. Questions have also been raised by a small number of parents about the impact on future parental preferences.

The officer recommendation therefore must be that the council does not support the current proposals at this time.

Implications for the Council

- **Working with People**

The LA has undertaken a four-week non-statutory consultation to ensure that a wide range of stakeholders could participate to express their views as part of the consultation. The LA held sessions to engage with parents, staff and Governors.

- **Working with Partners**

The Council continues to work closely with The Diocese of Leeds Board of Education, St John's CE(VC) Infant School and Westmoor Primary School.

- **Place Based Working**

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

- **Climate Change and Air Quality**

It is intended that by providing local school places this will improve the environment through reducing congestion, reducing pollution and CO2 emissions and improving the opportunity for walking and cycling to school.

- **Improving outcomes for children**

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

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

Human Resources Implications

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

Legal

There are no legal matters arising from this proposal outside the statutory school re-organisation processes described.

Financial

Any re-organisation costs will be the responsibility of the individual schools, therefore no significant financial implications for the council other than the use of existing school re-organisations resources to provide technical support with the statutory and decision-making processes. The Dedicated Schools Grant schools funding formula is responsible for directly funding the two schools for the changing pattern of pupil numbers implied by this proposal.

Equality Impact Assessment (EIA)

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

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

Then select 2019/20 and 'Children' The stage 1 report is named '2020.09.15 Potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School'

The stage 2 report is named '2020.09.15 Potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School'

3. Consultees and their opinions

As per the non-statutory consultation described in section 2 above

4. Next steps and timelines

Subject to agreement by Cabinet of the conclusions to the consultation there are no further process steps which need to be undertaken by Kirklees Council.

It should however be recognised that the governing body of St John's CE (VC) Infant School, subject to approval of the Diocese of Leeds, has the right to publish a statutory proposal to change the age range of the school. This would result in their requirement to carry out a 4-week statutory consultation as described above 2.7, and to present the findings to Kirklees Cabinet who would be the decision makers.

5. Officer recommendations and reasons

The consultation process has revealed that the current proposal does not meet the criteria the council would normally apply to support such proposals, specifically that it is not a whole school system solution with a long-term sustainable model for each school.

There remain opportunities for reducing transition point, but this must be carefully balanced against the risk of reducing parental preference in the future.

The officer recommendation therefore must be that the council does not support the current proposals at this time. Officers recommend facilitating the engagement of all parties to discuss the outcome of the consultation and explore opportunities for other options/proposals either now or in the future.

6. Cabinet Portfolio Holder's recommendations

We would like to take this opportunity to thank all those who took part in the consultation process.

Given the consultation responses we are in agreement with the conclusions drawn in this report and therefore do not support the proposals at this time.

7. Contact officer

Martin Wilby
Head of Education, Places and Access
Kirkgate Buildings
Huddersfield
01484 221000
martin.wilby@kirklees.gov.uk

Background Papers and History of Decisions

Cabinet report 14 Jan 2020: Reorganisation in Dewsbury West school place planning area – permission to consult:

<https://democracy.kirklees.gov.uk/documents/s33997/St%20Johns%20CEVC%20Infant%20and%20Westmoor%20Primary%20permission%20to%20consult%20-%20final.pdf>

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

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

Cabinet Report 4th December 2012 - Report on the outcomes of the statutory consultation about proposals affecting Knowles Hill Infant and Nursery School and Westmoor Junior School

8. Service Director responsible

Jo-Anne Sanders

Director for Learning and Early Support

Civic Centre 3

01484 221000

jo-anne.sanders@kirklees.gov.uk

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APPENDIX A - Distribution List

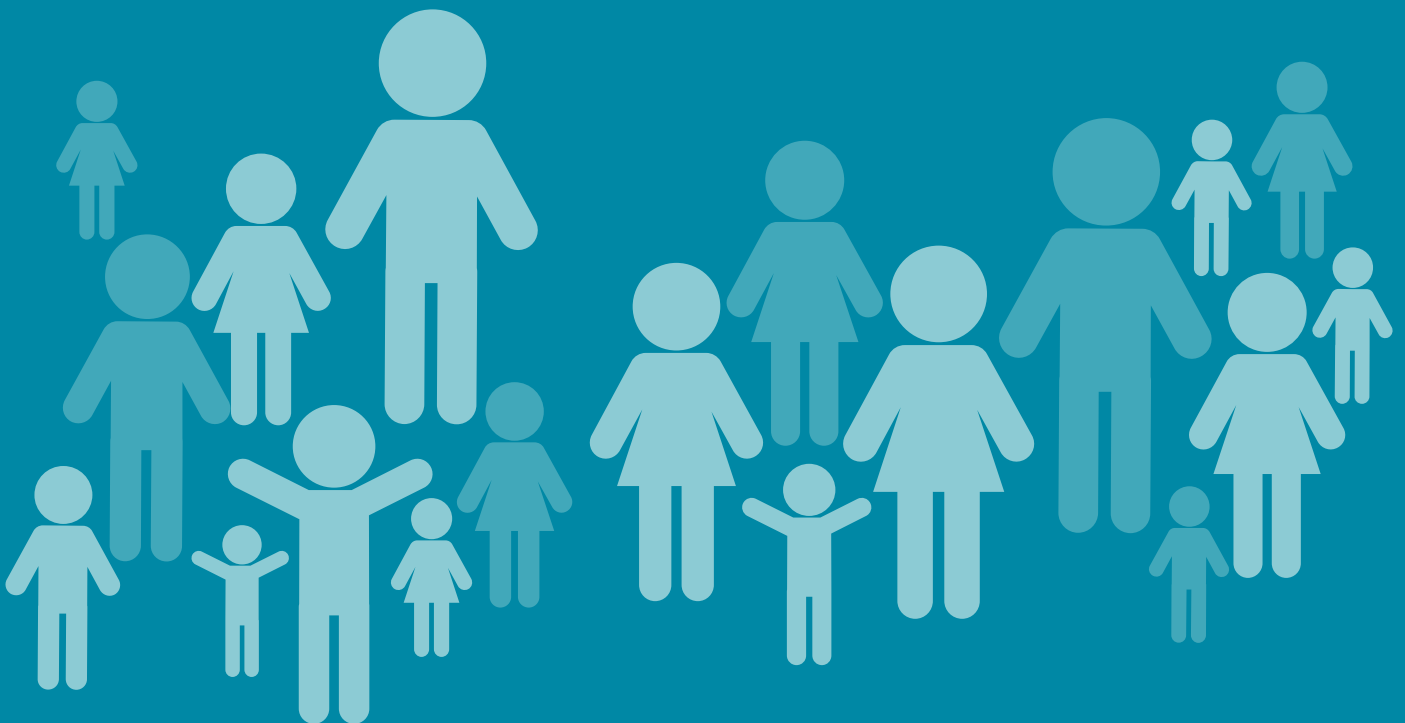
List of Consultees	
Kirklees Council Officers	Chief Executive Director for Children's Services Service Director - Resources , Improvement and Partnerships Strategic Director for Adults and Health Strategic Director Corporate Strategy, Commissioning & Public He Strategic Director Economy and Infrastructure Service Director for Strategy and Innovation Service Director-Learning and Early Support
Kirklees Learning Service	Kirklees Learning Partner
Kirklees Councillors	Dewsbury West Dewsbury East Dewsbury South Batley East Batley West
Dioceses	Diocese of Leeds Church of England – Diocese of Leeds
HR	HR Lead School Governor Service
KIAS	Kirklees Information Advice & Support Service
MPs	Mark Eastwood Tracy Brabin
Unions	NASUWT NEU - NUT UNISON UNITE GMB NAHT
Parent / Guardians of pupils at:	St John's CE(VC) Infant School and Westmoor Primary School.
Governors & Staff at:	St John's CE(VC) Infant School and Westmoor Primary School.
Primary schools within 2 miles of St John's CE(VC) Infant School and Westmoor Primary School.	Carlton J & I School Eastborough J I & N School Earlsheaton Infant School Diamond Wood Community Academy Carlinghow Princess Royal J I & N School Field Lane J I & N School Healey J I & N School Mill Lane Primary School Park Road J I & N School Purlwell I & N School Warwick Road Primary School Manorfield I & N School Hyrstmount Junior School Norrithorpe J & I School Old Bank J I & N School Pentland I & N School Millbridge J I & N School Crossley Fields J & I School Heckmondwike Primary School Co-op Academy Smithies Moor Ravensthorpe CE (VC) Junior School Savile Town CE (VC) I & N School Thornhill Lees CE (VC) I & N School Bywell CE (C) Junior School Headfield CE (VC) Junior School Hanging Heaton CE (VC) J & I School Staincliffe CE (VC) Junior School Crowlees CE (VC) J & I School St Mary's Catholic Primary School St Joseph's Catholic Primary School (Dewsbury) Batley Parish CE (VA) J I & N School

	Holy Spirit Catholic Primary School St Paulinus Catholic Primary School Boothroyd Primary Academy
High schools within 3 miles of St John's CE(VC) Infant School and Westmoor Primary School.	The Mirfield Free Grammar and Sixth Form Upper Batley High School Batley Girls' High School - Visual Arts College Westborough High School Manor Croft Academy Thornhill Community Academy Trust Spenn Valley High School St John Fisher Catholic Voluntary Academy Castle Hall Academy Trust Heckmondwike Grammar School Batley Grammar School
Libraries	Dewsbury Library Heckmondwike Library
Early Years & childminders in Dewsbury West Ward	Diane Linnit Kathryn Elizabeth Gray Sahila Butt Toni Adamson Child's Play Day Nursery Hollytree Nursery The Children's Place Ltd (Ravensthorpe) The Co-operative Childcare Dewsbury Blenheim Playgroup Brunswick Preschool Park Pre-School Ravensthorpe Community Childcare St John's Under 5's Pre-School The Branch Christian School
Health Centres	Batley Health Centre Dewsbury Health Centre
Community groups	Ashworth Lodge and Ashworth Tenants and Residents Association Carers support groups in Kirklees - St Anne's Community Services Dewsbury and District Art Club Dewsbury Moor St John The Evangelist Church Dewsbury Our Lady and St Paulinus Roman Catholic Church Dewsbury West Children's Centres Dewsbury West Community Centre Downs and Special Friends Dunromin (Scout Hill, Dewsbury) Friends of Crow Nest Park Greenwood Craft Group, Ravensthorpe Groundwork In House Training Ltd Islamic Tarbiyah Academy (Dewsbury) Jame Masjid Ghausia (Ravensthorpe) Markazi Jamia Masjid Anwar-e-madina (Ravensthorpe) Markazi Jamia Masjid Gulzar-e-Madina (Dewsbury) Masjid E Hira, Thornhill Lees Masjid Jamiah Ahle Hadith and Madressah Salafia (Dewsbury) Masjid-e-Tauheed (Ravensthorpe) Mohaddis-E-Azam Education Centre and Masjid-E-Madani (Dewsbury Moor)

	Northstead Community Centre, Ravensthorpe Ravensthorpe and Scout Hill: Dewsbury West Scout Group Ravensthorpe St Saviour Church Ravensthorpe with Hopton United Reformed Church Ravensthorpe: The Friendly Club Ravensthorpe: The Greenwood Centre Step Up day Centre - Qadam Baraho Transformers North Westborough Methodist Church, Dewsbury Women First (Ravensthorpe)
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Non-statutory consultation on the potential reorganisation of school places at
**St John's CE(VC) Infant School
and Westmoor Primary School.**



Please tell us your views on our proposals.
The closing date for responses is 24 February 2020

Why are we making these proposals?

The governing body of St John's CE(VC) Infant School has for some time had the aspiration to become an all-through primary school. The school feel this would have great benefits for their sustainability, as well as educationally, by enabling them to support children and families through the entire primary phase, rather than only for the 3 years at present. Following a series of collaborative discussions between the governing bodies, school leaders, Church of England Diocese of Leeds and the Local Authority, exploring what is technically possible to support the best educational outcomes for children, the following proposals have been shaped. As St John's CE(VC) Infant School is designated with a religious character, the school has sought approval from the Leeds Diocesan Board of Education for this proposal.

What changes are proposed?

It is proposed that St John's CE(VC) Infant School becomes an all-through primary school with a published admission number (PAN) of 30 and that Westmoor Primary School will make complementary changes where its Key Stage 1 PAN would increase to 60 and its Key Stage 2 PAN would remain 90.

Illustration of the proposed changes:

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

Proposed arrangements	Key stage 1 places	Key stage 2 places
St John's CE(VC) Infant School	30 (-30)	30 (+30)
Westmoor Primary School	60 (+15)	90
	90	120

What does this mean for school places in the area?

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

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

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

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

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

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

Currently, there is no basic need evidence to drive the creation of additional places in either planning area. Significant house building is expected from the Dewsbury Riverside strategic development in the future which is likely to change this position. The first pressure from this housing development is likely to be experienced for Key Stage 2 places and this proposal could help delay the timing of this pressure.

How would the changes be implemented?

The table below illustrates the potential changes over time if St John's CE(VC) Infant School increases its upper age range year on year. The school would retain their Year 3 pupils and reduce their PAN in Reception from 60 to 30. The final planned capacity for the proposed primary school would be reached in the academic year 2027/2028.

St John's CE(VC) Infant School	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
	Infants (KS1)			Juniors (KS2)				
20/21	60	60	60					180
21/22	30	60	60	60				210
22/23	30	30	60	60	60			240
23/24	30	30	30	60	60	60		270
24/25	30	30	30	30	60	60	60	300
25/26	30	30	30	30	30	60	60	270
26/27	30	30	30	30	30	30	60	240
27/28	30	30	30	30	30	30	30	210

The table below illustrates the potential changes over time if Westmoor Primary School increases its PAN to compensate for the reduction in PAN at St John's CE(VC) infant school. The final planned capacity for the primary school would be reached in the academic year 2023/2024.

Westmoor Primary School	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
	Infants (KS1)			Juniors (KS2)				
20/21	45	45	45	90	90	90	90	495
21/22	60	45	45	90	90	90	90	510
22/23	60	60	45	90	90	90	90	525
23/24	60	60	60	90	90	90	90	540

St John's CE(VC) Infant School has additional class bases available in an ex-caretaker's house and can create a temporary classroom to manage the bulge. Westmoor Primary School have planning permission in place for a two-class extension. In both cases the schools have sufficient funds to undertake this work

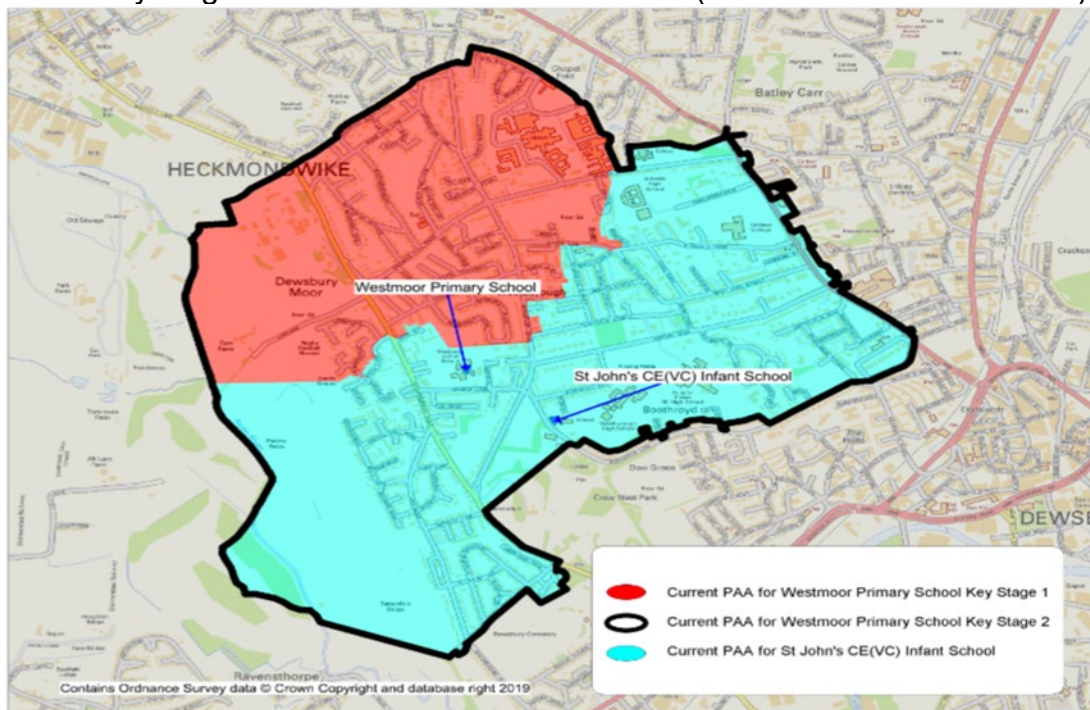
What does this mean for future admission arrangements?

There would be fewer places available for Reception intakes at St John's CE(VC) Infant School (down from 60 to 30 places). Parents who secured a place for their child would no longer need to apply for a Key Stage 2 (junior school) place unless it was their choice to change schools.

There would be more places available for Reception intakes at Westmoor Primary School (up from 45 to 60 places). As is the case now, parents who secured a place for their child and in the future would not need to apply for a Key Stage 2 (junior) place unless it was their choice to change schools.

There are no proposals to change the priority admission areas (PAAs). The map below illustrates the current PAAs.

- St John's CE(VC) Infant School PAA is highlighted in blue
- Westmoor Primary School has a Key Stage 1 PAA highlighted in red and a key stage 2 PAA which combines the two (illustrated with a black line).



What would happen to current pupils at the schools?

No pupils would be displaced by these proposals.

Pupils already attending St John's CE(VC) Infant School would no longer need to apply for a Key Stage 2 (junior school) place unless it was their choice to change schools.

Pupils attending Westmoor Primary School will not be affected. As is the case now, pupils attending Westmoor Primary School will not need to apply for a Key Stage 2 (junior school) place unless it was their choice to change schools. However, in line with current policy, there would be no automatic transfer from the nursery to the Reception class and parents would still need to complete an application form at the appropriate time.

Why create an all-through primary school at St John's CE(VC) Infant School?

Over a number of years the council has been willing to explore opportunities for reducing transition points and has worked with school leaders, governing bodies and the Church of England Diocese of Leeds to establish all-through primary schools. The establishment of all-through primary schools is intended to improve the educational standards attained by children through better and more flexible management of learning, without a change of school at age 7. Single all-through institutions can establish longer-term relationships with pupils and families, provide more opportunities for staff development and better manage resources to support learning and smooth transition to each stage of learning.

Leeds Diocesan Board of Education

The members of the Leeds Diocesan Board of Education welcome and support the collaborative way in which the proposals have been developed between St John's CE(VC) Infant School and Westmoor Primary School, Kirklees Council and the Diocese. In this case the law states that the governing body of St John's CE(VC) Infant School are the proposer for the required statutory proposal to change the age range of the school and as a voluntary controlled school the council is the decision maker. As a school designated as having a religious character St John's CE(VC) Infant School must seek approval to make such a proposal from the Leeds Diocesan Board of Education.

Welcoming your views

We want to know your views about

- St John's CE(VC) Infant School to reduce its PAN from 60 to 30 and to increase its upper age range from 4-7 to 4-11 years old
- Westmoor Primary School to increase its KS1 PAN from 45 to 60
- Continuing with the existing priority admission area arrangements

What happens next?

This consultation is open from 27 January 2020 until 24 February 2020. You have until then to express your views in writing, or in person at the consultation events. Once the consultation has finished, the feedback received will be reported to Kirklees Council's Cabinet (the council's main decision making body), who will decide whether to move to the next stage. This would mean the publication of legal notices and another chance to view the proposals and comment on them before a final decision is made. The following table shows the next steps involved along with indicative timelines and would be dependent upon Cabinet approval to move to each stage.

Activity Date

Activity	Date <i>* These dates are indicative and may change; they are also subject to Cabinet approval.</i>
Consultation and engagement (non-statutory)	27 Jan 2020 until 24 Feb 2020
Report back to Cabinet on the non-statutory consultation and seek Cabinet approval to move to next stage	24 March 2020*
Publication of statutory notices and proposals and period of representation (formal consultation on statutory proposals)	20 April 2020 until 17 May 2020
Kirklees Council Cabinet take a final decision regarding the proposals	16 June 2020*
Application to the Schools Adjudicator for PAN variation for 2021/22	23 June 2020
Implementation	1 September 2021

Consultation events

All the listed informal events are open to families of pupils attending either school, members of the community and anyone else who would like to find out more and discuss the proposals regarding the potential reorganisation of school places at St John's CE(VC) Infant School and Westmoor Primary School. Please come along and see us between the times indicated below.

Date	Venue	Time
3 rd February 2020	Westmoor Primary School	2:45pm to 3:45pm
11 th February 2020	St John's CE (VC) Infant School	2:45pm to 3:45pm
		6:00pm to 7:00pm

In addition to these events there will be opportunities for consultation with staff and governors. Council officers will be present to answer questions and hear your views. As the people most concerned with your children's education, we want to know what you think. You can take part in the consultation on our website, www.kirklees.gov.uk/schoolorganisation. Alternatively, you can complete and return the attached response form.

Response form please send this form or a letter to:

By post: FREEPOST Kirklees Council, School Organisation & Planning (Postage is free; you do not need a stamp).

In person: At one of the consultation drop-in sessions or hand it in at one of the schools.

Online: You can also take part in the consultation on our website:

www.kirklees.gov.uk/schoolorganisation

You can also email us your queries regarding the proposals in this consultation document. Please email your queries to: schoolorganisation@kirklees.gov.uk

Please make sure you respond by **24th February 2020** to ensure that your views are heard.

Q1) Do you support or oppose the proposals for St John's CE(VC) Infant School to reduce its PAN from 60 to 30 and to increase its upper age range from 4-7 to 4-11 years old. Please tick one of these boxes

Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why have you decided that is your view? Please tell us about it along with anything else you would like us to consider relating to this proposal.

Q2) Do you support or oppose the proposals for Westmoor Primary School to increase its KS1 PAN from 45 to 60?

Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why have you decided that is your view? Please tell us about it along with anything else you would like us to consider relating to this proposal.

Q3) If the other proposals are approved, do you support the current priority admission areas (PAAs) remaining unchanged?

Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why have you decided that is your view? Please tell us about it along with anything else you would like us to consider relating to this proposal.

About you

This section asks you for some information that will help us start to analyse the results of the survey and to see who has taken part. You will not be identified by any of the information that you provide.

I am a: (please tick and complete all those that apply to you)

Parent/carer your child's/children's school(s):

Pupil your school:

Governor your school:

Member of staff your school:

Local resident please tell us:

Other please tell us:

Westmoor Primary School
Staff Consultation Session
Monday 3 February 2020, 4pm

Present: 7 staff members, 2 HR staff

Currently Reception is split into 2 classes, with mixed age classes in years 1 and 2. If the proposals are approved, Reception would remain split into 2 classes, and one more class base would be needed for years 1 and 2.

Q) Does Westmoor realistically expect to attract 90 pupils at key stage 2?

- *If St John's retain key stage 2 pupils, there is a risk that not all the 90 places would be filled. All parents can express a preference for another school for year 3 (Junior), but pupils in year 2 at an all through primary school would need to apply for this.*

Q) Is there a concern about staffing levels if Westmoor does not fill at key stage 2?

- *The proposals are for an increase in places, so it may be that more staff are required. If the key stage 2 places are not filled, it could affect staffing levels required at that key stage. Currently, there is no unmet demand in the community for basic need places. There is likely to be pressures in the future in the adjacent areas of Dewsbury South in relation to the Dewsbury Riverside strategic site under the Local Plan. We don't know just when this will occur, but the first pressure will be for places at key stage 2.*

Q) Are there new schools proposed for Dewsbury Riverside?

- *Land has been set aside for this for the future. But we understand that introducing new places too soon can destabilise surrounding schools. We would want to ensure the existing provision was full first to ensure this does not happen.*

Q) If numbers decline at Westmoor, would there be any funding protection?

- *This is a schools led and funded proposal. There are protection mechanisms in the school funding formula but cannot cover every risk. The LA does not have finances to put into these proposals.*

Q) What's in it for Westmoor?

- *The proposal is to increase in size. This is places and actual pupils might be different but any change would be over time. Reducing transition points is believed to have a positive effect on pupils. Several options were considered, and this was deemed the best for helping St John's realise their aspiration to be a through primary, and at the same time protect Westmoor's position.*

Extracts of the governing body meeting of Westmoor Primary School

Minutes of a special meeting of the Governing Body held at 6.00 pm at the School on Thursday 13 February 2020

56 **NON-STATUTORY CONSULTATION**

Governors confirmed that they were aware of the non-statutory Consultation on the Potential Re-organisation of School Places at St John's CE(VC) Infant School and Westmoor Primary School.

Meetings to discuss this proposal had been held on Monday 3 February 2020, although only one governor had been able to attend.

Responses to the proposal were required by Monday 24 February 2020

Copies of the content of the consultation document were tabled and scrutinised. All aspects of the consultation document were discussed thoroughly and the predicted Published Admission Numbers (PANs) provided in the document were considered in detail. Governors expressed serious concerns that simply increasing the school's PAN, does not create additional children to fill these places. The possible financial implications were outlined by the School Business Manager in a detailed analysis which highlighted the financial losses which could be incurred by the school, should the places not be filled. These losses (in excess of approx. £600,000 over 3 years) were felt to be too great a risk to the financial stability of the school.

Although Governors had wished to be supportive of St John's School's ambition to become a through primary school: having had sight of the consultation document and the opportunity to scrutinise it and ask different questions, **they unanimously (including Mr X by email) agreed that they were strongly opposed to the current proposal.**

Governors would welcome the opportunity for further dialogue between the schools in the best interest of families.

RESOLVED: That Governors strongly oppose the current proposal to potentially re-organise school places at St John's CE(VC) Infant School and Westmoor Primary School.

St John's CE(VC) Infant School
Staff Consultation Session
Tuesday 11 February 2020 3:30pm

Present: 13 staff, 3 Local Authority (LA) representatives

LA officer outlined the proposal.

Q) When will we know if this will happen?

- The timeline in the document was shared. The LA are undertaking a non-statutory four-week consultation to seek views from key stakeholders. The LA will produce an outcome report with recommendations for Cabinet. The next stage of the process would be the Governing Body of St John's CE(VC) Infant School to publish statutory proposals/notices which would lead into a representation period sometimes referred to as a formal consultation. Publication of the statutory notices would be the responsibility of the Governing Body and the Diocese; the decision maker is Kirklees Cabinet. This is where the Governing Body of the school would make prescribed alterations to increase the age range of the school and reduce its PAN. It is anticipated that a final decision report would be taken to Cabinet in June where Kirklees Cabinet would make a final decision. There would then need to be an application to the Office of the Schools Adjudicator to reduce the PAN from September 2021.

Q) Would the Schools Adjudicator agree to this?

- The outcome cannot be guaranteed.

Q) Parents have said that they would send their children if this was a through primary school. If this school does become an all through primary school there is concern that parents would start to admit their children in other year groups where the PAN is 60.

- This is possible. It would be something that could be looked at when submitting the report to the Office of the Schools Adjudicator, there may be an option to reduce the PAN in all the year groups.

The process to increase the age range is a long process which is set by the Department for Education.

Q) What about staffing at the school?

This is for the school and Governing Body to consider. There would appear to be opportunities for staff.

Statement from The Governing Body regarding the re-organisation of school places at Westmoor Primary and St John's CE(VC) Infant Schools

Monday 24th February 2020.

Parents, staff and Governors have been asking for a long time “*Why doesn't St John's take children through to the end of KS2?*” Parents in particular have been keen to see this happen as they, as well as other stakeholders, believe that it will have a more positive impact on their children's learning. Becoming a through school would mean that there is no need to make a transition to a different school at the end of KS1, thus providing stability and continuity of care and support for the children. In addition, a child remaining at one school until the end of KS2 would help the school to build better relationships with parents. In the same way, staff and the school get to establish a more stable relationship with the children as they progress through their time in KS1 and KS2.

Our numbers have fallen significantly over the last few years, with parental and community surveys strongly suggesting this is mainly down to parents choosing a primary school rather than an infant school to avoid a transition point at the end of year 2. Many parents and carers have said that they would love their children to attend St John's if it were a primary school. If this decline in numbers was to continue, we believe over time our school would become financially unviable. As a Governing Body we feel it is vital that families in our local community have the option of either a large primary school or a small faith based primary school, as this gives a greater depth of choice to parents and carers. As a school we have a lot to offer our young children and families. We know that we have the skills, enthusiasm and expertise to extend to a primary school as well as having sufficient funds to make the change.

In conclusion we feel that the changes made to both schools will have a positive impact for our community and give our children the best start to education, meaning they can aim high and reach their full potential in life.

The Governing Body

St John's C E (C) Infant School.

APPENDIX D

Q1) Do you support or oppose the proposals for St John's CE (VC) Infant School CE(VC) Infant School to reduce its PAN from 60 to 30 and to increase its upper age range from 4-7 to 4-11 years old.

Response from Parent at St John's CE (VC) Infant School	
Strongly Support	<ul style="list-style-type: none">• Better not to have to change schools for juniors and prefer St John's CE (VC) Infant School to Westmoor Primary School• It's good that children attend the same school from 4 to 11.• Children changing schools at age 7 could disrupt anything they have achieved so far.• I would like my child to continue at this school• So, it is better for child to stay in one school and more teacher ratio.• I value St John's as a school and their teaching and values• A through school is beneficial in the children's leaning and development. They form a good relationship with the teachers and staff which makes them feel safe and valued. The school has good values promoting a good education.• I would like my child to continue at this school. The teachers know my child well and I think this will help my child to continue to thrive.• My child found it very stressful moving from nursery to infant school, so this would cut out the move to junior school. My child enjoys this school as every teacher knows every student. I find at Westmoor Primary School, with it being a bigger school, this is not the case.• My Child will be settled at this school for longer. I think moving schools is upsetting and scary for children. * (identified themselves as more than one stakeholder)• Moving school after 3 years is unsettling for the child and can disrupt their education.• Happy with the school• Children can stay in school longer and not uproot * (identified themselves as more than one stakeholder)• X really enjoys this school. From the clubs available and also the teachers. It will also be a continual which I feel would benefit in her development to continue her learning.• My child has really settled into St John's and I feel it would only benefit him further to remain until year 6. Having stability for my child is my main concern.• I've been to many school settings. I've not quite seen the settings at St John's. I would've loved it if it was unto 11, he would have achieved so much within this friendly environment.• Transition would be a lot easier to KS2 rather than having to change school and start afresh. My child would be a lot more settled and happier with the same friends and environment.• We love this school and really hope that he can stay until year6

	<ul style="list-style-type: none"> • My child is settled at school and really enjoys coming to school. St John's is an amazing school with great potential, staff are amazing • It would keep children in the same environment for longer which would benefit their overall learning. Also, siblings being split up after year 2 would cause less issues with uniform and different pick up/drop off times • I think it would be good for my child and other children to stay till there're 11 so they don't have to change, and it will upset their learning. • Would be easier for child and parent if all primary education was at the same place • Collecting children will be a lot easier, instead of going up and down the hills or different schools • It will be better for the students to stay in the same environment, also agree with it having smaller classes. • I selected this school St John's for my daughter because I felt it was the best school in the area, although I know at that point it would mean selecting a separate junior school. I would be delighted if my daughter can remain at St John's for the remainder of primary school. • St John's is amazing school, teachers are really good and its perfect for my children as they are happy and settled. • My son was disappointed when he finished year 3 and had to move school. he loved this school and I'm hoping that my daughter would benefit the change. * (identified themselves as more than one stakeholder) • So, my child doesn't have to move school • Because my child could just stay here instead of moving schools. • I really like the school and would prefer my child to continue their learning journey with St John's • less disruptive for the child's education and learning easier for teacher to know which child needs the support. • I feel the school has all the qualified and capabilities to successfully increase its upper age range. • We really like the current St John's CE (VC) school arrangements. All the staff have been excellent and are very supportive and have helped our child come on leap and bound. X really enjoys school also would like to stay there as long as possible.
Support	<ul style="list-style-type: none"> • If they have the space and the facilities it should be good and convenient for parents • As my child already, studies at St John's in year 2 would like them like them to stay up to year 6 • It's good for the kids if they stay in St John's more than 2 years. For support this is the only reason that I'm happy about • St John's in a good school and I would like my child to carry on at this school until the age of 11

	<ul style="list-style-type: none"> • How would this impact brother/sister be entering into reception if PAN is reduced to 30? Would they get priority if brother /sister is in the school already? • This is a fantastic school with a lovely learning environment, my daughter has settled really well here and the schools support system, staff are fantastic • Smaller Class size
Neither Support nor Oppose	<ul style="list-style-type: none"> • Because I have children at Westmoor Primary School already and moving across after two years for my son would mean all my children will be on one setting* (identified themselves as more than one stakeholder) • I would be happy to know that my daughter would have a chance in getting into the primary school • Pros and cons to both • Whichever the case may be the school has upgraded and can take care of the capacity they already have because have seen improvement in my child
Oppose	<ul style="list-style-type: none"> • It might be difficult for children in the area if school only accepts 30
Response from Staff at St John's CE (VC) Infant School	
Strongly Support	<ul style="list-style-type: none"> • I think it is of the best interest of the children and community to provide education at infant and junior level. The ethos of St John's CE (VC) Infant School is second to none and would be of huge benefit to children throughout their primary phase. It will allow parents the opportunity to send their children to St Johns without having to apply for different schools at the end of KS1. It will enable the school to provide an effective education to pupils without the need for a change point at age 7. This will reduce stress for children and parents, and ensure children have the best opportunity for success. If St John's is unable to increase the age range to 4-11 it is likely that over time the school will no longer be viable as they will continue to lose pupils to those schools that can provide the full primary experience. The school has had many comments in the past from parents who say they wish their child could stay until age 11 as they value the ethos and values of the school. As St John's is a church school, the potential future closure would leave the area without a Church of England school, thus reducing parental choice. After working at this school for 13 years it is clear that the majority of parents want us to become a through school. The only reason parents have given for not sending their child here is due to us not being a through school. Children are leaving mid-year because we aren't a through school meaning children are having a bumpy ride in their critical first years of education. What will happen to the future of our school if this doesn't happen and numbers drop? Numbers are falling which is jeopardising our budget and after working here for 12 years lots of parents always say they wish we were a junior school. Children aren't settled, and it can cause disruption transitioning. I feel concerned about the future of our school if this doesn't change. After working at St John's for several years I

	<p>have encountered numerous families who have said if only you were a junior school, we don't want to leave St John's, we feel like a family it's an ideal opportunity to give our families what they need</p> <ul style="list-style-type: none"> • Financially the school needs to extend provision to KS2 so that numbers do not continue to decrease due to parents removing a transition point for the children. However, this is what our parents are wanting too - they want the option of having the child attend a small primary school all the way through to Year 6 rather than moving to a large primary school. Parents in the area should have this option of a small faith based primary or a large non-faith school. • For many years parents have said they wished our school was a through school enabling their children to stay at St John's # This response came in after the closing date
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Response from Governor at St John's CE (VC) Infant School

Strongly Support	<ul style="list-style-type: none"> • The opportunity to improve the educational standards attained by children through better and more flexible management of learning, without a change of school at age 7. Stable, longer-term relationships with pupils and families. St John's is often one of the few (if not the only) consistent provider of holistic care to children and families in this area. The caring nature of St John's as well as its educational strengths have been cited as the main reason for parents choosing this school for their children over many years and this has not changed. The vast majority of parents who have chosen St John's would have wanted their children to stay there into their junior school years. The school has lost children (as was widely predicted by all) to Westmoor Primary School in the past couple of years purely because parents will always choose to have 1 drop off point for their children as opposed to 2 different schools. This was immediately brought about when the infant classes were moved from Knowles Hill site. At that point many parents were upset they were still unable to keep their children at St John's and were just basically being forced into going to Westmoor Primary School.
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Response from Parent at Westmoor Primary School

Strongly Support	<ul style="list-style-type: none"> • My child will be settled at this school for longer. I think moving schools is upsetting and scary for children. * (identified themselves as more than one stakeholder) • Children can stay in school longer and not uproot * (identified themselves as more than one stakeholder) • My son was disappointed when he finished year 3 and had to move school. He loved this school and I'm hoping that my daughter would benefit the change. * (identified themselves as more than one stakeholder)
Neither Support nor Oppose	<ul style="list-style-type: none"> • Because I have children at Westmoor Primary School already and moving across after two years for my son would mean all my children will be on one setting. * (identified themselves as more than one stakeholder)

Don't Know	<ul style="list-style-type: none"> • What does this mean for my kids in year 4 don't understand?
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Response from Parent not stated school	
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Support	<ul style="list-style-type: none"> • If they have the space and the facilities it should be good and convenient for parents
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Response from the Governing Body of Boothroyd Primary Academy	
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We, the Governing Body of Boothroyd Primary Academy, strongly object to the proposals to introduce a Key Stage 2 provision into St. John's CE Infant School for the following reasons:

1. Over the past 6 years we have expanded from 2 to 3 form entry at the request of the local authority to meet the needs of rising pupil numbers in our local area. For the past 3 years we have had excess places in our Reception, Year 1 and now Year 2 classes when the extra places were not actually needed.
2. Historically around 10 pupils per year come to Boothroyd at the end of Key Stage 1 as the catchment areas are very similar
3. We are currently in a position where we are having to reduce from 3 form entry to 2.5 form entry due to low pupil numbers and this clearly has resulted in mixed classes being a necessity.
4. If this trend continues there will be implications for staffing and possible redundancies.
5. The current mismatch of 15 places between Westmoor Primary School and St.John's is covered by the excess places we have in reception- we currently have a 2 form entry nursery going into a 3 form entry reception, at the request of Kirklees as mentioned in 1.

We feel there are sufficient places currently within the catchment area and we have excess places which will increase if this goes ahead.

This response came in after the closing date

Response from other	
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Strongly Support	<ul style="list-style-type: none"> • I believe that continuity throughout the school will be best for the children and that parents would be more likely to select the school if it was ages 4-11. Parents also struggle with picking up from both schools. • I agree with both Q1 and Q2 as I strongly believe better outcomes are achieved for children at the through school • Less disruptive for the children and less transition points being able to remain with teachers and other pupils with whom they are familiar and comfortable with
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Response from local resident	
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Support	<ul style="list-style-type: none"> • Would be better for the pupils to have the option to stay at the same school for longer.
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Q2) Westmoor Primary School Primary School to increase its KS1 PAN from 45 to 60?

Response from Parent at St John's CE (VC) Infant School	
Strongly Support	<ul style="list-style-type: none"> • My child will be moving here in September 2020 and hoping for them to get a place here, so it would be great if they have enough space for all the kids. • It would help both schools • It helps St John's • Allows the development of St John's and allows both schools to give the best education for the primary aged children • This allows both schools to provide better education • This would give parents more options when choosing a school for their children. If this also means St John's can extended their ages, then this is only a positive. • Children will need to go to another local school • It would be great as children in the area will get into local school. My child was rejected at Westmoor Primary School as there were not enough places. • There are not many good schools in this area, so it would be good to have more places for children at Westmoor Primary School. • This would be needed to keep a balance between the two schools and Westmoor Primary School is also another great school. So, it would be ideal to have a similar balance between the two schools
Support	<ul style="list-style-type: none"> • Its good • If the school feels like they can support this and do a good job at it, as parents we should support them • As St John's School is reducing its PAN from 60 to 30 it makes senses to increase it at Westmoor Primary School. • I think the continuation is good for the child and some children do not like change and this would avoid that. • I would support Westmoor Primary School with this intake • I would like the proposal to go ahead • More of a choice for all children to get to KS1 without having to more to a different school. • This will open spaces for children otherwise that may have wanted a space at St John's infant school
Neither Support nor Oppose	<ul style="list-style-type: none"> • I suppose it has to increase if less places at St. John's • With new development the school may need to open more places for extra students • I've not really had a chance to consider the proposal as of yet. I would like to think about it. The only concern would be would the ethos and the environment be as high standards as St John's • Not sure but however increase the numbers of children might be too much to handle to support the children well enough • Not affecting me directly • Either it's increased or stay left at the infants, the increase will have beneficial effect for others that wants to get their kids to school close to home.

Oppose	<ul style="list-style-type: none"> • I oppose because there are a lot of problems due to traffic in Church Lane in the morning and afternoon. By increasing to 60 children in KS1, this will increase car traffic more and cause more problems also it is difficult to cross the roads because of parked cars. • I also have a child at Westmoor Primary School I feel Westmoor Primary School is poor compared to St John's because of how big the school is. I feel it would be better with smaller PAN not larger * (identified themselves as more than one stakeholder) • Unless there are sufficient resources allocated to deal with the increase then just more pressure is being applied to existing staff • Some children might suffer as the teacher/ student ratio might become more struggle for teachers to focus on the other children.
Don't Know	<ul style="list-style-type: none"> • Don't know
Response from Staff at St John's CE (VC) Infant school	
Strongly Support	<ul style="list-style-type: none"> • So that St John's CE (VC) Infant School are able to become a KS2 provider • It will compensate for the decrease in places at St John's • I support the increase of Westmoor Primary School KS1 PAN if this is to happen in conjunction with the changes for St John's. This would ensure that there are sufficient school places in the local area for those living in the community • To support St John's in their proposed changes. • This is needed in order for St John's to make the conversion. • An Increase at Westmoor Primary school will give more families the option of applying and being given a place at the School compensating the reduction of places at St John's # This response came in after the closing date
Support	<ul style="list-style-type: none"> • If St Johns reduces its intake, there would be more children looking for spaces locally in the catchment area • In order to ensure there are enough KS1 spaces in the area.
Response from governor at St John's CE (VC) Infant School	
Support	<ul style="list-style-type: none"> • Will have to increase if St Johns is decreasing.

Response from parent at Westmoor Primary School	
Don't know	<ul style="list-style-type: none"> • Answers
Response from parent not stated school	
Support	<ul style="list-style-type: none"> • If the school feels like they can support this and do a good job at it, as parents we should support them
Response from other	
Strongly Support	<ul style="list-style-type: none"> • I believe that this will create vital school places in the area. • My grandchild son attends nursery school at a Westmoor Primary School and were hoping to get him into an infant and junior school, but he was not successful. As he had support there it was felt he would benefit from

	continuity in the same school. Although his move to St John's has proven successful and he has improved tremendously.
Response from other	
Neither Support nor Oppose	<ul style="list-style-type: none"> • Unsure if this will make a significant difference to the school or not.

Q3) If the other proposals are approved, do you support the current priority admission areas (PAAs) remaining unchanged?

Response from parents at St John's CE (VC) Infant School	
Strongly Support	<ul style="list-style-type: none"> • Catchment has to be considered • This has taken into account the residential areas and ease of travel for the children • Both of my children are at this school, so I am happy • There appears to be no benefit from changing the PAA • I feel there is a good balance and split between the two schools as it currently stands.
Support	<ul style="list-style-type: none"> • Yes, its fine • The catchment area has to be taken into consideration • I believe it covers a wide enough area • Yes, I still support the school whatever happens
Neither Support nor Oppose	<ul style="list-style-type: none"> • Seems ok as is • The head of the schools and the principle officers know what is best and their decision is imperative because they know better and what is obtainable and best for their pupils.
Strongly Oppose	<ul style="list-style-type: none"> • Increase places will cater for PAA but if have children attending already whom are outside the PAA they will want sibling to attend the same school as well.
Don't Know	<ul style="list-style-type: none"> • Unsure
Response from staff at St John's CE (VC) Infant School	
Strongly Support	<ul style="list-style-type: none"> • Together St John's CE (VC) Infant School & Westmoor Primary School serve the community boundaries well • There is no need for change to the PAA as the families of St John's and Westmoor Primary School that come from outside the PAA are very few and far between
Support	<ul style="list-style-type: none"> • I consider the conversion of St John's my main priority • Would siblings get priority? • I agree with admissions areas however would want to ensure siblings have a high priority
Neither Support nor Oppose	<ul style="list-style-type: none"> • I cannot see any reason to change the priority admission areas
Don't Know	<ul style="list-style-type: none"> • I don't know anything about current priority admission area # This response came in after the closing date

Response from Governor at St John's CE (VC) Infant School	
Support	<ul style="list-style-type: none"> • Please support this proposal. It's a shame the process is so long and can't happen from September 2020.
Response from parent at Westmoor Primary School	
Don't Know	<ul style="list-style-type: none"> • Answers
Response from parent not stated School	
Support	<ul style="list-style-type: none"> • Yes, Westmoor Primary School and St John's are my first choice for my child
Response from other	
Support	<ul style="list-style-type: none"> • I think the current system is fair • Appears to work well at moment.
Response from Local resident	
Don't Know	<ul style="list-style-type: none"> • Don't know what this will mean for intakes.

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Name of meeting: Cabinet
Date: 22nd September 2020
Title of report: Small Affordable Housing Sites Programme update: disposal of land at Plane Street, Newsome, Huddersfield

Purpose of report:

The report is to provide Cabinet with an update on the Small Affordable Housing Sites Programme and to seek Cabinet approval to dispose of a site at Plane Street, Newsome, Huddersfield, varying the terms of the previous Cabinet authority of 29 August 2018 to enable the disposal of the at less than market value.

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 This report deals with land disposal issues where the land value in this disposal tranche exceeds £250,000
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision - Yes Public Report
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director for Economy and Infrastructure	Karl Battersby - 01/09/2020
Date signed off by the Service Director for Finance?	Eamonn Croston - 28/08/2020
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 07/09/2020
Cabinet member portfolio	Cllr Peter McBride - Deputy Leader Regeneration Cllr Cathy Scott - Housing and Democracy Cllr Graham Turner - Corporate

Electoral Wards affected: Newsome

Ward councillors consulted: Cllr Karen Allison, Cllr Andrew Cooper, Cllr Susan Lee-Richards

Public or private: Public

Has GDPR been considered? Yes. There is no personal data contained in this report.

1. Summary

- 1.1 This report updates the position on the Small Affordable Housing Sites Programme, ('SAHS') and seeks authority to dispose of the site at Plane Street, Newsome at less than market value.
- 1.2 The amount of any discount would be based on viability appraisals for the development of the site, which is for 100% affordable housing.

2. Information required to take a decision

Background

- 2.1 The Small Affordable Housing Sites Programme is part of the Housing Growth Programme. It is a pilot programme which brings a portfolio of sites forward for the delivery of affordable homes, using the resources of Registered Providers and Homes England and was approved by Cabinet on 29 August 2018. The programme is designed to enable the whole scheme delivery by spring 2022.
- 2.2 The Council's agreed Preferred Partner is Accent Development Consortium (ADC), a group of Registered Providers working with Homes England to build affordable homes. Part of the consortium, Accent Housing, has submitted a planning application for 30 new affordable homes on the site of the former Stile Common School, Plane Street, Newsome, Huddersfield. This is the third phase in the programme.

Cabinet authority

- 2.3 On 29th August 2018 Cabinet:-
 - Approved the competitive disposal of a portfolio of 8 sites to a Registered Provider, and for the construction of only affordable housing and the acquisition of sites at market value;
 - Endorsed the issue of statutory notices advertising the disposal of sites, where this is deemed to be public open space;
 - Delegated authority to the Service Directors for Legal, Governance and Commissioning Support, and Economy and Infrastructure, to negotiate and agree terms and complete the sale of sites once planning permissions are granted, unless further authority is required for the disposal where objections are received following the publication of statutory notice;
 - Delegated authority to the Service Director for Legal, Governance and Commissioning Support to enter into and execute any agreement and other ancillary documents necessary to enable the sale and transfer of the sites in the Small Affordable Housing Sites portfolio.
- 2.3.1. On 26th May 2020, Cabinet further delegated authority for the disposal of three sites at Mirfield and Hightown to Johnnie Johnson Housing Trust at less than market value following the grant of planning permission for 20 affordable bungalows. These are scheduled to be the first units to be constructed in the programme.

- 2.3.2 On 13th July 2020, Cabinet gave delegated authority for the disposal of land at Nabcroft Lane, Huddersfield to Unity Housing and Chartford Housing at less than market value. This is the second phase in the programme.

Programme progress – Plane Street

- 2.4 Accent Housing have submitted a planning application for the development of 30 new affordable homes on the site of the former Stile Common School, Plane Street, Newsome. The site proposals comprise of (9x) 2 bedroom and (21x) 3 bedroom houses. The Plane Street site is the third phase in the programme. The site location plan is appended to this report as Appendix A.
- 2.5 In preparation for the disposal of the site, the Council has instructed external independent valuers to provide a valuation at market value, restricted value and unrestricted value in accordance with the technical appendix to the 2003 General Disposal Consent, pursuant to the Local Government Act 1972.
- 2.6 As the programme has progressed, site evaluation has raised cost and development challenges. Physical challenges due to site levels across the site and additional drainage requirements have led to higher than average construction costs.

Balanced against the higher than average constructions costs of the scheme is the requirement to set the rent of the new homes at affordable levels, to ensure that the properties are financially accessible and inclusive. This reduces the income generated by the homes going forward.

- 2.7 Despite a high level of grant from Homes England, there is still a shortfall in funding and the site is not viable should the land be sold at market value, as provided for in the previous Cabinet decision.
- 2.8 The Council has 2 options:
- (a) Withdraw the site from the SAHS Programme and seek a disposal on the open market
- 2.9 The Council could put the site for sale on the open market. This may secure a higher capital receipt for the Council as higher density market housing could prove financially viable. However, this will not guarantee house building, nor provide social housing which brings with it additional value as outlined below.

(b) Dispose of the site at less than market value (Recommended Option)

- 2.10 This option requires the Council to provide financial assistance to the scheme by disposing of the site at a purchase price below market value.
- 2.11 This option is recommended because the construction of housing at Plane Street under the SAHS Programme would benefit Kirklees by:
- Creating 30 new affordable houses, helping to meet the demand for 2 and 3 bedroom affordable homes in the area

- Securing nomination rights for the Council, based on 100% on first lettings, and 50:50 thereafter between the Council and Accent Housing
- Bringing around £5.7m of inward investment in new homes
- Creating jobs; a nationally recognised benchmark (set out in the National Housing Strategy for England) recognises that for each £1m invested in housing, approximately 12 jobs would be created.
- Assisting the Council in meeting its housing targets under the Local Plan

2.12 The Preferred Partner has supplied the Council a site cost analysis and this information will be assessed by officers to identify the shortfall in funding on the site and determine the amount by which, if any, the market value purchase price would be reduced. Should the actual build costs be less than those shown in the site cost analysis the Council will be able to seek repayment of the difference from the Preferred Partner. This will ensure that the Council is not giving financial assistance over and above what is necessary to make the schemes happen.

- Timescales

2.13 Following purchase, Accent Housing intend to proceed with a contractual start on site in December 2020, enabling their first tranche drawdown of Homes England funding. The site is expected to be completed by March 2022, in line with the final tranche payments in the Shared Ownership and Affordable Homes Programme.

- Expected impact/ outcomes, benefits & risks (how they will be managed)

2.14 The development will achieve several Council objectives in providing quality affordable homes and in meeting objectives in the Housing Strategy and Housing Delivery Programme.

2.15 Programme delivery risk will be managed both in the delivery and funding accountability to Homes England as the principal public funding body, and through continued risk review in the SAHS programme delivery group meetings with Accent Development Consortium.

Evaluation

2.16 The investment from partner agencies in the delivery of this development in the Small Affordable Housing Sites Programme far outweighs the loss of full market capital receipt for the land. The investment in affordable homes will help to meet housing needs and provide quality places. The scheme will also contribute to overall housing delivery trajectory as set out in the Local Plan.

Sustainability

2.17 This parcel of land has previously been assessed by the Council as Local Planning Authority to be sustainable.

Services & agencies involved

2.18 Homes England is a major partner in the Programme. Grant funding from Homes England is expected to contribute to around £1.86m of finance to enable the delivery of new affordable homes at Plane Street. The programme is supported by cross-service working between the Council's Housing Growth and Regeneration Team and

colleagues from the Planning Service, Adult Social Care, Housing Solutions and Accessible Homes, Assets Team and Highways.

3. Implications for the Council

Working with People

- 3.1 The development will provide much needed affordable rented housing for the local community, providing quality affordable housing accommodation for those who are unable to access market housing without intervention. The scheme will be managed by Accent Housing and prior to construction, Accent propose to liaise with the community to outline the scheme and opportunities for applying to live in the development. The Council will nominate the first tenants (100%) and each partner will nominate on a 50:50 basis thereafter. The properties are expected to be advertised on the 'Choose n Move' system.

Working with Partners

- 3.2 The scheme continues the collaborative work that the Council has been undertaking with Registered Providers in the Accent Development Consortium and Homes England to deliver the Small Affordable Housing Programme, using the external resources, capacity, shared risk and expertise of external partners to deliver the site.

- Place Based Working

- 3.3 The development of the site is a local response to identified needs within our communities as identified in the Housing Strategy and Strategic Housing Market Assessment. The development will offer quality, new affordable homes in this locality

- Climate Change and Air Quality

- 3.4 ADC are committed to delivering homes which will achieve high levels of energy efficiency to mitigate any negative impacts on the environment. This will involve the use of building materials with good insulating properties. Other measures aimed at reducing the impact on the environment include maximising natural sunlight in the design of the homes to reduce artificial light usage and reducing water usage through the use of specific sanitary fittings.

Improving outcomes for children

- 3.5 This scheme will provide high quality affordable rented housing which will help to meet the needs of families with children who are unable to access market housing without intervention.

Other (Legal, Financial or Human Resources)

Legal Powers and Implications

- 3.6 The former Stile Common Infant and Nursery School relocated in 2009 and the buildings were demolished in 2011. There are statutory limitations upon Local Authorities disposing school land or buildings.

School Buildings

However, the Council is permitted to transfer the area upon which the school building stood by virtue of Schedule 1, Part One, Paragraph 4 of the Academies Act 2010 as the land has not been used for the purposes of a school in the last 8 years.

School Playing fields (including hardstanding playground , social areas and habitat areas)

Section 77 of the Schools Standards Framework Act 1998 prohibits the disposal of school playing fields without the consent of the Secretary of State, where they have been used within a period of 10 years prior to disposal . Stile Common school closed in summer 2009 and therefore the 10 year period has passed.

However, as this project was being worked up in 2018 prior to the expiration of the 10 year period a notification was sent to the Education Funding Agency in October 2018 of the proposed disposal under the general consent to dispose (The School Playing Fields General Disposal and Change of Use Consent (No 5) 2014). Therefore, no Secretary of State consent for disposal is required.

- 3.7 Under the Local Government Act 1972: General Disposal Consents (England) 2003 a disposal at less than best consideration by a local authority is permitted, without the need for Secretary of State consent, when the authority considers the disposal will help it to secure the promotion or improvement of the social well-being of its area and the undervalue is two million pounds or less.
- 3.8 The disposal of land at below Market Value would constitute State Aid. However, the aid would be exempted as the provision of affordable housing is a Service of General Economic Interest - services of public benefit which are unlikely to be provided to the public at large by the market. As the body giving the State Aid, the Council will inform the recipient (Accent Housing) of specific requirements to avoid overcompensation, and the mechanism to repay compensation should the actual build costs be less than the proposed build costs. These matters would be contained in the legal documents.

4. Consultees and their opinions

- 4.1 This update report relates to a programme which was authorised by Cabinet on 29 August 2018 and is thus pursuant to that authority. Newsome Ward Members have been engaged with the proposals.

5. Next steps and timelines

- 5.1 If Cabinet agree to the recommendations in the report, the disposal of the site at Plane Street under the delegated authority will be progressed. It is expected that subject to Planning approval, a start on site could be made in December 2020 to enable the drawdown of Homes England funding.

6. Officer recommendations and reasons

- 6.1 Cabinet notes the Programme update as outlined in the report, and the proposed investment of the Preferred Partner and Homes England in enabling the acquisition and development of the third phase site at Plane Street, Newsome

- 6.2 Cabinet approves the disposal of land at Plane Street, Newsome as outlined in this report
- 6.3 Cabinet delegate authority to the Strategic Director, Economy and Infrastructure to negotiate and agree terms and dispose of land at Plane Street, as outlined in this report
- 6.4 Cabinet delegate authority to the Service Director for Legal Governance and Commissioning to enter such agreements on negotiated and agreed terms for disposal
- 6.5 These recommendations are necessary to enable the delivery of the third phase of the SAHS programme as previously authorised, and to contribute to the delivery of the Council's Housing Strategy, and Housing Growth Plan.

7. Cabinet Portfolio Holder's recommendations

Cllr Peter McBride, Cllr Cathy Scott, Cllr Graham Turner:

- 7.1 The Cabinet Portfolio Holders support the recommendations in this report and ask Cabinet to resolve to agree to the recommendations as outlined in section 6 of the report.

8. Contact officer

James Hinchliffe, Housing Growth Manager
Email: james.hinchliffe@kirklees.gov.uk Tel: 01484 221000

Julie Hyde, Housing Growth Officer
Email: julie.hyde@kirklees.gov.uk Tel: 01484 221000

9. Background Papers and History of Decisions

13 July 2020 – Cabinet Report and Decision to dispose of land at less than best consideration for the site at Nabcroft Lane, Huddersfield.

<https://democracy.kirklees.gov.uk/ieDecisionDetails.aspx?ID=8898>

26 May 2020: Cabinet Report and Decision to dispose of land at less than best consideration for the sites at Kitson Hill Crescent, Mirfield, Fox Royd Avenue, Mirfield and Sixth Avenue, Liversedge.

<https://democracy.kirklees.gov.uk/ieDecisionDetails.aspx?AllId=15620>

29 August 2018 Cabinet report and Decision to proceed with the Small Affordable Housing Sites Programme. Link to Report and Decision:

<https://democracy.kirklees.gov.uk/documents/s24280/Item%2011.%202018-08-29%20Small%20Affordable%20Housing%20Sites%20Cabinet%20Report%20V5.pdf>

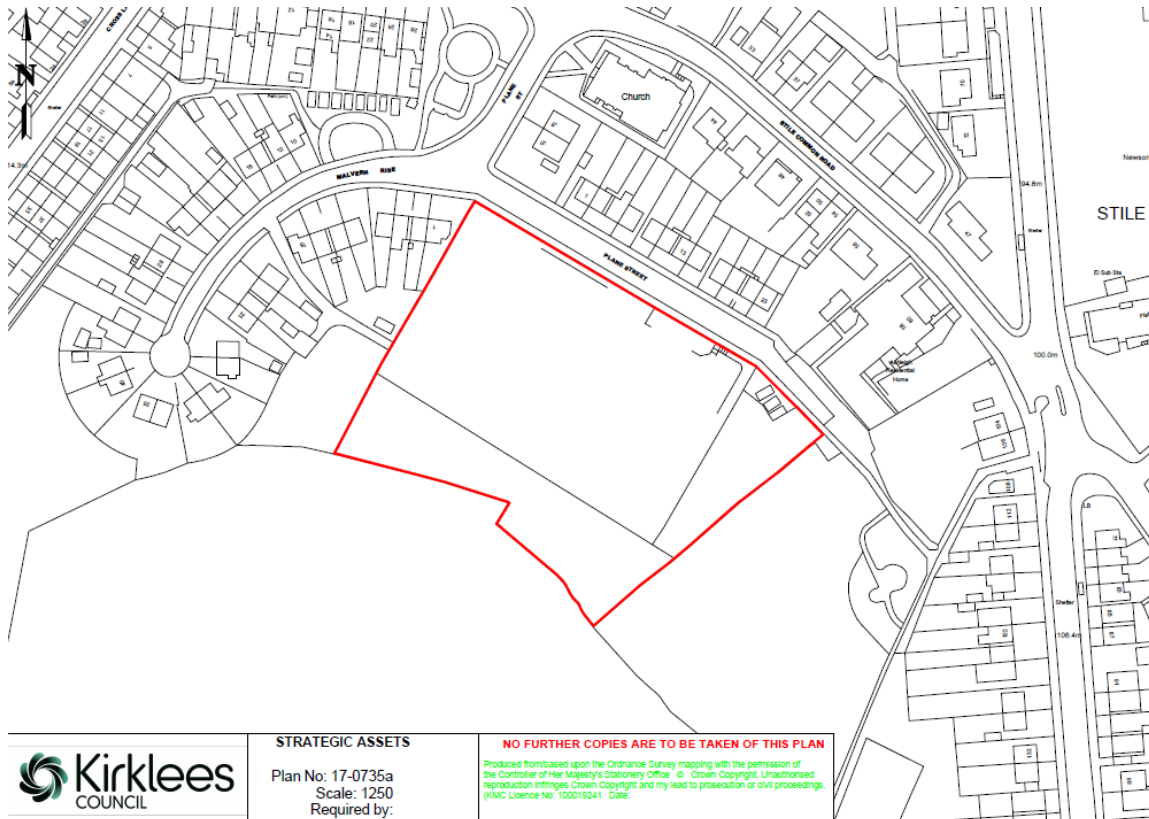
10 Service Director responsible

Naz Parkar, Service Director for Growth and Housing
Telephone: 01484 221000
Email: naz.parkar@kirklees.gov.uk

Appendix A

Plane Street site location plan

(Please do not scale- for identification purposes only)





Name of meeting: Cabinet
Date: 22 September 2020
Title of report: Community Asset Transfer Policy 2020

Purpose of report: This report requests that Cabinet considers and approves the Community Asset Transfer Policy 2020, Appendix A of this report. The revised policy will supersede the Community Asset Transfer Policy 2017.

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 This Policy will affect all wards within Kirklees.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 14.09.20
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 10.09.20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 08.09.20
Cabinet member portfolio	Cllr Graham Turner (Corporate)

Electoral wards affected: All wards

Ward councillors consulted: All ward Councillors

Public or private: Public

Has GDPR been considered? Yes. No personal or sensitive data, or other information covered by GDPR, is included in this report.

1. Summary

- 1.1 This report seeks Cabinet approval for an updated Community Asset Transfer Policy.
- 1.2 The Community Asset Transfer Policy 2020 will supersede the 2017 policy. The updated policy has been developed to support the Councils Corporate Vision and shared outcomes.
- 1.3 It has been developed in partnership with colleagues in the Corporate Policy Team and in consultation with Elected Members, Council Services and Community Organisations including the Third Sector Leader network, Locality and the Council's asset transfer network support group.
- 1.4 The policy sets out an improved support and financial offer to community organisations that acknowledges the unique nature and complexity of each individual asset transfer. It will support the success and sustainability of asset transfers in the long term.

2. Information required to take a decision

- 2.1 Community Asset Transfer involves transferring the ownership, either freehold or long leasehold, of land or buildings from a statutory body to a community organisation at 'less than best consideration' – that is at less than its full market value – in order to further local social, economic and/or environmental objectives.
- 2.2 Kirklees Council's initial Asset Advancement Policy was developed in 2013 in response to the Quirk Review and subsequent localism agenda. The policy was superseded by the Community Asset Transfer policy 2017.
- 2.3 Transferring an asset to a local community organisation can unlock community power, encourage volunteer commitment, help utilise local intelligence, and allow these organisations to attract the necessary capital investment to create a thriving community hub. It also provides an opportunity for more efficient and effective use of buildings and land and supports the delivery of the District's shared outcomes, as set out in the Corporate Plan.
- 2.4 Since 2013 there have been a total of 21 successful community asset transfers across Kirklees. Council assets that have been transferred include community centres, civic halls, libraries and land including recreation and sport facilities.
- 2.5 The Community Asset Transfer Policy 2020 will supersede the 2017 policy. The updated policy has been developed to support the Councils Corporate Vision, shared outcomes and current best practice. The key changes within the updated policy are summarized below:
 - All transfers are by long leasehold
 - The Council used to transfer buildings differently to land, with buildings transferred freehold and land on long leaseholds.
 - The Council's default presumption will be to transfer all assets (land and buildings) by the grant of a long leasehold of up to 125 years. Freehold transfers will only be considered in exceptional circumstances and will be at the discretion of the Council.
 - Long leaseholds ensure that the asset remains available to the community whilst providing the Council with remedies in the event that the applicant does not fulfil their obligations in respect of the management of the asset, or there is a breach of the terms of the lease. The grant of long leaseholds still gives applicants the security needed to satisfy grant funders.
 - The revised policy improves the Council's financial offer to applicants thereby supporting the success and sustainability of asset transfers in the long term.
 - The Council currently offers a grant of up to £5,000 to cover professional fees and legal costs associated with the application. The Council will continue to offer grants of up to £5,000 to

support the application, but in exceptional cases the Council will now consider applications for grants of up to £10,000. This recognises that some cases require extra support due to their size and complexity.

- As part of the application process, applicants will now be able to apply to the Council for a grant in order to fund urgent condition works or physical adaptations to the asset that will improve accessibility. Any request for grant funding must be made at the Full Application stage and set out clearly within the applicant's business plan. The grant application will be considered by the Council's Cabinet in conjunction with the CAT application.
- The Council currently offers a match funding loan of up to £100,000 that groups can apply for as part of the application process. The loan can be used to support capital projects that improve the condition of the transferred asset. The match funding loan offer is retained, but can now be applied for during the application stage and post transfer in order to fund asset development.
- The Council currently offers a grant on completion equivalent to 15% of the average 2 year running costs (excluding staffing costs). The Council will now offer a grant in the first and second year post transfer. The first year grant remains 15%. The second year grant will be 5%. This revenue grant will provide extra post-transfer support that will assist with the running of the transferred asset and increase the likelihood of a sustainable asset transfer.

- 2.6 The Council will continue to provide external support to groups to help with the development of full applications and business plans. This support is currently provided under a contract with Locality. The contract, procured in 2019, includes capacity to increase support, both pre and post transfer, to groups and the Council.
- 2.7 This Policy sets out a clear and transparent framework for the asset transfer process. It sets out:
- why we transfer assets;
 - what assets will be considered for transfer;
 - the eligibility criteria;
 - the conditions of transfer; and
 - how requests will be processed.
- 2.8 The policy supports the Council's Corporate Plan and delivery of shared outcomes whilst consolidating Kirklees Council's commitment to Community Asset Transfer. The support package and financial offer has been developed to ensure that the asset transfer programme continues to be successful and open to all communities throughout the district.
- 2.9 Under the Community Asset Transfer 2020 Policy, the decision making process for determining asset transfers remains unchanged with individual transfer requests being reported to Cabinet. It is proposed that requests for post transfer loans be determined by the relevant Strategic Director or Service Director in consultation with the portfolio holder.

3 Implications for the Council

3.1 Working with People

The updated policy has been developed in direct consultation with community groups, elected members and a wide range of services across the council with specific focus on the council's shared outcomes. It will allow the council to build on the existing relationships with communities and partners to ensure the community asset transfer programme continues to be successful and sustainable.

The policy provides the platform on which Kirklees communities and residents are able to take ownership of and develop community assets.

Community asset transfers involve supporting community initiative, helping community organisations to solve their own problems. Community consultation is a key part of the asset transfer process, ensuring that the asset meets the needs of the community. Ward Members are consulted as part of

the Cabinet reporting process and given opportunity to make representations on behalf of the community.

3.2 Working with Partners

Partnership working is crucial to the success and sustainability of community asset transfers within Kirklees. Officers continue to work collaboratively with partner organisations and agencies in the delivery of asset transfers and development of policy.

This policy has been developed in partnership with Community and Third Sector Partner Organisations including Third Sector Leaders, Locality (a national charity with broad experience of developing policy in relation to community asset transfer and supporting communities at local level) and Local Services 2 You, a local social enterprise with broad experience of the management of assets within Kirklees. This consultation with partners and feedback received was fundamental to the shaping of the new policy.

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

3.3 Place Based Working

Community Asset Transfer supports Place Based Working, providing an opportunity for a more efficient and effective use of buildings and land currently owned by the council. It gives local people and communities greater control over local assets and the services delivered from them, and provides new opportunities to develop and improve land and buildings for local social, economic and environmental benefit. The Community Asset Transfer Policy has been updated to ensure it is consistent with the Council's Vision of giving local people and communities' greater control over local assets and the services delivered from them.

Officers have consulted elected members on the development of the policy via a cross party working group. Full consultation has been carried out as part of the Cabinet reporting process.

The asset transfer process, as set out in the updated policy, requires that full community consultation and engagement is carried out as part of an asset transfer application. This ensures that local residents, stakeholders and businesses have a say and inform how community assets can help shape their places.

3.4 Climate Change and Air Quality

Asset transfer presents an opportunity for groups to attract external funding that can be used to support energy efficiency and carbon reduction initiatives.

The enhanced Council financial support through grants and loans contained within the new policy will provide groups with the opportunity to address condition issues that will directly or indirectly contribute towards the Council's carbon reduction targets as well as increasing efficiency thereby reducing the overall running costs of the asset.

Community Assets enable localised service delivery, this in turn can reduce dependency on travel in and out of the local area and contribute to the council's objective for climate change and improving air quality.

3.5 Improving outcomes for children

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

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

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

The revenue and capital implications from the revised CAT policy will be managed from within existing budgeted resources. Costs will be dependent on the number and complexity of assets transferred and are therefore difficult to quantify. Since introduction of the Asset Advancement Policy in 2013 a total of 21 transfers have been completed. The total cost of financial support to date is:

- Development grants £68,500
- Revenue grants £13,360
- Capital grants £200,000
- Loans options taken up £190,000

In addition to these costs, the Council commission external support to groups (currently through Locality) at an annual cost of £25,000.

3.7 Do you need an Integrated Impact Assessment (IIA)?

An Integrated Impact Assessment has been carried out and link below refers - <https://www.kirklees.gov.uk/integratedassessments> no negative and some positive impact has been identified for protected characteristics. The new policy includes provision for funding accessibility adjustments for buildings as part of the transfer process.

The Stage 1 assessment has identified that a Stage 2 Assessment is required to ensure the policy's implementation mitigates discriminatory impact on people with protected characteristics. Following advice from the Corporate Policy Team, an action plan has been drawn up that involves consulting with the relevant stakeholders.

4 Consultees and their opinions

4.1 The following parties have been consulted through the development of the policy and their feedback incorporated into the policy document:

- Community Asset Transfer Network Group
- Third Sector Leaders
- Locality
- Council Services (Community, Finance, Legal Services, Corporate Landlord, Policy Team, and Employee Network Groups)
- All Elected Members have been consulted. Responses are set out below

Cllr Nigel Patrick (Holme Valley South) responded as follows:

On paper the new policy looks far better than the existing process and I am particularly pleased to see that grants are now offered to assist community groups with the transfer. However, the document tells me nothing about how quick the process of asset transfer will be. The current process, or certainly the procedure I dealt with when the Council transferred Holmfirth Civic Hall and the Public Toilets was slow. Very, very slow. How are you going to speed the process up? Communication between different services in the Council was bad, and getting information like the cost of running a building was impossible at times. How are you going to overcome that? Will there be timeline targets for achieving each part of the process?

I'm not entirely happy with long term leases for all assets. I think a freehold transfer with minimal strings should still be a consideration. Many of the assets be that playing fields or buildings have not been kept in the best condition by the Council, and for the Council to stipulate what is best seems a little rich. We have football pitches in my ward which are not level, and in fact they would make good mini golf courses. There is opportunity for great improvement of facilities through local community football clubs taking on and running these community facilities, but they need to have the freedom to attract money and invest in the facility without fear of losing the asset should a future Council change its mind and decide to bring the asset back in house. You could still do a freehold transfer with restrictions on changes of use, for example a football pitch becoming a housing development. There is no guarantee that playing fields

under Council control cannot be built on, so to me it seems half hearted to only allow a long lease. Is that going to be 99 years or less? And will the Council be able to stop the lease within that time?

Any community group taking on an asset needs the confidence of long term security. Any chance of losing the facility will put people off. I think you need to address that.

No other responses were received.

5 Next steps and timelines

- 5.1 Officers to implement the Policy immediately following Cabinet Approval
- 5.2 Officers from Corporate Landlord, in conjunction with the Service Director (Finance) to review and agree the required budget allocation for the Community Asset programme and associated financial support
- 5.3 Develop an application and assessment process for the grant and loan options set out in the Policy.
- 5.4 In consultation with the Portfolio Holder (Corporate) agree the process for approval of post transfer applications.

6 Officer recommendations and reasons

- 6.1 That Cabinet:
 - i. Endorse and approve the Community Asset Transfer Policy 2020
 - ii. Delegate the determination of post transfer loan applications to the relevant Strategic Director or Service Director in accordance with the Scheme of Delegation and in consultation with the relevant Portfolio Holder.

7 Cabinet Portfolio Holder's recommendations

Asset transfers are a corner stone of the council's policy of doing with and not to. They allow communities to take ownership of council land and buildings allowing residents to develop assets and ensure that they meet the needs of local people.

I welcome the introduction of the new Community Asset Transfer Policy which builds on the knowledge and experience of CATS within Kirklees since 2013. The policy has been developed to ensure the continued sustainability and success of community asset transfers within Kirklees.

I therefore recommend that Cabinet:

- i. Endorse and approve the Community Asset Transfer Policy 2020
- ii. Decisions regarding post transfer loan applications are delegated to the relevant Strategic Director or Service Director in accordance with the Scheme of Delegation and in consultation with the relevant Portfolio Holder.
- iii. All Community Asset Transfer Applications and grant requests continue to be reported to Cabinet for decision.

8 Contact officer

Giles Chappell (Asset Strategy Officer)
Mark Varley (Asset Strategy Officer)
Stephen Bonnell (Policy & Partnerships Officer)

9 Background Papers and History of Decisions

- Appendix 1 Community Asset Transfer Policy 2020
- Appendix 2 Integrated Impact Assessment

10 Service Director responsible

Angela Blake (Service Director, Economy and Skills)
(01484) 221000
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Community Asset Transfer Policy

August 2020

Introduction: our aspirations for communities and the role of asset transfers

Community Asset Transfer (CAT) is the transfer of ownership and management of public land and buildings from the Council to a community organisation. Assets are transferred at less than market value for local social, economic or environmental benefit.

The primary purpose of CATs in Kirklees is to invest in communities, and we will go the extra mile to help communities achieve their aspirations. This means:

- transfers are a way to empower communities;
- we will find ways to promote asset transfers in our place-based community engagement work as an option for communities to achieve their aspirations; and
- we will build and maintain a relationship with groups before, during, and after transfer to ensure that the asset continues to be available for the community.

As part of the vision for Kirklees to be a great place to live, work, and invest, the Council works with communities to build community capacity and realise community aspirations for their places. CATs are one way in which our communities can be enabled to realise these aspirations and deliver our [shared outcomes](#). By unlocking the power of community, CATs help to [build a more inclusive local economy](#) and enable [people to live in better health for longer](#).

Community-owned and community-run assets act as a catalyst for realising local aspirations by:

- improving local assets: community groups investing in and/or attracting investment for improving local assets;
- supporting local initiative: supporting and building on local community initiative and enthusiasm, which encourages community participation and volunteering; and
- building new connections: local citizens and groups developing new partnerships in their communities (including to support community cohesion).

We have delivered CATs since 2013. As of August 2020 there have been a total of 21 successful CATs across Kirklees.

Recognising the benefits they can deliver, we want to ensure that all our CATs are sustainable. We also want to be transparent with organisations interested in CATs. In line with these commitments, this policy sets out a robust process and offer that has been developed in accordance with the knowledge, skills, and experience we have gained since CATs were introduced in 2013.

This Policy sets out our framework for enabling and managing CATs, specifically:

- why we transfer assets;
- what assets will be considered for transfer;
- the eligibility criteria;
- the conditions of transfer; and
- how requests will be processed.

'We're Kirklees'

'We're Kirklees' is our name for the way local people, organisations, and places can work together to deliver our vision for Kirklees and our Seven Shared Outcomes, which are set out in our [Corporate Plan \(2018-20\)](#). 'We're Kirklees' means we're:

- **Working with people, not doing to them:** organisations working together with people and communities to enable them to solve problems and make the most of their strengths and opportunities;
- **Working with partners:** organisations sharing knowledge, skills, and resources to work smarter together; and
- **Place-based working:** recognising that each town, village, and community has its own unique strengths and opportunities that can help them solve problems locally, and working to support and enable these.

Eligibility and Conditions for Sustainable CATs

Eligible assets

The assets made available for Community Asset Transfer (CAT) will be at the discretion of the Council, but may include public service buildings and land, such as civic halls, community centres, heritage assets, libraries, open spaces, and parks. Assets which are still required strategically by the Council cannot be made available for transfer.

Assets might be identified as of potential community benefit by the Council or by communities themselves, and the Council encourages community discussions about local aspirations and how local assets might support those.

Eligible organisations

An organisation is eligible if their primary purpose is social, charitable, or community benefit, which can include:

- a charity (link);
- a community interest company (link);
- a cooperative (link);
- a social enterprise (link); or
- an unincorporated association (link) (although would need to be incorporated to complete a transfer).

The Council may consider and prioritise expressions of interest for asset transfer to Town and Parish Councils, acknowledging the advantages of democratically elected governance and representation.

Expressions of interest are welcomed from any community organisation that meets the following criteria:

- their primary purpose must be for community benefit;
- they must be open to and demonstrate an inclusive approach to all members of the wider community;
- they must have the skills and capacity to effectively manage the asset and deliver services;
- they must be financially stable and able to demonstrate good governance by operating through transparent and accountable processes; and
- the proposals for the asset must be clear (so the group can demonstrate all of the above),

The Council will encourage collaboration between community organisations and the sharing of assets to optimise both social value and value for money across the District. Applications will not be considered where an asset transfer is likely to compete with and potentially compromise an existing community facility.

If two or more expressions of interest are received the Council will work with the interested parties to develop options and understand the best way forward for the asset. Where appropriate, parties may be encouraged to collaborate and submit a joint application. We will invite viable proposals to proceed to the full application stage.

Conditions of transfer

To ensure that the property transferred is retained by the community for community benefit (e.g. the purpose for which the CAT was approved), assets will be transferred by the grant of a long term leasehold rather than freehold. In exceptional circumstances the Council may consider the transfer of a freehold interest.

The lease will be agreed for a nominal annual rent. It will include legal provisions (covenants) to ensure that the asset is restricted to community use, and may include provisions to ensure it remains open to community use (with a minimum number of hours of community use as agreed between the parties).

In some cases, these provisions will allow some commercial use, when that supports the sustainability of the business model and thereby the community benefit. Cabinet will decide when commercial use is appropriate as part of the application process.

In the final agreement, the Council may reserve the right to use the asset where it is required to deliver a statutory function or strategic ambition, e.g. as a library or on occasions for a polling station during elections or emergency planning purposes.

Upon completion of the transfer, the organisation will be fully responsible for:

- upkeep, repair and maintenance of the asset;
- all running costs, including insurance; and
- compliance with statutory inspections, health and safety requirements, and other relevant legislation.

Following asset transfer, organisations are encouraged to allow other community groups to use the space in the asset (which might also generate income for the organisation). To ensure the asset is of maximum possible community benefit, the group controlling the asset should not discriminate between groups based on protected characteristics (e.g. sex, disability, race, sexual orientation, gender assignment, religion, etc.).

The CAT application process

1. Initiating a CAT application with an Expression of Interest

A CAT application must begin with an expression of interest from a community organisation.

Eligible organisations (see 'Eligible Organisations' above) can submit expressions of interest relating to any Council-owned asset they believe to be of potential community benefit and which is eligible as per this policy.

To submit an expression of interest an Eligible Organisation need not be managing or operating from the asset.

The Council may also advertise surplus assets inviting expressions of interest for asset transfer.

The Expression of Interest form can be found here:

- <http://www.kirklees.gov.uk/beta/community-assets/community-asset-transfers.aspx>

2. Assessment of an Expression of Interest

The Council will decide if both:

- a) the asset in question is available for CAT; and
- b) the group expressing interest is suitable and/or ready for CAT.

If a group is not ready for CAT, they will be signposted to additional support from the Council or other partners.

Council officers will aim to assess expressions of interest within four weeks of receiving them.

If the Council accepts an expression of interest, the applicant group will be invited to submit a full application (see below).

Acceptance of an expression of interest does not commit the applicant or the Council to the transfer of an asset.

3. Full Application

Applicants invited to submit a full application will receive support from the Council either directly or through external organisations commissioned by the Council. Applicants will also be encouraged to access support from other organisations.

The Full Application Form can be found here:

- <http://www.kirklees.gov.uk/beta/community-assets/community-asset-transfers.aspx>

The full application must include detailed information about the applicant group and a fully detailed and robust business case. Applicants invited to progress to this stage can apply to

the Council for a grant of up to £5,000 to assist with professional or legal costs associated with the development of the application. In large or more complex cases, applicants may be invited to apply to the Council for a grant of up to £10,000.

The following information must be included in all full applications:

- the legal structure of the applicant group;
- the experience and skills of the Board/Managing Group and their capacity to manage the asset;
- the proposed use of the asset and how this will support the Council's objectives and benefit the community;
- evidence that the local community has been consulted and the application reflects the needs identified in that consultation;
- budget/financial projections for the group and its use of the asset in question; and
- details of any condition works needed to the asset and the source and availability of capital grant funding.

Failure to provide the required information will lead to an application being delayed or rejected.

We will agree a timescale for submitting a full application with the applicant. Typically, we will expect an application to be submitted within six weeks, but we will agree a timescale that reflects the size and complexity of the asset, since applicants will likely require longer to compose applications for bigger and more complex assets.

Applications are assessed by council officers and partners in accordance with a [scoring matrix](#), which is available online.

The following financial support is offered by the Council:

i. Development Grant

Applicants invited to progress to full application stage can apply to the Council for a grant of up to £5,000 to assist with professional or legal costs associated with the development of the application. In larger, more complex cases, applicants may be invited to apply to the Council for a grant of up to £10,000.

ii. Support towards capital works

Where assets require urgent condition works or physical adaptations to improve accessibility, applicants can apply to the Council for a grant. Any request for grant funding must be made at the Full Application stage and set out clearly within the applicant's business plan. The grant application will be considered by the Council's Cabinet in conjunction with the CAT application. Examples of urgent condition works/accessibility works could include boiler replacement, roofing works, window replacement, ramps, steps, and accessible toilets.

The Council will continue to consider requests for loans to match fund external grants or financing (which may include a groups cash reserves) for the development of assets. Applications can be made at the Full Application stage and also following completion of a transfer. Applications must be supported by a full business plan evidencing the applicant's ability to repay the loan over the agreed term.

Other information on external sources of funding is available on request.

iii. Revenue grant

The Council will pay a two stage revenue grant to each successful applicant following completion of the transfer. The grant will be calculated based on the previous operational running costs (excluding staffing) for the asset.

A grant equivalent to 15% of the average running cost will be paid on completion of the transfer and a further grant equivalent to 5% the following year.

4. Cabinet Approval

If the application is satisfactory, officers will then seek the approval and authority of the Council's Cabinet ([link](#)) for the Council to carry out the asset transfer.

5. Finalising the terms of the asset transfer

Following Cabinet approval, Council officers will work with the applicant to draw up heads of terms for all the documents that form part of the asset transfer. These documents will comprise of some or all of the following:

- (a) Lease (or in exceptional circumstances a freehold transfer deed);
- (b) Polling station agreement;
- (c) Emergency planning agreement;
- (d) Grant Agreement; and/or
- (e) Loan Agreement

When heads of terms have been agreed, the Council's legal department will draw up all the required documents, and then negotiate and agree the terms of the documents with the applicant's solicitors.

6. Completion

When the documents are in an agreed form, they can then be completed, and the asset transfer will then come into effect.

Indicative Timescales

The full process can take 10-12 months.

Stage	Who is responsible	Indicative Timescale
1. Initiating a CAT application with an Expression of Interest (EOI)	Applicant	N/A (initiates CAT application)
2. Assessment of an Expression of Interest	Council Officers	4 weeks
3a. Full Application & Business Case (Composition)	Applicant	6-12 weeks (a longer period may be agreed dependent on the size and complexity of the asset)
3b. Full Application & Business Case (Assessment)	Council Officers	4 weeks
4. Cabinet Approval	Council Officers Cabinet	6 – 10 weeks
5. Finalising the terms of the Asset Transfer	Council Officers	6 – 8 weeks
6. Completion	Council Officers Applicant	12 weeks

All timescales are only indicative. It is acknowledged that CATs may be delayed for a number of reasons, including:

- complexity and size of the asset being transferred;
- further research required to support the application;
- legal processes involved;
- capacity and availability of people; and/or
- Council Service Reviews.

Changes from the previous policy

This policy supersedes our 2017 Community Asset Transfer Policy. The key changes since then are summarised below.

The change	Our old policy	Our new policy	Why was this change made?
All transfers are with long leaseholds by default	The Council used to transfer buildings differently to land, with buildings transferred freehold and land on long leaseholds.	Our default presumption is now to transfer all assets (land and buildings) on a long leasehold. Freehold transfers will be considered in exceptional circumstances and will be at the discretion of the Council.	Long leaseholds ensure that the asset remains available to the community by providing the Council with remedies in the event that the applicant does not fulfil their obligations with respect to the management of the asset or there is a breach of the terms of the lease. The grant of long leaseholds still gives applicants the security needed to satisfy grant funders.
More financial support for applicants invited to the Full Application stage	We used to offer a grant of up to £5,000 to cover legal costs and fees associated with the application.	In exceptional cases the Council will now offer up to £10,000.	Some cases require extra support because of their size and complexity.
More financial support for successful applicants	We used to offer a grant in the first year after a transfer equivalent to 15% of the asset's running cost (excluding staffing costs).	We now offer a grant in the first and second year after a transfer. The first year grant remains at 15%. The second year grant is 5%.	This will provide extra post-transfer support that will assist with the running of the transferred asset and increase the likelihood of sustainable asset transfer.

	<p>We used to offer applicants a loan option for up to £100,000 match funding towards capital improvements to the asset. Loan applications had to be submitted at the full application stage of the process. Applications would not be considered post transfer.</p>	<p>The Council will now offer an option of grant funding and loans.</p> <p>Groups will be able to apply for a grant to fund urgent condition works or physical adaptations to improve accessibility. Examples of these works may include boiler replacement, roofing works, window replacement, ramps, steps, and accessible toilets.</p> <p>The Council will now consider requests for loans to match fund external grants and financing, prior to and following completion of the asset transfer, for groups wanting to develop assets.</p>	<p>The introduction of a grant will further support the viability of community asset transfers, allowing groups to invest in urgent condition/accessibility works where needed to bring assets back into use.</p> <p>Post transfer loans will provide added flexibility to groups intending to carry out capital improvements to assets, ensuring that they remain available for public use and sustainable in the long term.</p>
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<p>More proactive strategic approach to CATs</p>	<p>We used to transfer assets primarily when they were surplus to our service requirements. Assets were also sold to raise funds for important Council services.</p>	<p>We will now also encourage community groups in our community engagement to proactively identify assets they need to solve local issues and to achieve community aspirations.</p> <p>Where asset transfers aren't possible, groups will be signposted to support within or external to the council to ensure that we build on their aspirations for their communities.</p>	<p>As set out in the Corporate Plan (link), we're now working more with people and doing less to or for them, working more in place-based ways led by local community aspirations and valuing the diversity of perspective and identities that make up local places. This requires that we proactively encourage community organisations to think about the assets they need to achieve these aspirations.</p>
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Name of meeting: Cabinet
Date: 22nd September 2020
Title of report: Huddersfield and Dewsbury Town Centre Finance Report

Purpose of report: To inform the Cabinet of the current status of the Blueprint Programmes in terms of finance and to make a decision to enter projects within the programme onto the Kirklees Capital Plan. A further update is provided on grant funding for town centre projects.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 9 th September 2020
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 9 th September 2020
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 9 th September 2020
Cabinet member portfolio	Cllr Peter McBride - Regeneration

Electoral wards affected:

Newsome, Dewsbury East, South and West

Ward councillors consulted:

None

Public or private: Public.

Has GDPR been considered?

GDPR is applicable to the TCF Programme and has been considered within the development of the business cases and related stakeholder engagement plans.

1. Summary

- 1.1 This report is presented to cabinet for four reasons. These are set out below:
- To set out, for information, the current capital programme as it relates to the two Blue Prints for Huddersfield and Dewsbury.
 - To identify, and agree with Cabinet, projects that require capital funding and to enter those projects onto the Kirklees Capital Plan for development and delivery.
 - To identify and agree future match funding and
 - Where external grant funding related to town centre programmes is secured agree for officers to draw this into the capital plan and in cases where grant monies have been obtained to fund the costs of working up plans and proposals for town centre programmes to authorise the spending of that grant on the working up of plans and proposals for the identified project

2. Information required to take a decision

Current Allocations

- 2.1 A summary of the budget available for **Huddersfield** and **Dewsbury** is listed below showing each element agreed in the Council's Capital Plan and any additional funding that has been agreed

Huddersfield

Split of Original Town Centre Action plan budget	£30,000,000
Sound Space	£35,000,000
Market Hall Multi Storey Car Park	£10,000,000
	£75,000,000

Dewsbury

Split of Original Town Centre Action plan budget	£15,000,000
Dewsbury Staff move & Regeneration	£8,500,000
Leeds City Region Grant for Acquisitions	£400,000
Highways - contribution to Spring Clean 2019	£240,000
HAZ Acquisition budget - from Housing Regen budget	£431,000
	£24,571,000

Total allocation **£99,571,000**

- 2.2 In addition to the above a further £12.5m has been allocated as part of the budget process as a strategic acquisitions fund across the Blueprint towns.
- 2.3 £10m has also been allocated to small centres whilst smaller amounts have been set aside to deal with issues at Huddersfield Library and Lawrence Batley Theatre.
- 2.4 The revitalisation of town centres, in particular through the delivery of the projects identified in the Blueprint programmes represent Huddersfield and Dewsbury town centres' contribution to the overall economic recovery of the district as articulated by the Economic Recovery Plan.

Current Agreed Blue Print Projects

- 2.5 Much of the budget has now been allocated to specific projects. Those agreed as part of the budget process, by Cabinet or the Strategic Director are set out in Appendix 1 and summarised below:

HUDDERSFIELD

Total value of Projects **£61,328,963**

DEWSBURY

Total value of Projects **£16,218,231**

Total Allocations **£77,547,194**

Yet to be allocated formally to projects **£22,023,806**

- 2.6 The total to be allocated is split as follows:

Total Remaining Allocation in Overall Huddersfield Allocation	£13,671,037
Total Remaining Allocation in Overall Dewsbury Allocation	£8,352,769
Total Remaining	£22,023,806

Match Funding Requirements

- 2.7 In addition to the projects above, officers have been developing a number of Blue Print projects to align with national and local funding packages. These are set out in the table below and include a match fund element towards: the Future High Street Fund (FHSF), Heritage Action Zone (HAZ) Programme and the Transforming Cities Fund (TCF) which it is proposed would be taken from the capital budget allocations set out at paragraph 2.1.

Huddersfield New Market – FHSF match funding	£5,732,622	Support for main FHSF Bid
Match Funding for Huddersfield TCF Schemes	£4,000,000	See Report on Cabinet Agenda 1 st September 2020 – includes Huddersfield Bus Station
Match Funding for Dewsbury TCF schemes	£2,000,000	See Report on Cabinet Agenda 1 st September 2020 – includes Dewsbury Bus Station
George Hotel & Estate Buildings - HAZ Match Funding	£6,903,120	To support the redevelopment of the HAZ identified projects
Total Match Fund Requirement	£18,635,742	

- 2.8 Officers request that the amounts set out above represent the Council's contribution to the specified projects and that the agreed sums of money be drawn into the capital plan and officers be authorised to spend and deliver the project(s) in line with current FPR's.

- 2.9 Once all match fund requests are considered a further £3,388,064 remains to be allocated from the total allocation. However, when looking at the individual budgets, Huddersfield and Dewsbury, there is a slight over programming in the Huddersfield programme of £2.964m (3.9%).

Development of a Future Public Realm Programme

- 2.10 Officers have also started to develop a comprehensive programme of public realm initiatives across both towns. Members will be aware that approximately £5.3m has already been allocated to New Street and Cloth Hall Street scheme. However, there are further improvements that are required across both towns, typically, John William Street and St. Peters Gardens in Huddersfield and the town and pocket park programme in Dewsbury. In order to design and implement further smaller schemes in readiness to access further funding officers require up to £1m allocating from the Town Centres allocation to develop a number of schemes simultaneously.
- 2.11 Officers request that this amount be agreed within the Town Centre budget for spend on developing town centre public realm projects. Once the programme is developed then cabinet will need to agree any future delivery funding.

Progressing the Development of Larger Projects

George Hotel, Estates Buildings, Dewsbury Arcade and Huddersfield New Market

- 2.12 These three projects are under development and are subject to funding bids to Government – Future High Street Fund for the Market and Heritage Action Zone for the George Hotel and Estates Building. Recently announced Get Building Fund is allocated to both George Hotel and Dewsbury Arcade. Officers are continuing with the development of these projects but will return to Cabinet to outline and seek agreement to the full project in due course. This will include any variation in cost estimates.

Market Hall Car Park, Sound Space and Dewsbury Staff Move

- 2.13 Market Hall car park, Sound Space and Dewsbury Staff move projects are three significant projects appearing as specific lines in the overall capital plan. However, these will require formal detailed business case approval at Cabinet level going forward.
- 2.14 These projects total £53m and have been included here, see the list at section 2.5 and Appendix 1, for completeness and reflect a notionally allocated quantum of high-level resourcing in the capital plan. However, each of these projects will need to be developed to bring them to a point of delivery. These development and design costs, as well as the collection of data to support their development, will be drawn from this overall cost envelope going forward. This will include, in the case of the Sound Space, any costs associated with inter-dependant projects within the Piazza/Queensgate programme for the Huddersfield Blue Print.

Dewsbury Market and Town Park

- 2.15 These projects are under development. Cabinet will receive future reports for these outlining vision, early design concepts and costs.

Transforming Cities Fund Projects

- 2.16 These projects are under development. Cabinet will receive future reports in respect of these projects and authority from Cabinet will be sought to carry out each individual programme or project.

Grant Funding - Current

- 2.17 Town Centres have become the focus for additional central government funding. Huddersfield is fortunate to be a Future High Street Fund town whilst Dewsbury is selected

for a Town Deal. Both bring funding opportunities that require a bidding process and detailed business case submission.

2.18 In addition, some projects will be eligible for Local Growth funding, Transforming Cities and the West Yorkshire Transport Fund Plus. Again, business case development is key.

2.19 As we move out of lockdown and the focus is on restarting town centre activity a number of funding opportunities are presenting themselves. At the present time officers are awaiting a number of decisions on funding. These are set out in the table below.

Project and Fund	Bid amount	Comments
Huddersfield New Market – Future High Street Fund	£11,000,000	Expected late 2020
Estate Buildings and George Hotel – HAZ Funding	To be Determined	Full decision September 2020
Get Building Funding - George Hotel and Dewsbury Arcade	£1,965,000	Positive decision August 2020 – sign off from WYCA will be required.
Dewsbury Town Fund Advance Funding	£750,000	Decision October 2020 – List submitted attached as Appendix 2
ERDF – Reopening High Streets Safely	£389,000	Contract due in September

2.20 Members should note that once the grant process has been finalised the agreed sums of money – which may be higher or lower than that set out above – will be drawn into the capital plan and officers be authorised to spend and develop/deliver projects in line with current FPR's.

Grant Funding – Future Town Centre Funding

2.21 Because of the nature of funding streams and the turnaround times for submission and spend officers are continuing to utilise delegations set out in current FPR's to minimise any delays to submission, draw down and delivery.

3. Implications for the Council

- **Working with People**

Full public consultation exercises on each project will be undertaken as the programme in both towns develop. Both Blueprints have been subject to public consultation as part of the post launch process.

- **Working with Partners**

The Blueprint programmes cover a wide range of projects and initiatives which require working with different partners. The council will also work closely with its own specialist consultancies, train and bus operators, road user representative groups, equality access groups, business forums and delivery contractors.

- **Place Based Working**

Development of all projects will involve recruiting the services and/or knowledge of local user representative and community groups. Members of the public and ward councillors will be

consulted on their views on the development of scheme options and designs to achieve the best mix of interventions to deliver the Programme objectives and address local needs.

- **Climate Change and Air Quality**

The reduction of carbon emissions is a key objective across both Blue Prints. Project and Programme impacts will be assessed as part of business case, planning and options stages.

- **Improving outcomes for children**

Both Blue Prints promote and have child and family friendly centres at their core.

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

- The projects detailed in this report can be implemented by the local authority, subject to consultation, using their powers under the Local Government Act 1972, Town & Country Planning Act 1990 and Highways Act 1980.
- The recommendations in this report include a decision to accept forthcoming town centre related grants. The specific amounts for these grants is to be determined.
- The ongoing development and delivery of the Blue Print projects require a number of programme and project management staff, together with design and support service staff. The Town Centre Regeneration, Housing Growth and Major Project Services are undergoing a process to quantify and provide the necessary staff resources.

- **Do you need an Integrated Impact Assessment (IIA)?**

An Integrated Impact Assessment is not required at this stage.

4. Consultees and their opinions

- 4.1 Both Blue Prints have been subject to engagement and consultation exercises including the use of the Place Standard tool for Huddersfield. There is a high degree of support for the projects in the programme. Further full public consultation exercises on schemes as they are rolled out will be undertaken.
- 4.17 The relevant Kirklees Portfolio Holders have been consulted on progress to date on a regular basis and are supportive of the programme. The relevant ward members will be briefed on the schemes that affect their wards and will be further engaged by officers prior to developing public consultation plans.
- 4.18 The Town Centre Programme Board has considered and approved a report that recommends that the matters set out in this report are taken to Cabinet for decision.

5. Next steps and timelines

- 5.1 Once Cabinet has approved the recommendations set out in this report then individual schemes can continue to be progressed.
- 5.2 Individual projects and programmes identified here will be delivered between early 2021 and early 2024.

6. Officer recommendations and reasons

6.1 Cabinet is asked to:

1. Note the projects and the status of the budgets for the town centre programmes set out in section 2.5, 2.6 and Appendix 1.
2. Agree the amounts set out in section 2.7 as the Council's current contribution to the identified projects.
3. Agree that the agreed sums of match funding in section 2.7 be drawn into the capital plan and officers be authorised to incur expenditure on the working up of plans and proposals for these project(s).
4. Approve, in line with section 2.10, to utilise up to £1m of town centre capital to develop (in the main) and deliver a town centre programme of public realm improvements across both towns.
5. Agree to accept appropriate development funds for those projects set out in section 2.19 for use by Kirklees Council and its agents and authorise officers to enter into grant and other agreements, where necessary, and to incur expenditure on the working up of plans and proposals for these projects

6.2 These recommendations are made on the basis that they allow the required steps to be taken to deliver both Blue Prints and are the basis for supporting the economic delivery plan.

7. Cabinet Portfolio Holder's recommendations

7.1 The Portfolio Holder Regeneration has briefed on this matter and is supportive of the approach set out above.

8. Contact officer

Simon Taylor - Head of Town Centre Programmes
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(01484) 221000

9. Background Papers and History of Decisions

None specifically.

10. Service Director responsible

Service Director - Naz Parkar, Service Director for Growth and Housing.
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(01484) 221000

Appendix 1 - CURRENT TOWN CENTRE PROJECTS

<u>HUDDERSFIELD</u>	
Huddersfield Town Centre Design Framework	£2,670,000
Huddersfield Town Centre Shop Fronts	£1,200,000
Cultural Interventions - Growing Seeds	£100,000
Huddersfield Sound Space	£35,000,000
Southgate Car Park	£500,000
Purchase of Piazza	£3,680,000
New Street/Cloth Hall Street Public Realm	£5,253,963
Cross Church Street Public Realm	£1,560,000
Market Hall Multi Storey Car Park	£10,000,000
The George Hotel Repairs	£1,365,000
Total	£61,328,963
<u>DEWSBURY</u>	
Cultural Interventions - Growing Seeds	£100,000
Dewsbury Town Centre Shop Fronts	£1,250,000
Sports Centre Family Attraction	£320,000
Better Spaces Strategy:	
- Phase 1	£151,332
- Spring Upgrade	£613,928
- Phase 2 - Library Frontage	£340,000
- Phase 2 - Pocket Park, Northgate	£500,000
- Phase 2 - Bond Street Public Realm	£40,000
Public Art Plan	£200,000
Dewsbury Streetlighting	£517,571
Northgate Public realm scheme	£30,000
Heritage Action Zone - matched funding	£2,000,000
Heritage Action Zone Acquisition budget	£431,000
Leeds City Region Grant for Acquisitions	£400,000
The Arcade, Dewsbury - Repairs and refurb	£824,400
Dewsbury Staff move and regeneration	£8,500,000
Total	£16,218,231

Appendix 2 - DEWSBURY TOWN FUND ADVANCED FUNDING 2020/21 PROJECT LIST

Town Fund Intervention Theme	Project Name	Description	Cost £,000	
			Town Fund 2020/1	Total
Local Transport	Station Gateway	Improvements to Dewsbury railway station inc toilets, waiting area.	110	565
	Improved Pedestrian & cycle routes	Wellington St cycleway, new /improved footpaths, secure cycle parking.	150	410
Urban Regeneration, planning & land use	Better Spaces Programme	Package of works including pedestrian subway, Library area; planting of semi mature trees, lighting, tactical urbanism and public art.	205	500
	Kingsway & Queensway Arcades	Lighting scheme in historic Arcades in the town centre.	80	80
Arts, Culture & heritage	Creative 'Hub'	Adaption, and other works to enable 15, Union street to become a facility for the creative sector/ community.	125	130
Skills Infrastructure	Digital Hubs	Upgrading of 4 community hubs for digital training.	80	80
Total			750	1,765

Footnote: Submitted to MHCLG on 14 August 2020.

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Name of meeting: Cabinet
Date: 22nd September 2020
Title of report: Proposal to allocate funding from the Sustainable Economy Strategic Priorities Capital Plan to the Huddersfield Market Hall Multi-Storey Car Park demolition scheme

Purpose of report:

This report will seek Member approval for the demolition of Huddersfield Market Hall Multi-Storey Car Park and provide outline information regarding the future of the site.

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 – this will result in capital expenditure significantly in excess of £250K.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – Yes Public Report
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 14.09.20
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 11.09.20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 10.09.20
Cabinet member portfolio	Cllr Graham Turner - Corporate Cllr Peter McBride - Regeneration

Electoral wards affected: Newsome

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? There are no GDPR implications arising from this report.

1. Summary

- 1.1 This report will provide an update on the condition of the Huddersfield Market Hall Multi-Storey car park and will outline the rationale for the proposed demolition of the building.
- 1.2 Members will be asked to approve £875K for the demolition of the Multi Storey car park and the creation of a temporary surface car park providing approximately 115 parking spaces. The capital expenditure would be funded from the Sustainable Economy Strategic Priorities section of the Council's Five Year Capital Plan, which was approved by Council on 12th February 2020.

2. Information required to take a decision

(a) Background

- 2.1 The Market Hall Multi-Storey car park is located in Huddersfield town centre adjacent to the Queensgate Market with the main entrance on Albert Street and an underpass link to the main ring road. It was constructed in 1968-69 and is a precast concrete, split level car park, providing 588 parking spaces over ten decks. The structure has a link bridge at Level 3 between the car park and the adjacent Queensgate Market Hall.
- 2.2 In 1996/97 problems with concrete delamination and deterioration of the structure led to a partial closure whilst remedial works were undertaken. Since then the Council has continued to undertake a programme of regular inspections, repairs and maintenance to extend the longevity of the now 51 year old car park structure with a long standing warranty agreement with a specialist external contractor in place for many years.
- 2.3 However, despite an ever increasing rise in expenditure on repair and maintenance in recent years, the appearance and structure of the car park has continued to deteriorate, leading to the closure in recent times of the top two storeys due to their condition and evening / weekend misuse. In 2019 the long-standing warranty agreement with an external contractor expired and was not renewed as the Council's internal structural engineers considered the car park to be life expired and in need of replacement.

(b) Current situation

- 2.4 In late 2019 the Council commissioned an independent external structural report on the future life of the Multi Storey car park, which led to a team of specialist structural and concrete contractors undertaking surveys on site in early 2020. The initial findings resulted in the Council closing the car park for four weeks from Friday 7 Feb to Friday 6 March 2020 on H&S grounds whilst a series of intrusive surveys were undertaken. These further surveys led to the installation of over 300 Acro props to ensure the stability of the structure and a decision to board up the car park on safety grounds pending consideration of the outcome of the detailed surveys and concrete testing.
- 2.5 The external independent report has been received and provides a detailed picture of the condition and longevity of the existing car park. The report identifies the need for the following works as a minimum:
 - Full replacement of deck slabs – levels 3 to 10 – noting that this would be difficult whilst keeping the parapets, therefore leading to the replacement of the parapets as well, which are also in a poor condition;

- Substantial column strengthening repairs and cathodic protection;
- Substantial edge beam repairs and cathodic protection;
- Replacement of link slabs to cores;
- Replacement of link bridge structure;
- Localised repairs to long - span beams;
- Localised repairs to cladding panels, with consideration given to the use of galvanic anodes or cathodic protection;
- Further core sampling and testing of suspected weak concrete elements and if validated, replacement or strengthening of these. This includes stair landings and stair core cladding in addition to other elements already highlighted as requiring work;
- Vehicle impact protection measures put in place including new barriers and upgrading of existing connections.

The report describes that the extensive works outlined would be complex and involve substantial temporary works. Such works would take over a year to implement at a cost exceeding £5m.

2.6 The overall conclusion of the independent specialist consultants is as follows:

The Market Hall Multi-Storey Car Park has now reached the end of its viable life and should be demolished in the near future. There are multiple issues with the structure, however corrosion of the reinforcement is the leading problem that manifests in widespread defects causing concern for the structural integrity. The extent of works required to make good the structure and to keep it operating over the next 5 years are substantial. Even with works being undertaken, keeping components of the original 50 plus year old building means that further defects are likely to arise. Given the scale of the works involved, it is clear that a more cost-efficient solution would be to demolish and re-build.

The Council's Technical Services has validated the consultant's report and agrees with the conclusions drawn.

2.7 Given the extent of the issues identified, Members are requested to approve the demolition of the Huddersfield Market Hall Multi Storey car park as it would not be cost effective to attempt to repair the existing building.

(c) Temporary Surface Car Park

2.8 As a part of the demolition process, an option appraisal has shown that a temporary car park utilising the existing ground and lower ground bearing floor slabs (Existing car parking levels 0-2) could be provided as an interim parking solution pending the redevelopment of the site.

2.9 This would provide approximately 115 car parking spaces, of which six spaces would be for disabled provision (two per level). No electrical charging points would be provided due to the temporary nature of the provision. Access to the car park would be directly from the subway linking to the ring road – no access would be possible from Alfred Street.

2.10 The temporary surface level car park would require new infrastructure including lighting with a metered supply, signage and meters plus specialist hoarding. The total estimated cost for creating the temporary surface car park is around £110K. It is anticipated that the temporary car park would be in operation for around 12 months until the site is required, if approved, for a proposed replacement new build Multi Storey car park. The 115 temporary

spaces being proposed would help support the adjacent Queensgate Market and the wider town's economic prospects.

- 2.11 The alternative to the proposed temporary car park would be to leave the site to lie fallow following completion of the car park demolition pending the start of the future redevelopment of the site.
- 2.12 Members are requested to approve the creation of a temporary surface car park on the site following the demolition of the existing Multi Storey car park.

(d) Demolition and Programme of Works

- 2.13 If approved, the demolition strategy identifies that the works will be undertaken level by level and bay by bay in reverse order to when it was built with all pre-stressed elements removed and crushed off site as they may have residual energy stored within them. The demolition of the stairs, lift towers, infill sections and footbridge will be dealt with in a similar manner. A haul road will have to be installed from the ring road running into the site, which will impact on the operation of the ring road. The footpath off Alfred Street and the thoroughfare between Alfred Street and Queensgate will need to be closed for the duration of the works. The subway will also be out of use for the duration of the works to accommodate site cabins and set-up.
- 2.14 The demolition of the car park and the proposed new build replacement car park - the proposed new build will be subject to a separate cabinet report in due course - form part of a significant programme of capital investment being developed for the Queensgate section of the Ring Road. This includes the Southern Corridor improvements, which will shortly be subject to a planning application, and the redevelopment of the subway leading to the car park. Detailed programming work is occurring to ensure that these major investment projects are dovetailed and delivered as part of a cohesive programme of works that will minimise as far as possible the impact on the smooth operation of the Ring Road whilst works are being undertaken.

(e) Capital Requirement

- 2.15 An indicative cost estimate of £875K has been prepared for the demolition of the Multi Storey car park and the creation of the temporary car park. This also includes £35K for the provision of a temporary fire escape from Queensgate Market following the demolition of the connecting walkway between the existing car park and the market.
- 2.16 It is proposed that the £875K capital budget is funded from the allocation of £10m for the new replacement Multi Storey car park as detailed in the Sustainable Economy Strategic Priorities Section of the Council's Five Year Capital Plan that was approved by Council on 12th February 2020. Members are requested to approve the stated allocation so that a demolition contract can be tendered and let.

3 Implications for the Council

3.1 Working with People

Not Applicable

3.2 Working with Partners

Should the proposals be approved, officers will work in close partnership with our Highways colleagues, consultants and the successful contractor to ensure the successful delivery of the demolition scheme, at all times considering the health and safety of Kirklees residents. Close relationships with Planners and Highways will occur to ensure that other works impacting on the Ring Road such as the Southern Corridor and the Subway repairs are closely co-ordinated.

3.3 Place Based Working

Not applicable.

3.4 Climate Change and Air Quality

The demolition strategy is to deconstruct the Multi Storey car park structure level by level minimising noise and air pollution. The works will be undertaken with minimal on-site demolition. Structural elements will be disassembled and transported for crushing off-site. Any dust generation will be suppressed using water jets to improve air quality. Steel reinforcement will be harvested from the crushed concrete for recycling.

3.5 Improving outcomes for children

Not applicable.

3.6 Financial / Legal implications

An indicative capital budget of £875K is required for this project to be funded from prudential borrowing that has already been identified in the Sustainable Economy Strategic Priorities section of the Council's Five-Year Capital Plan. The revenue cost of financing this level of borrowing has been included within the Council's Medium-Term Financial Plan approved by Council on 20th February 2020. Should this budget be exceeded post tender it will be dealt with in accordance with the Council's Financial Procedure Rules.

The demolition of the Market Hall Multi Storey car park will result in an annual income reduction of around £500K, which will be offset to a degree by the temporary provision that has been created at Southgate and the proposed interim surface level car park on the cleared site when opened. This is based on the assumption that car parking charges will resume at an appropriate point in the future when the impact of COVID has declined. The budget pressure resulting from the closure is being managed through the revenue budget monitoring process for the Economy and Infrastructure Directorate.

The Corporate Landlord Service is responsible for maintaining Council's Assets such as the Market Hall Multi Storey car park to ensure compliance with building related legislative requirements. The existing car park represents a significant health and safety risk due its condition and its demolition will ensure that these risks are removed, thereby helping to protect residents and visitors from harm.

4 Consultees and their opinions

The Portfolio Holders for Regeneration and Corporate have been consulted regarding the closure and proposed demolition of the Multi Storey car park.

5 Next steps and timelines

Subject to approval of this report, officers from the Economy and Skills Service will ensure that the project concerned is implemented in accordance with the Cabinet decision and the Council's Financial and Contracts Procedure Rules.

6 Officer recommendations and reasons

Members are requested to:

- (a) Consider and approve the proposed demolition of Huddersfield Market Hall Multi-Storey car park;
- (b) Consider and approve the creation of a temporary surface car park on the cleared site of the former Multi Storey car park;
- (c) Consider and approve a proposed allocation of £875K to enable the works stated in (a) and (b) above to be implemented, which would be funded from the Sustainable Economy Strategic Priorities section of the Council's Five Year Capital Plan, which was approved by Council on 12th February 2020.

It is the considered view of the Council's internal Technical Services and external independent specialist consultants that the car park is beyond economic repair and should be demolished.

7 Cabinet Portfolio Holder's recommendations

As the Portfolio Holders for Regeneration and Corporate we strongly support the demolition of the Huddersfield Market Hall Multi Storey car park. The building is life expired and any further investment in this aging structure would not represent value for money. Its demolition will pave the way for the redevelopment of the site and will form the first visible step in delivering our ambitious Blueprint plans for this part of Huddersfield.

As a consequence we recommend that Cabinet:

- (a) Considers and approves the proposed demolition of Huddersfield Market Hall Multi Storey car park;
- (b) Considers and approves the creation of a temporary surface car park on the cleared site of the former Multi Storey car park;
- (c) Considers and approves a proposed allocation of £875K to enable the works stated in (a) and (b) above to be implemented, which would be funded from the Sustainable Economy Strategic Priorities section of the Council's Five Year Capital Plan, which was approved by Council on 12th February 2020.

8 Contact officers

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Jonathan Quarmby – Strategic Manager for Corporate Landlord – Economy & Skills Tel: 01484 221000 Email: jonathan.quarmby@kirklees.gov.uk

Liam Wilcox – Programme Manager – Capital Development and Delivery – Economy & Skills - Tel: 01484 221000 Email: liam.wilcox@kirklees.gov.uk

9 Background Papers and History of Decisions

12th February 2020 - Council – Approval of Five-Year Council Capital Plan.

10 Service Directors responsible

Angela Blake – Service Director – Economy & Skills - Tel: 01484 221000 Email: angela.blake@kirklees.gov.uk

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