



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

Julie Muscroft

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

CABINET

TUESDAY 16 MARCH 2021

Andrea Woodside

01484 221000

Chair

Councillor Shabir Pandor

Councillors Attended

Councillor Viv Kendrick

Councillor Musarrat Khan

Councillor Naheed Mather

Councillor Peter McBride

Councillor Carole Pattison

Councillor Paul Davies

Councillor Cathy Scott

Councillor Graham Turner

Observers

Councillor Mahmood Akhtar

Councillor Martyn Bolt

Councillor David Hall

Councillor Erin Hill

Councillor Yusra Hussain

Councillor Fazila Loonat

Councillor Nigel Patrick

Councillor Mohan Sokhal

Councillor Habiban Zaman

8: Investing in Small Town Centres

To consider the approach for developing programmes to support smaller town centres across Kirklees.

Wards affected: Batley East, Batley West, Cleckheaton, Heckmondwike, Holme Valley South

Contact: Simon Taylor, Head of Town Centre Programmes

- 1) That approval be given to the next tranche of town centres (Batley, Cleckheaton, Holmfirth, Heckmondwike) to benefit from an additional allocation of £1.5m per centre as part of the Council's Capital Plan.
 - 2) That the requirements to access funding, as set out at para 2.8 to 2.13. be approved and that authority be delegated to the Strategic Director (Growth and Regeneration) to approve individual plans and projects in consultation with the Cabinet Member (Regeneration).
 - 3) That approval be given to the generic list of project/programme types that funding can be used towards, as detailed at para 2.14 to 2.16.
 - 4) That approval be given to the availability of £1.5m per centre, as detailed at para. 2.17 to 2.18.
 - 5) That the indicative timeframe for delivery be noted, subject to the progress of projects and programmes.
 - 6) That a further report be submitted to Cabinet with regards to the residual investment as referred to at para. 2.19.
 - 7) That approval be given to staffing resources to support the initiative and the mechanism as set out at para. 2.20.
 - 8) That it be noted that the Town Centre Programme Board will oversee and monitor the delivery of the projects and capital investment programme in small town centres.
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9: Protocol on Concurrent Powers

To be (i) informed of the making of an Order creating a Mayoral Combined Authority (MCA) in West Yorkshire and (ii) consider the draft protocol between Kirklees and the other West Yorkshire Councils and the MCA dealing with consents and concurrent functions.

Wards affected: All

Contact: Nick Howe, Partnerships & Corporate Planning / Julie Muscroft, Service Director - Legal, Governance and Commissioning

- 1) That approval be given to the adoption of the Protocol on Concurrent Functions and Associated Statutory Consents as attached at Appendix 1.
- 2) That authority be delegated to the Chief Executive, in consultation with Group Leaders, to (i) finalise the protocol and agree any drafting amendments that may be required (ii) sign it on behalf of Council and (iii) agree any subsequent changes to the protocol when it is reviewed.
- 3) That (i) the work undertaken at the workshop held on 14 January, and (ii) the report to Corporate Governance and Audit Committee on 9 March, be noted.

9: Disposal of Freehold Reversion - Apna Centre, Prospect Street, Springwood, Huddersfield

To consider the disposal of the freehold reversion of the land that comprises the Apna Centre, Prospect Street, Springwood.

Wards affected: Newsome

Contact: Giles Chappell, Asset Strategy

- 1) That the transfer of the freehold reversion to the APNA Centre to the Sikh Leisure Centre at nil consideration be approved.
- 2) That authority be delegated to the Service Director (Development) to negotiate and agree terms for the transfer of the freehold of the land at Prospect Street, Springwood, Huddersfield (Plan Ref. 21-0054c).
- 3) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute all necessary documentation in connection with the transfer of the freehold of the land at Prospect Street, Springwood, Huddersfield, and any associated agreements and documents including the collateral agreement for polling station use.

10: Kirklees Specialist Accommodation Strategy 2021/2030 - Public Consultation

To consider the approval of a consultation exercise regarding the Specialist Accommodation Strategy.

Wards affected: All

Contact: Karen Oates, Housing Services / Chris Porter, Health Development

- 1) That the Specialist Accommodation Strategy 2021-2030, as set out at Appendix 1 to the report, be noted.
- 2) That approval be given to the Service Director (Skills and Regeneration) carrying out a non-statutory consultation on the proposed draft Specialist Accommodation Strategy 2021-2030.
- 3) That a further report be submitted detailing the outcome of the public consultation, with the details of any proposed amendments, and a final draft of the Strategy, prior to submission to Council and adoption within the Council's Policy Framework.

11: Place Partnerships - Proposal to improve domestic abuse outcomes

To consider the allocation of funding to help mitigate the impact of domestic abuse.

Wards affected: All

Contact: Chani Mortimer, Domestic Abuse and Safeguarding Partnerships / Vina Randwana, Active Citizens and Places

That approval be given to the allocation of £400,000 revenue funding from the Place Partnerships Domestic Abuse Budget in order to deliver place partnerships priorities to (i) build capacity and train staff and voluntary community sector organisations to recognise the signs of domestic abuse and ensure links are made to local support networks and provision and (ii) equip staff in communities to mitigate the impact of domestic abuse upon children and young people, and to support professionals working with families, particularly in schools, to respond effectively to domestic abuse.

12: Dewsbury Market

To consider the Dewsbury Market project.

Wards affected: Dewsbury East

Contact: Peter Thompson, Economic Regeneration

- 1) That approval be given to the Dewsbury Market Project, as detailed within the report.
- 2) That approval be given to the allocation of £8.4m of capital resources to fund the project.
- 3) That, subject to the approval of the Towns Fund Grant, the Strategic Director (Growth and Regeneration) be authorised to implement the project.
- 4) That approval be given to proposals for a temporary market, as detailed within the report, and that the Strategic Director (Environment and Climate Change) be authorised to implement the scheme, and in conjunction with the Service Director (Legal, Governance and Commissioning) agree the preferred legal powers to use in this case namely, either the licensed street trading option, or alternatively, to establish a temporary statutory market and take all necessary steps and actions in accordance with the chosen legal powers and constitutional requirements to implement the proposal.
- 5) That approval be given to revenue resources of £1.5m for the provision of the temporary market and agree that this is funded from the strategic investment reserve.
- 6) That the intention to carry out public consultation during summer 2021 on the detailed plans and proposals for the Dewsbury market project be

noted.

13: Corporate Financial Monitoring Quarter 3, 2020-2021

To receive the Corporate Financial Monitoring Report, Quarter 3 (2020-2021).

Wards affected: All

Contact: James Anderson, Accountancy / Sarah Hill, Finance

- 1) That in regards to the General Fund (i) the 2020/2021 forecast revenue overspend of £1.9m as at Quarter 3 be noted (ii) the 2020/2021 forecast £7.6m High Needs overspend which, as per current DfE guidance will roll forward into 2021/2022 on the Council's balance sheet as a negative reserve, be noted (iii) approval be given to the proposed mitigation of the PFI affordability double count on schools funding over 2019-2020, as set out at para. 1.3.9 (iv) it be noted that, in conjunction with the assumed continued support of Central Government to adequately compensate the Council for Covid-19 pressures, the Council's Executive Team continue to identify opportunities for spending plans to be collectively brought back in line within the Council's overall budget by year end and (v) that the forecast year-end position on corporate reserves and balances be noted.
- 2) That the forecast position on the Collection Fund as at Quarter 3 be noted.
- 3) That, in regards to the Housing Revenue Account, the Quarter 3 forecast Housing Revenue Account position and the forecast year-end reserves position be noted.
- 4) That, in regards to Capital, (i) it be noted that the Quarter 3 forecast capital monitoring position for 2020/2021 be noted (ii) approval be given to the re-profiling across years of the capital plan, as set out at Appendix 6 (iii) approval be given to £120k capital proposal for Call System Replacement in the Adult Social Care Intermediate Homes (iv) approval be given to £300k enabling works at Emerald Street Depot (v) approval be given to the release of funding from the Sustainability of Major Town Halls - Service Development Capital Programme line for works at Batley Town Hall and (vi) approval be given to a £109k new self funded capital proposal for Liquid Logic Childrens and Delegation Portal to be added to the plan, as detailed within the report.

14: Year of Music 2023

To consider investment in the development of the Year of Music 2023.

Wards affected: All

Contact: Kath Wynne-Hague, Cultural Development

- 1) That approval be given to the allocation of £239,687 in 2021/2022 for the development of the Year of Music 2023 Programme.
- 2) That approval be given to the underwriting of the budget for 2022/2023 of

£354,687 and of £264,287 for 2023/2024.

- 3) That authority be delegated to the Service Director (Culture and Visitor Economy) to support delivery activity and implement the Year of Music Programme and approve individual projects within the budget envelope.
- 4) That it be noted that the timescale as set out at para. 5.1 has been planned as to ensure that the programme of activity is well marketed in order to achieve sales targets.
- 5) That the level of staffing resource required to deliver the programme be noted.
- 6) That a report be submitted to Cabinet in September 2022 to provide an update regarding funding and sponsorship, and details about the programme.
- 7) That, if funding targets for 2022.2023 are not met, the request for funding be submitted through the 2022 budget process and that, if further Council funding is required in 2023/2024 a request be submitted in September 2023.

15: Proposed changes to top-up funding allocations for children in mainstream schools with an Education Health & Care Plan (EHCP)

To consider proposed changes to top up funding allocations.

Wards affected: All

Contact: Jo-Anne Sanders, Learning and Early Support / David Gearing, School Funding

- 1) That changes be made from the current arrangements for mainstream top-ups to a new model from 1 April 2021.
- 2) That approval be given to Model 2, as detailed at para. 2.4 of the considered report.
- 3) That authority be delegated to the Strategic Director (Children's Services) in consultation with the Service Director (Finance) to undertake the required processes for the new model to be implemented with effect from 1 April 2021.

16: Procuring an External Business Partner - SEND

To consider the use of funding within transformation reserves to support the procurement of an external business partner to support SEND transformation.

Wards affected: All

Contact: Stewart Horn, Children's Services

- 1) That the proposal to engage an external business partner be noted.
- 2) That approval be given to supporting the use of transformation reserves funding to support this arrangement as part of the specific SEND

transformation programme.

- 3) That the proposed model of an external improvement partner, governance and resources required be endorsed.
- 4) That authority be delegated to the Director of Children's Services to manage the tender process contract award and manage the contract arrangements.

17: Leeds City Region Business Rates Pool Arrangements 2021/22

To consider the Council's membership, and operation/governance arrangements of the Leeds City Region Business Rates Pool for 2021/2022.

Wards affected: All

Contact: James Anderson, Accountancy

- 1) That approval be given to the Council's membership of the Leeds City Region Business Rates Pool for 2021/2022.
- 2) That the revoking of the existing North and West Yorkshire Pool on 31 March 2021 be noted.
- 3) That approval be given to the formation of a new Joint Committee to oversee the operation of the Leeds City Region Pool for 2021/2022 and the appointment of the Leader to the new Joint Committee.
- 4) That the draft terms of reference and memorandum of understanding (governance) arrangements for the Leeds City Region Pool Joint Committee for the forthcoming financial year be noted.
- 5) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to finalise and sign any documentation relating to the new Joint Committee.

18: Kirklees Stadium Development Limited - Future Options

To review current arrangements for KDSL, which manages Kirklees Stadium.

Wards affected: Not applicable

Contact: David Shepherd, Growth and Regeneration

- 1) That a Community Trust option be supported if it proves to be achievable.
- 2) That the Council indicates a willingness to lend up to £13m to the Community Trust from the Council's Property Investment Fund capital programme, should the Community Trust be able to demonstrate a viable business plan.
- 3) That Officers be instructed to explore matters related to, and carry out all necessary due diligence in relation to (i) the formation of the Community Trust in relation to matters such as (but not limited to) the scope of the Community Trust operations, membership, ongoing operating requirements and appropriate cost recovery arrangements including future loan/re-financing requirements, loan terms and interest rates and

- (ii) the associated loan and the associated documentation.
- 4) That the Council clarifies its expectations regarding community interest in the context of stadium operations.
 - 5) That if agreement on a value could be reached between the Council and Kirklees Stadium Development Limited, the Council will acquire the Gasworks Street site.
 - 6) That (1) and (5) above be subject to (i) Kirklees Stadium Development Limited, Huddersfield Town AFC and Huddersfield Giants demonstrating arrangements (a) to retain 'on going' financial support to ensure that KSDL does not enter administration (b) that they have reached a set of acceptable agreements relating to the future operation under a Trust model and (ii) Council Officers being satisfied that the arrangements being proposed offer a suitable viable proposal that should minimise risk to the Council.
 - 7) That, subject to the requirements being satisfied (i) Council Officers be authorised to appoint such professional expertise as they consider necessary in order to ensure that arrangements are created which provide appropriate degrees of risk protection for the Council and (ii) the Chief Executive, Strategic Director (Regeneration), Service Director (Finance) and Service Director (Legal, Governance and Commissioning), in consultation with executive members, be authorised to prepare the appropriate and necessary documentation to execute the transactions.
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