

Public Document Pack

Kirklees Council



Main Hall - Town Hall, Huddersfield

Tuesday 6 July 2021

Dear Member

The Council will meet on Wednesday 14 July 2021 at 5.30 pm in the Main Hall - Town Hall, Huddersfield.

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 following matters will be debated:

Pages

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

3: Minutes of Previous Meeting

To agree and authorise the Mayor to sign the Minutes of Annual Council held on 19 May 2021.

1 - 8

4: Declaration of Interests

9 - 10

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

5: Petitions (From Members of the Council)

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

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

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

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

7: Public Question Time

The Committee will hear any questions from the general public.

8: West Yorkshire Combined Authority - Minutes

11 - 42

To receive the Minutes of the Meeting of West Yorkshire Combined Authority held on 4 February, 9 March and 22 April 2021.

9: Proposed Amendment to Constitution (Reference from Corporate Governance Audit Committee)

43 - 50

To consider a proposed constitutional amendment to Council Procedure Rule 35.

Contact: Julie Muscroft, Service Director (Legal, Governance and Monitoring)

10: Network Rail - Trans-Pennine Route Upgrade Transport and Works Act Order Submission: Council Response 51 - 74

To debate the Council's response to the TWAO submission, in order for Officers to best represent and uphold the Council's interests, if necessary at public inquiry, as required by statutory requirements.

Contact: Tim Lawrence, Transport Strategy and Policy

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

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

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

12: Minutes of Cabinet and Cabinet Committee - Local issues 75 - 154

To receive for information; the Minutes of (i) Cabinet held on 18 November, 26 November and 15 December 2020 and 19 January, 26 January, 16 February, 16 March, 13 April and 1 June 2021 and (ii) Cabinet Committee – Local Issues held on 15 December 2020 and 24 March 2021.

13: Holding the Executive to Account

(a) To receive a Portfolio Update from the Leader of the Council

(b) Oral Questions/Comments to Cabinet Members on their Portfolios and relevant Cabinet Minutes;

(i) The Leader of the Council (Councillor Pandor)

(ii) The Deputy Leader of the Council / Housing and

- Democracy Portfolio (Councillor Scott)
 - (iii) Children's Portfolio (Councillor Kendrick)
 - (iv) Corporate Portfolio (Councillor P Davies)
 - (v) Culture & Greener Kirklees Portfolio (Councillor Simpson)
 - (vi) Environment Portfolio (Councillor Mather)
 - (vii) Health & Social Care Portfolio (Councillor Khan)
 - (viii) Learning, Aspiration & Communities Portfolio (Councillor Pattison)
 - (ix) Regeneration Portfolio (Councillor McBride)
 - (x) Town Centres (Councillor E Firth)
-

14: Minutes of Other Committees

155 -
314

To receive for information the minutes of the following Committees;

- (i) Corporate Governance and Audit Committee
 - (ii) Corporate Parenting Board
 - (iii) Health and Wellbeing Board
 - (iv) Licensing and Safety Committee
 - (v) Overview and Scrutiny Management Committee
 - (vi) Personnel Committee
 - (vii) Standards Committee
 - (viii) Strategic Planning Committee
-

15: Oral Questions to Committee/Sub Committee/Panel Chairs and Nominated Spokespersons of Joint Committees/External Bodies

- (a) Appeals Panel (Councillor Ramsay)
- (b) Corporate Governance and Audit Committee (Councillor Y Hussain)
- (c) Corporate Parenting Board (Councillor Reynolds)
- (d) Health and Wellbeing Board (Councillor Kendrick)
- (e) Licensing and Safety Committee – including Licensing Panel and Regulatory Panel (Councillor A U Pinnock)
- (f) Overview and Scrutiny Management Committee (Councillor Smaje)
- (g) Personnel Committee (Councillor Pandor)
- (h) Planning Sub Committee - Heavy Woollen Area (Councillor M Hussain)
- (i) Planning Sub Committee – Huddersfield Area (Councillor Lyons)
- (j) Scrutiny Panel – Children's (Councillor Marchington)
- (k) Scrutiny Panel – Corporate (Councillor Cooper)
- (l) Scrutiny Panel – Economy and Neighbourhoods (Councillor Uppal)
- (m) Scrutiny Panel – Health and Adult Social Care (Councillor

Zaman)

- (n) Standards Committee (Councillor Hill)
 - (o) Strategic Planning Committee (Councillor S Hall)
 - (p) Kirklees Neighbourhood Housing (Councillor Mather)
 - (q) Kirklees Active Leisure (Councillor Sokhal)
 - (r) West Yorkshire Combined Authority (Councillor Pandor)
 - (s) West Yorkshire Combined Authority Transport Committee
(Councillor Homewood)
 - (t) West Yorkshire Fire and Rescue Authority (Councillor
O'Donovan)
 - (u) West Yorkshire Joint Services Committee (Councillor Zaman)
 - (v) West Yorkshire Police and Crime Panel (Councillor Ahmed)
-

By Order of the Council

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Chief Executive

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Contact Officer: Andrea Woodside

ANNUAL COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Annual Council of the Borough of Kirklees held at
Huddersfield Town Hall on 19 May 2021**

PRESENT

The Mayor (Councillor Nigel Patrick) in the Chair

COUNCILLORS

| | |
|---------------------------------|---------------------------------|
| Councillor Aafaq Butt | Councillor Aleks Lukic |
| Councillor Andrew Marchington | Councillor Susan Lee-Richards |
| Councillor Paola Antonia Davies | Councillor Yusra Hussain |
| Councillor Anthony Smith | Councillor Lesley Warner |
| Councillor Paul Davies | Councillor Masood Ahmed |
| Councillor Mahmood Akhtar | Councillor Karen Allison |
| Councillor Martyn Bolt | Councillor Cahal Burke |
| Councillor Andrew Cooper | Councillor Nosheen Dad |
| Councillor Donald Firth | Councillor Charles Greaves |
| Councillor David Hall | Councillor Steve Hall |
| Councillor Erin Hill | Councillor Lisa Holmes |
| Councillor Mumtaz Hussain | Councillor Viv Kendrick |
| Councillor Musarrat Khan | Councillor John Lawson |
| Councillor Vivien Lees-Hamilton | Councillor Gwen Lowe |
| Councillor Terry Lyons | Councillor Naheed Mather |
| Councillor Peter McBride | Councillor Darren O'Donovan |
| Councillor Shabir Pandor | Councillor Nigel Patrick |
| Councillor Carole Pattison | Councillor Amanda Pinnock |
| Councillor Andrew Pinnock | Councillor Kath Pinnock |
| Councillor Mohammad Sarwar | Councillor Cathy Scott |
| Councillor Elizabeth Smaje | Councillor Mohan Sokhal |
| Councillor John Taylor | Councillor Sheikh Ullah |
| Councillor Michael Watson | Councillor Fazila Loonat |
| Councillor James Homewood | Councillor Manisha Roma Kaushik |
| Councillor Bernard McGuin | Councillor Mussarat Pervaiz |
| Councillor Will Simpson | Councillor Richard Smith |
| Councillor Alison Munro | Councillor Mark Thompson |
| Councillor Harpreet Uppal | Councillor Habiban Zaman |
| Councillor Timothy Bamford | Councillor Adam Gregg |
| Councillor Robert Iredale | Councillor Matthew McLoughlin |
| Councillor Jackie Ramsay | Councillor Elizabeth Reynolds |
| Councillor Joshua Sheard | Councillor Melanie Stephen |
| Councillor Donna Bellamy | Councillor Eric Firth |

Annual Council - 19 May 2021

1 To elect the Mayor for the ensuing year

It was moved by Councillor Martyn Bolt and seconded by Councillor Michael Watson;

‘That Councillor Nigel Patrick be hereby elected Mayor of the Council of the Metropolitan Borough of Kirklees for the Municipal Year 2021-2022, from now until his successor accepts office, and has signed the required declaration.’

The Motion, on being put to the Meeting, was CARRIED.

Councillor Patrick then made the declaration of Acceptance of Office required by law, took the Chair, returned thanks for his election and named Mrs Judith Patrick as his Mayoress for the coming year.

(The Mayor, Councillor Nigel Patrick, took the Chair).

It was then moved by Councillor Shabir Pandor, seconded by Councillor Masood Ahmed,

RESOLVED –

- 1) That the thanks of the Council be tendered to Councillor Mumtaz Hussain for his service to the Office of Mayor for the 2019/2020 and 2020/2021 Municipal Year.
- 2) That the thanks of the Council be tendered to Mrs Noreen Hussain for her services as the Mayor’s Consort.

2 To appoint a Deputy Mayor for the ensuing year

It was moved by Councillor Shabir Pandor, and seconded by Councillor Habiban Zaman,

‘That Councillor Mahmood Akhtar be hereby appointed as Deputy Mayor of the Council of the Metropolitan Borough of Kirklees for the 2021-2022 Municipal Year.’

The Motion, on being put to the meeting, was CARRIED.

Councillor Mahmood Akhtar then made the declaration of Acceptance of Office as required by law, returned thanks for his appointment, and named Mrs Ghulam Hafiza as Deputy Mayoress for the 2021-2022 Municipal Year.

3 Minutes of the Ordinary Meeting of the Council held on 17 March 2021

RESOLVED - That the Minutes of the Meeting of Council held on 17 March 2021 be approved as a correct record.

4 Interests

No interests were declared.

Annual Council - 19 May 2021

5 **Announcements by the Mayor and Chief Executive**

The Chief Executive advised of the official return of Councillors following the local elections, held on 6 May 2021, as set out at Agenda Item 5.

The Mayor welcomed all Councillors to the new municipal year, and welcomed the newly elected Councillors, namely Councillors Tim Bamford, Adam Gregg, Robert Iredale, Matthew McCloughlin, Jackie Ramsay, Elizabeth Reynolds, Joshua Sheard and Mel Stephen.

Council received tributes to former Councillors who had not been re-elected on 6 May 2021; Richard Eastwood and Graham Turner.

6 **Apologies for absence**

Apologies for absence were received on behalf of Councillors Armer, K Taylor and White.

7 **Motion Submitted Under Council Procedure Rule 15 (4)**

It was moved by Councillor Marchington, seconded by Councillor D Hall and

RESOLVED – That (i) under Council Procedure Rules 15 and 14(3), Corporate Governance and Audit Committee be asked to consider a report to enable the Council to make a decision as to whether to move from the Strong Leader and Cabinet System to a Committee System and that the report shall (contain sufficient detail and be completed within appropriate timescales to meet the requirements of the Local Government Act 2000, so that the Council can make a decision as to whether to return to the Committee System for the meeting of Annual Council in May 2022 (ii) the report should be completed in order to enable a debate at the meeting of Council on 8 September 2021 and (iii) Council note the request to return to the Committee system in order to increase councillor participation in Council decisions, increase the transparency of decision making and improve the quality of decisions made in Kirklees.

8 **Election of the Leader of the Council**

The Mayor invited nominations for Leader of the Council.

It was moved by Councillor J Taylor and seconded by Councillor Bolt, that Councillor D Hall be appointed as Leader of the Council.

Whereupon it was moved by Councillor Scott, and seconded by Councillor Sokhal, that Councillor Pandor be appointed as Leader of the Council.

The Motion for the appointment of Councillor D Hall, upon being put to the vote was LOST, whereupon the Motion that Councillor Pandor be appointed as Leader of the Council was put to the vote and was CARRIED.

RESOLVED - That Councillor Shabir Pandor be elected as Leader of the Council.

9 Proposed amendments to Contract Procedure Rules (Reference from Corporate Governance and Audit Committee)

It was moved by Councillor Simpson, seconded by Councillor J Taylor and

RESOLVED – That the proposed amendments to Contract Procedure Rules, as set out within the considered report, be approved.

10 Proposed amendments to Financial Procedure Rules (Reference from Corporate Governance and Audit Committee)

It was moved by Councillor Simpson, seconded by Councillor J Taylor and

RESOLVED – That the proposed amendments to Financial Procedure Rules, as set out within the considered report, be approved.

11 Proposed amendments to the Council's Constitution (Reference from Corporate Governance and Audit Committee)

It was moved by Councillor Simpson and seconded by Councillor S Hall,

'That the proposed changes to the Council's Constitution, as set out within the report, be approved.'

Whereupon it was moved by Councillor Bolt, and seconded by Councillor D Hall, by way of amendment, that Council Procedure Rule 35 (2) (iii) be amended to include the words '...or the Strategic Planning Committee or Sub Committee thereof', thereby reading as follows 'shall not appoint the Leader, the Deputy Leader of the Council or any Members of the Cabinet as Members of the Overview and Scrutiny or its Panels or the Strategic Planning Committee or Sub Committee thereof.'

Following the receipt of legal advice with regards to the validity of the amendment, it was moved by Councillor Greaves and seconded by Councillor Pandor that a meeting of Corporate Governance and Audit Committee be convened to enable the proposal to be discussed and a recommendation be submitted to the next meeting of Council.

The proposal, upon being put to the vote, was carried. The SUBSTANTIVE MOTION as amended was therefore put to the vote and it was

RESOLVED –

- 1) That the proposed amendments to the Council's Constitution, as set out within the considered report, be approved.
- 2) That Corporate Governance and Audit Committee be asked to consider the amendment as submitted by the Conservative Group, which sought to amend CPR 35 (2) (iii) to read 'shall not appoint the Leader or Deputy Leader of the Council, or any Members of the Cabinet, as Members of Overview and Scrutiny Management Committee, or its Panels, or of Strategic Planning Committee or Sub Committee thereof' and that a report of Corporate Governance and Audit Committee be submitted to the next meeting of Council.

12 Proposed revisions to the Terms of Reference of Health and Wellbeing Board (Reference from Corporate Governance and Audit Committee)

It was moved by Councillor Simpson, seconded by Councillor J Taylor and

RESOLVED – That the proposed amendments to the Terms of Reference of Health and Wellbeing Board, as set out within the considered report, be approved.

13 Meetings of Council 2021/2022 (Reference from Corporate Governance and Audit Committee)

It was moved by Councillor Simpson, seconded by Councillor J Taylor and

RESOLVED – That the schedule of Meetings of Council, as set out in the considered report be approved, subject to the amendment of the date of Annual Council 2022 being moved from 18 to 25 May 2022.

14 Appointment of Committees, Boards and Panels

It was moved by Councillor Sokhal, seconded by Councillor R Smith and

RESOLVED – That approval be given to the establishment of the Committees, Boards and Panels, as set out within the considered report, for the 2021/2022 Municipal Year.

15 Allocation of Seats

It was moved by Councillor Sokhal, seconded by Councillor R Smith and

RESOLVED –

- 1) That the requirements of Section 15 and 16 of the Local Government Act and Housing Act 1989 shall not apply to Corporate Parenting Board, Corporate Governance and Audit Committee, Overview and Scrutiny Management Committee, and Health and Wellbeing Board, for the ensuing Municipal Year.
- 2) That the number and proportion of members of Committees, Boards and Panels be in accordance with the schedule as set out within the considered report.

16 Spokespersons of Joint Committees and External Bodies

It was moved by Councillor Sokhal, seconded by Councillor R Smith and

RESOLVED –

- 1) That the nomination of spokespersons to reply to oral questions at Council meetings for the following organisations; Kirklees Active Leisure, Kirklees Neighbourhood Housing and West Yorkshire Police and Crime Panel, be delegated to Group Business Managers for determination.
- 2) That it be noted that the spokespersons for the West Yorkshire Combined Authority (and its Committees); West Yorkshire Fire and Rescue Authority, and West Yorkshire Joint Services Committee will be notified by those bodies.

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- 3) That the appointed spokesperson for the West Yorkshire Joint Adoption Committee be the relevant Cabinet Portfolio Holder.

17 **Membership of Committees, Boards and Panels, and Ratio of Substitutes Panel**

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

RESOLVED – That the Membership of Committees, Boards and Panels be as set out in the attached report, and that Group Business Managers be delegated authority to make any subsequent changes.

18 **Dates/Times of Committees, Boards and Panels**

It was moved by Councillor Sokhal, seconded by Councillor R Smith and

RESOLVED –

- 1) That the dates and times of meetings of Committees, Boards and Panels for the 2021/2022 municipal year be in accordance with the schedule as set out at Agenda Item 16.
- 2) That, pursuant to Agenda Item 12, the Meeting of Annual Council 2022 be moved to 25 May 2022.
- 3) That, pursuant to Minute No. 6, an additional meeting of Corporate Governance and Audit Committee be scheduled prior to the first Ordinary Meeting of Council.

19 **Appointment of Members to Joint Authorities**

It was moved by Councillor Sokhal, seconded by Councillor R Smith and

RESOLVED -

- (1) That in order to fill places on (i) West Yorkshire Fire and Rescue Authority, and its Committees and (ii) West Yorkshire Police and Crime Panel, authority be delegated to Group Business Managers for determination.
- (2) That Council appoint the Leader as Kirklees Council's Elected Member for the WYCA, with the Deputy Leader as the WYCA Substitute Member.
- (3) That Council delegate authority to the Chief Executive, in consultation with Group Leaders, WYCA's Managing Director and other West Yorkshire Chief Executives, to appoint the 3 additional Members to WYCA and their substitutes, so that the 8 constituent council members taken as a whole reflect the balance of political parties for the time being among members of WYCA's constituent councils, so far as reasonably practicable.
- (4) That Council delegate authority to Group Business Managers to nominate members to WYCA's Transport Committee (3 members) on a ratio of 2:1.

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- (5) That Council note that the WYCA Member appointed by this Council (the Leader) will be appointed (in their capacity as WYCA Member), to WYCA's Leeds City Region Partnership Committee and delegate authority to Chief Executive to appoint a substitute member.
- (6) That Council delegate authority to the Chief Executive to nominate one member of the WYCA's Business Investment Panel.
- (7) That Council delegate authority to Group Business Managers to nominate three members to each of the three WYCA Scrutiny Committees; Corporate Overview and Scrutiny Committee, Economy Overview and Scrutiny Committee and Transport Overview and Scrutiny Committee. (Any nominated member may act as a substitute for another member on any of the three committees).
- (8) That Council delegate authority to the Leader and Chief Executive, in consultation with Group Business Managers to:
 - Confirm any relevant Portfolio Holder to be appointed, or
 - Make any additional nominationto any WYCA Committee or Panel, as requested by WYCA, after this Council's annual meeting.
- (9) That Council delegate authority to the Chief Executive to appoint a local authority representative and substitute to the LEP Board.
- (10) That Council delegate authority to Group Business Managers to determine the appointment of Elected Members/Representatives to the remaining Joint Authorities not otherwise set out in this report.

20

Appointments to Outside Bodies and Other Committees

It was moved by Councillor Sokhal, seconded by Councillor R Smith and

RESOLVED -

- 1) That Council notes that Group Business Managers will put forward nominations to the Service Director (Legal, Governance and Commissioning) to fill places or make any adjustments to nominees, as appropriate, following Council.
- 2) That those bodies with executive functions be referred to the Leader of the Council to put forward nominations.
- 3) That, in relation to Yorkshire Purchasing Organisation Management Committee, Council agrees to waive political balance rules which apply in accordance with Section 17 of the Local Government and Housing Act 1989 (this requires approval with no Member voting against); and notes that the Leader of the Council, in determining the nominees (in consultation with the Group Business Managers), will resolve which Member will have the one vote on behalf of the Council, or whether the vote will be transferable between the nominees (and their sub).

Annual Council - 19 May 2021

- 4) That one of the Council Trustees on Kirklees Active Leisure, to be determined by the Group Business Managers, be authorised to represent the Council for the purposes of Member meetings pursuant to Section 323 of the Companies Act 2006, to exercise a vote.

21 **Appointment of Chairs of Committees and Lead Councillors - Place Partnership**

RESOLVED – That Chairs of Committees and Panels, and Lead Councillors – Place Partnership, be appointed as follows for the 2021/2022 Municipal Year;

Appeals Panel – Councillor J Ramsay
Corporate Governance and Audit Committee – Councillor Y Hussain
Health and Wellbeing Board – Councillor V Kendrick
Licensing and Safety Committee – Councillor A U Pinnock
Overview and Scrutiny Management Committee – Councillor E Smaje
Personnel Committee – Councillor S Pandor
Standards Committee – Councillor E Hill
Strategic Planning Committee – Councillor S Hall
Planning Sub Committee (Heavy Woollen Area) – Councillor M Hussain
Planning Sub Committee (Huddersfield Area) – Councillor T Lyons
Statutory Officer Dismissal Committee – Councillor S Pandor

Scrutiny Panel (Childrens) – Councillor A Marchington
Scrutiny Panel (Corporate) – Councillor A Cooper
Scrutiny Panel (Economy and Neighbourhood) – Councillor H Uppal
Scrutiny Panel (Health and Adult Social Care) – Councillor H Zaman

Place Partnership Lead (Batley, Birstall and Birkenshaw) – Councillor G Lowe
Place Partnership Lead (Colne Valley) – Councillor E Reynolds
Place Partnership Lead (Dewsbury) – Councillor N Dad
Place Partnership Lead (Huddersfield Central) – Councillor K Allison
Place Partnership Lead (Huddersfield North) – Councillor S Ullah
Place Partnership Lead (Huddersfield Rural) – Councillor C Greaves
Place Partnership Lead (Spenn Valley) – Councillor A Pinnock

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

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.



MINUTES OF THE MEETING OF THE WEST YORKSHIRE COMBINED AUTHORITY HELD REMOTELY ON THURSDAY, 4 FEBRUARY 2021

Present:

| | |
|---|--|
| Councillor Susan Hinchcliffe (Chair) | Bradford Council |
| Councillor Tim Swift MBE (Deputy Chair) | Calderdale Council |
| Councillor Andy D'Agorne (Substitute) | York Council |
| Councillor Judith Blake CBE | Leeds City Council |
| Councillor Stewart Golton | Leeds City Council |
| Councillor Denise Jeffery | Wakefield Council |
| Councillor Steven Leigh MBE | Calderdale Council |
| Roger Marsh OBE DL | Leeds City Region Local Enterprise Partnership |
| Councillor Peter McBride (Substitute) | Kirklees Council |
| Councillor Rebecca Poulsen | Bradford Council |

In attendance:

| | |
|--------------------------|--------------------------------------|
| Councillor Kim Groves | Chair, Transport Committee |
| Councillor Peter Harrand | Chair, Overview & Scrutiny Committee |
| Ben Still | West Yorkshire Combined Authority |
| Caroline Allen | West Yorkshire Combined Authority |
| Brian Archer | West Yorkshire Combined Authority |
| Melanie Corcoran | West Yorkshire Combined Authority |
| Dave Pearson | West Yorkshire Combined Authority |
| Alan Reiss | West Yorkshire Combined Authority |
| Angela Taylor | West Yorkshire Combined Authority |
| Liz Hunter | West Yorkshire Combined Authority |
| Alexander Clarke | West Yorkshire Combined Authority |
| Heather Waddington | West Yorkshire Combined Authority |
| Seamus McDonnell | West Yorkshire Combined Authority |
| Justin Wilson | West Yorkshire Combined Authority |
| Ruth Chaplin | West Yorkshire Combined Authority |

77. Chair's Comments

The Chair advised Members that this was Councillor Judith Blake's last meeting as she had become a Peer in the House of Lords and was now officially Baroness Blake of Leeds. Members and officers passed on their good wishes and congratulations to Baroness Blake on her achievement and thanked her for the hard work she had done for the Leeds City Region and

nationally.

In response, Baroness Blake thanked the Chair, Members and officers for their kind comments and looked forward to continue working closely with the Authority in the future.

78. Apologies for Absence

Apologies for absence were received from Councillors Keith Aspden and Shabir Pandor.

79. Declarations of Disclosable Pecuniary Interests

Councillor Stuart Golton declared a non-pecuniary interest in Agenda Item 11, MCA Preparations, as he was the Liberal Democrat candidate for the role of West Yorkshire Mayor.

80. Exempt Information - Possible Exclusion of the Press and Public

Resolved: That in accordance with paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, the public be excluded from the meeting during consideration of Appendices 1-3 to Agenda Item 13 on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information and for the reasons set out in the report that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

81. Minutes of the Meeting of the Combined Authority held on 10 December 2020

Resolved: That the minutes of the meeting of the West Yorkshire Combined Authority held on 10 December 2020 be approved.

82. COVID-19 Update

The Combined Authority considered a report of the Directors of Economic Services and Policy, Strategy and Communications which:

- Provided an update on developments around the COVID-19 crisis, including economic intelligence and the delivery and development of products and services in response.
- Provided an update on progress on the West Yorkshire Economic Recovery Plan.
- Sought approval for £5 million of immediate local recovery funding across West Yorkshire resulting from the local Economic Recovery Plans.

Members discussed the work being undertaken to support the region to respond to COVID-19. This included the business, employment and skills support being provided and the longer-term planning for West Yorkshire's

economic recovery. Further information in respect of the support being given to businesses and the impact of the investments being made to them would be circulated to Members. It was reported that an independent evaluation of business support activities was being undertaken and a report would be brought to a future meeting.

It was reported that further work has been undertaken in partnership with the five West Yorkshire Local Authorities and the report outlined a request for the funding of key cultural and local economic initiatives to support recovery using £5 million from the gainshare part of the Single Investment Fund (SIF). It was proposed that given the urgent need to support the recovery, delivery will take place at the earliest opportunity, in advance of the SIF being established. It was acknowledged that this is an exceptional arrangement and that all future gainshare/SIF proposals will be approved through the route defined in the Assurance Framework.

It was noted that it has not been possible to provide the statutory 28 days' notice of this key decision being considered due to the need to approve immediate local recovery funding as a priority action to support the local Economic Recovery Plans. However, in accordance with the Combined Authority's Access to Information Annex to Procedure Standing Orders (part 1 section 7C – General Exception), the Chair of the Overview and Scrutiny Committee had been notified and notification has been published on the Authority's website. Accordingly, as set out in the rules of General Exception, the Combined Authority may still make the decision.

A report on further funding proposals for business support, focussing on start-ups, entrepreneurship and innovation will be prepared for the next meeting.

Resolved:

- (a) That the Combined Authority approves £5 million gainshare for local COVID-19 recovery to support the delivery of local recovery plans.
- (b) That the latest update around the economic impacts of COVID-19 and progress on the delivery and development of the response to the crisis, including on the economic recovery plan be noted.

83. Capital Spending and Project Approvals

The Combined Authority considered a report of the Director, Delivery on the progress and funding for the following schemes through the Combined Authority's assurance process:

- MCA Digital
- A64 Regent Street Bridge – Leeds City Centre Package
- Thorpe Park Rail Station

In addition, it was noted that the following decision points and change requests had been assessed and approved through the agreed delegation process:

- One City Park, Bradford
- Corridor Improvement Programme Phase 1, Huddersfield Southern Corridors
- Parry Lane Enterprise Zone
- Strategic Inward Investment Fund (SIIF) Pipeline Projects
- Leeds Public Transport Investment Programme (LTPTIP) Review 2020 – Part One
- Bradford ‘City Village’ Phase 1
- Knottingley Skills, Business and Services Hub
- Leeds City Centre Grey to Green
- White Rose Rail Station
- A647 Corridor
- Leeds City Region Employment Hubs – supporting the Economic Recovery Plan
- [re]boot – Adult Retraining Programme

It was reported that a second review of the West Yorkshire plus Transport Fund had been undertaken and had been considered by the Investment Committee on 7 January 2021. The Authority approved the recommendations of the Investment Committee which included the proposed funding allocations which were set out in Appendix 1 and the revised programme dates for each project provided in Appendix 2

Members were advised that at their meeting held on 3 February 2021, the Investment Committee had considered an extension of the [re]boot Adult Retraining Programme as part of the West Yorkshire Economic Recovery Plan. Details were provided in the submitted report and it was agreed that approval be delegated to the Investment Committee in order to ensure preparations can be made so the programme can start in line with Government’s delivery timeframe.

Details of all the schemes were provided in the submitted report.

Resolved:

- (a) In respect of the West Yorkshire plus Transport Fund Review –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the proposed revised funding allocations as set out in Appendix 1 of the submitted report be approved.
- (ii) That following a number of requests for funding being received for projects within operational programmes, costs should be managed within the operational programme allocation. It is proposed that any changes to individual projects should be considered by each operational programme board and final recommendations brought for approval to the Investment Committee as and when required. These requests must remain within the envelope of each

operational programme.

- (iii) That it be noted that the original purpose of the Corridor Improvement Programme was to provide small to medium scale measures to road corridors to improve traffic flow and bus access. Informal agreement was that costs per project should not exceed £15 million and it was agreed that this should be formalised to help to ensure that the programme budget can be managed within the current funding envelope.
- (iv) That the revised programme dates for each project as set out in Appendix 2 to the submitted report be approved.
- (v) That in future:
 - Over-programming will be capped at the current level (£115.19 million or 11.5%).
 - All indicative funding levels will be capped, except:
 - a. Where projects are part of an operational programme in this case funding can move between projects or take up unallocated programme headroom funding (all amendments to allocations within operational programmes must be approved by the Investment Committee).
 - b. In exceptional circumstances - officers of the Combined Authority and partner councils will work together to set out the events that would trigger this consideration. Any additional funding requirement will be subject to the availability of headroom within the overprogramming and would need to be agreed before the business case can be approved.
 - c. The Transport Fund will continue to be reviewed annually (commencing in August each year to inform the annual budget setting process). The scope of the review will include: any increased requirement for funding; actual spend and forecast spend; review of overall progress (number of projects in development, delivery and complete); monitoring of the level of over-programming and the estimates of QRA /contingency; and project timetable dates. (Note: decreases in funding can be agreed at any time).
 - d. An interim review will also be undertaken in the spring of 2021 to consider any urgent requests for increases or decreases in project indicative allocation. This review will have a turnaround time of one month and will be undertaken following closure of the annual accounts in May each year and be considered by the Investment Committee at its meeting in July.
 - e. Within the year each operational programme boards will consider requests for changes to funding allocations.

Any changes to indicative funding allocations will be reported back to the Investment Committee.

- f. Underspend on completed projects or completed operational programmes will be returned to the Transport Fund central pot to address overprogramming.

(b) In respect of the Digital Skills Programme -

- (i) That the retrospective approval to accept and spend the funding for the £1.3 million Digital Skills pilot be delegated to the Investment Committee so that delivery can commence in line with government's delivery timeframes.
- (ii) That approval, to accept and spend the additional funding for the Digital Skills Programme bid, of up to £3 million (West Yorkshire bid), or up to £9 million (joint bid), subject to the successful outcome of the funding bid, be delegated to the Investment Committee so that delivery can commence in line with government's delivery timeframes.

(c) In respect of MCA Digital –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the MCA Digital project proceeds through decision point 2 and work commences on activity 5 (full business case with finalised costs).
- (ii) That an indicative approval to the total project value of £1.97 million is given, to be funded by the Combined Authority from borrowing or the use of capital receipts with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (Full business case with finalised costs).
- (iii) That development costs of £0.156 million are approved in order to progress the scheme to decision point 5 (full business case with finalised costs).
- (iv) That future approvals are made in accordance with the assurance pathway and approval route outlined in the submitted report, which will be subject to the scheme remaining within the tolerances outlined in the report.

(d) In respect of A64 Regent Street Bridge – Leeds City Centre Package –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the A64 Regent Street Bridge – Leeds City Centre Package scheme proceeds through decision point 5 and work commences

on activity 6 (delivery).

- (ii) That approval be given to the Combined Authority's contribution of £12 million to be funded from the West Yorkshire plus Transport Fund (WY+TF). The total scheme value is £31 million.
- (iii) That approval be given to increase the Leeds City Centre Package programme budget by £12 million from £66.8 million to £78.8 million.
- (iv) That the Combined Authority enters into a funding agreement with Leeds City Council for expenditure of up to £12 million from the WY+TF.
- (v) That future approvals are made in accordance with the assurance pathway and approval route outlined in the submitted report subject to the scheme remaining within the tolerances outlined in the report.

(e) In respect of Thorpe Park Rail Station –

That following a recommendation from the Investment Committee, the Combined Authority approves:

- (i) That the Thorpe Park Rail Station scheme proceeds through decision point 3 and work commences on activity 4 (Full business case).
- (ii) That an indicative approval be given to the Combined Authority's contribution of £13.9 million (£3.8 million from the Leeds Public Transport Investment Programme and £10.1 million from the West Yorkshire plus Transport Fund), with full approval to spend being granted once the scheme has progressed through the assurance process to decision point 5 (Full business case with finalised costs). The total scheme cost is £31.642 million.
- (iii) That development funding of £3.8 million is approved from the Leeds Public Transport Investment Programme to enable the scheme to progress to decision point 4 (Full business case).
- (iv) That development funding of £0.936 million is approved from the West Yorkshire plus Transport Fund to enable the scheme to progress to decision point 4 (Full business case), bringing the total development costs from the WY+TF to £1.436 million.
- (v) That the Combined Authority enters into a legal agreement with Leeds City Council to secure land required for the delivery of the scheme.
- (vi) That future approvals are made in accordance with the assurance pathway and approval route outlined in the submitted report subject to the scheme remaining within the tolerances outlined in the report.

84. Covid Bus Funding

The Combined Authority considered a report of the Director Transport and Property Services on COVID bus funding.

The report provided an update on the current position regarding bus service funding and the uncertainties and cost pressures the ongoing situation was creating in managing the budget for 2021/22.

It was noted that the uncertainty around the continuation of funding to offset the reduced passenger revenues will be a significant financial issue for the Combined Authority in 2021/22. A letter had been sent to the Secretary of State for Transport, jointly signed by all political leaders on the Combined Authority. This had set out the issues and sought assurance that the Government will work closely with the Leeds City Region to support the recovery of bus services essential in rebuilding the economy. A copy of the letter was attached at Appendix 1 to the submitted report. The Authority was advised that an additional letter had also been sent from the Conservative Group and a positive response received.

At this stage, the budget for bus funding will be based on expenditure in 2020/21 and will be kept under review when further clarification on the recovery funding is received. It was expected that further details would become available, possibly in March 2021, when the Government's National Bus Strategy is published and a report would be brought to a future meeting.

Resolved: That the report be noted.

85. Budget and Business Plan 2021/22

The Combined Authority considered a report of the Director, Corporate Services which:

- Sought approval to the proposed revenue budget and transport levy for 2021/22, the indicative capital budget and programme and treasury management statement.
- Sought approval to the summary business plan for 2021/22 that sets out the services, activities and priorities for the organisation in the coming year.
- Sought approval for the revised forecast outturn revenue position for 2020/21.

Revenue Budget Position 2020/21

Members noted the final forecast position which was set out in Appendix 1. This included, as previously approved, some use of gainshare to support the costs of transition to becoming a mayoral combined authority, including early election costs and legal and project resources.

Business Plan 2021/22

It was reported that all directorates had produced a detailed business plan and a summary of the overarching business plan for the organisation for 2021/22 was attached at Appendix 2. A public facing corporate plan was being developed, and this would draw on the information in the business plans to demonstrate what the Combined Authority and LEP intend to deliver for people in the region in the coming year.

Revenue Budget 2021/22

Members considered the draft baseline revenue budget which was set out in Appendix 3. This assumes that the transport levy is maintained at the current level. It was noted that the budget for 2021/22 will be the first for the Combined Authority as a 'mayoral combined authority'. It was recognised that the budget was not without risks and challenges and these were set out in the report. The future funding position for local authorities, combined authorities and LEPs was still unclear and the pressures and demands to support the region following the exit from the EU and the pandemic were acknowledged.

Details of the Reserves Policy were outlined in the submitted report and the workings for this year's reserves policy were set out in Table 1.

Transport Levy

Details of the net and gross levy by population were provided in Table 2. It was noted that local authorities will be notified of the transport levy by mid-February 2021.

Capital Strategy

It was noted that the capital strategy was currently being reviewed/revised and will be brought to a future meeting for approval.

Capital Budget

The Authority noted the capital funding available to the Combined Authority for 2021/22 and the subsequent years and the indicative capital programme expenditure which were outlined in the submitted report. The capital expenditure and funding budget estimates for the period 2020/21 to 2023/24 were set out in Appendix 4.

It was reported that the Investment Committee would continue to be a key part of the process whereby programmes and projects are considered and recommended for progression. It was also proposed that the arrangement for the Transport Committee to approve Integrated Block funded projects up to a value of £3 million is continued.

Treasury Management

Members noted the Treasury Management Statement which was attached at Appendix 5 and had been endorsed by the Governance & Audit Committee.

It was reported that the draft budget had been produced following scrutiny and input from the Authority, with the Budget Working Group overseeing the detail. In addition, members of the public have been provided with information on the budget position via an engagement campaign on the internet and social media.

Further reports on budgets and changes arising as progress is made on introducing the mayoral powers and functions will be brought to future meetings.

Resolved:

- (a) That the Combined Authority proposed revenue budget for 2021/22 be approved.
- (b) That the indicative capital programme and budget for 2020/21 – 2023/24 be approved.
- (c) That progress on the 2021/22 business plan be noted.
- (d) That £1.5 million of the 2021/22 gainshare to meet the costs of both the Mayor's Office and mayor readiness costs that are incurred in 2021/22, including final costs of the election process be approved.
- (e) That approval be given to use the 2021/22 Mayoral Capacity Fund of £1 million to meet the additional capacity/support costs as set out in the submitted report.
- (f) That the Transport Committee be delegated to approve individual schemes within the integrated transport block of the 2021/22 capital programme up to a maximum cost of £3 million.
- (g) That in accordance with the powers contained in the Local Government Finance Act 1988 (as amended) and by virtue of article 9(6) of the West Yorkshire Combined Authority Order and the Transport Levying Bodies Regulations 2015 (as amended) a levy of £103 million be determined for the year ended 31 March 2022.
- (h) That the Director, Corporate Services be authorised to issue the levy letter in respect of the financial year ending 31 March 2022 to the five District Councils in West Yorkshire.
- (i) That a payment of £5.09 million be made to the five District Councils in accordance with Table 2 of the report.
- (j) That authorisation be given to the Director, Corporate Services to arrange appropriate funding for all expenditure in 2020/21 and 2021/22 subject to statutory limitation, including the most appropriate application of capital funding as set out in the report.
- (k) That once funding is received, approval be given for the Director,

Corporate Services to approve payment of highways maintenance funding and the pothole action fund, to be paid quarterly to the West Yorkshire local authorities in accordance with the DfT formula.

- (l) That approval be given to the continuing of the policy, effective from 2017/18, for recovering the Combined Authority costs of managing the capital programme against the capital programme spend being mainly West Yorkshire plus Transport Fund, Transforming Cities, Getting Building Fund, Brownfield Housing, Local Transport Plan Integrated Transport and any schemes developed in year. For 2021/22 the estimated total value is £9.6 million (2% - 3% of the total capital programme).
- (m) That the adoption of the CIPFA Code of Practice for Treasury Management in Public Services be reaffirmed.
- (n) That the treasury management policy as set out in **Appendix 5** be approved.
- (o) That the prudential limits for the next three years as set out in **Appendix 5** be adopted.

86. EU Exit

The Combined Authority considered a report of the Director, Policy, Strategy and Communications which provided an update on EU exit, including the implications of the EU-UK Trade and Cooperation Agreement.

Members discussed the support being provided to businesses as many were finding it difficult to adjust to the changes. It was recognised that the volume of EU Exit-related enquiries was rising and some required specialist support because they were complex. The Department for Business, Energy and Industrial Strategy (BEIS) had allocated c.£250,000 to assist in the delivery of business support up to 31 March 2021. Enterprise Growth Solutions (EGS) have been appointed to deliver an EU Exit support service which will provide advice via a team of experts and this facility will be initially available until the end of March 2021. It was also proposed to appoint two delivery partners to provide advice with legal and finance issues related to EU Exit and it was expected that additional support in respect of marketing and communications would be provided in the near future

It was noted that as a result of the EU-UK Agreement further financial resources may be required to support businesses in maximising the opportunities and minimising any potential negative impacts of the deal's implementation. This would be subject to further analysis and intelligence relating to key issues.

Resolved:

- (a) That the initial analysis of the EU-UK Trade and Cooperation Agreement be noted.

- (b) That the business support activity being undertaken in West Yorkshire be noted.

87. Strategic Rail

The Combined Authority considered a report of the Director, Policy, Strategy and Communications which provided an update on strategic rail matters affecting the Leeds City Region.

Members discussed and noted the updates which included

- Rail Strategy
- Rail Needs Assessment and Integrated Plan
- Spending Review and Impact on rail budget
- Northern Powerhouse Rail Strategic Outline Case
- Union Connectivity Review
- Rail Industry Reform

It was noted that the Rail Needs Assessment had been published by the National Infrastructure Commission (NIC) and the West Yorkshire Leaders had written to the Secretary of State for Transport highlighting their concerns. It was considered that the report did not sufficiently address the economic consequences if the rail projects for the region did not go ahead. Whilst there was a focus on regional connectivity and an attempt to look at the packaging of schemes their conclusions were considered to be insufficient to address the levelling up agenda for the North and that the future of the region's long-awaited rail schemes were being compromised because of other projects such as HS2 going over budget elsewhere in the country.

It was reported that an initial preferred Northern Powerhouse Rail network had been endorsed by TfN and they would submit the Strategic Outline Case (SOC) in Spring 2021.

Members expressed their concern regarding the delay to the publication of the Williams Rail Review and associated White Paper and its treatment of rail devolution. This had originally been expected to be published in Autumn 2019 but was now expected early in 2021.

An independent review on connectivity in the UK was being undertaken by Sir Peter Hendy. An interim report was due to be published in the near future and a final report setting out recommendations in Summer 2021.

Resolved: That the report be noted.

88. MCA Preparations

The Combined Authority considered a report of the Managing Director on Mayoral Combined Authority (MCA) preparations which:

- Provided an update on work underway to become an MCA and to implement the 'minded to' devolution deal agreed between West

Yorkshire Leaders and Government on 11 March 2020.

- Sought approval on the decision-making arrangements for new Non-Mayoral Functions.
- Sought approval on the proposals to recruit and appoint an additional Director post to accommodate the extra functions that will result from the move to an MCA.

It was reported that the Mayoral Order had been debated and passed in both the House of Commons and House of Lords. Members welcomed the confirmation of the landmark West Yorkshire devolution deal. It was noted it had taken many years to finalise and the Chair thanked both Members and officers for the achievement.

Progress across the three areas of the MCA Ready Programme – Partnerships, Organisational Readiness and Deal Implementation was outlined in the report. It was noted that Combined Authority officers are working closely with the Electoral Services Manager at Leeds City Council in order to prepare for the election of the Mayor in May 2021. It was agreed that the Chief Executive of Leeds City Council be appointed as the Combined Authority Returning Officer (CARO), supported by the Combined Authority's Managing Director as one of the Deputy Combined Authority Returning Officers.

The Authority considered and approved the recommendations in respect of the decision-making arrangements for the new non-mayoral functions and MCA governance which were set out in the report. It was reported that the Assurance Framework had been revised to include the Mayoral Combined Authority's role and remit including the Mayor's role in decision-making and this had now been formally approved by Government.

Members considered the review of the organisational structure which had been undertaken and discussed the proposed amendments which included an additional Director post. The Authority approved the proposed amendments and endorsed the role profiles and approach to recruiting to the additional Director position.

Resolved:

- (a) In respect of MCA Governance, the Combined Authority approves:
 - (i) That decision-making in respect of the Non-Mayoral Functions be carried out under current arrangements, subject to the outcome of any future general review of committee arrangements, and any amendments to be made by the Head of Legal and Governance Services under delegated authority and in consultation with the Chair of the Combined authority to facilitate their implementation.
 - (ii) That authority be delegated to the Head of Legal and Governance Services, in consultation with the Chair of the

Combined Authority, to make any amendments to existing governance arrangements to facilitate the implementation of the new Non-Mayoral Functions.

- (iii) That the Head of Legal and Governance Services be authorised to extend the remit of the Independent Remuneration Panel to include any other allowances should such a review be needed at any time in the next 12 months, and to determine and pay an allowance or expenses to the members of the Independent Remuneration Panel.

(b) In respect of the organisational structure:

- (i) That an amendment to the Combined Authority's establishment be approved to create an additional Director position and separate out the current Policy, Strategy and Communications Directorate.
- (ii) That the proposed role profiles and approach to recruiting to the subsequent vacant position be endorsed, delegating finalisation to the Combined Authority's Managing Director, in consultation with Members as set out in paragraph 2.54 of the submitted report.
- (iii) That authority be given to the Combined Authority's Managing Director to implement interim arrangements if required.

89. Corporate Planning & Performance

The Combined Authority considered a report of the Director, Corporate Services which provided an update on corporate performance including progress against corporate plan priorities and risk management.

Members noted the summary of the performance against the key performance indicators and strategic organisational risks which were provided in Appendix 1.

In respect of the revenue budget position 2020/21, the Authority had considered a separate report on the agenda which provided full information on the revenue budgets for 2020/21 and 2021/22.

Resolved: That the information provided on corporate performance be noted.

90. European Structural and Investment Funds (ESIF) – Sustainable Urban Development (SUD)

The Combined Authority considered a report of the Director, Corporate Services on the European Structural and Investment Funds (ESIF) – Sustainable Urban Development (SUD).

It was reported that the Investment Committee had considered the detail and endorsed the advice and decision provided in the two full assessment forms which were attached as Exempt Appendices 2 and 3.

In its role as the Intermediate Body (IB), the Combined Authority discussed and agreed the recommendations and advice provided in the exempt appendices. Members raised the importance of the flood risk authorities being involved in the assessment of the Erringden Hillside Flood Alleviation Scheme. Confirmation of this would be sought and Members' comments reflected in the assessment. The Ministry of Housing, Communities and Local Government (MHCLG), as Managing Authority (MA), will finalise its assessment and make its decision based on a reconciliation to the available budget.

Resolved: That the Combined Authority, in its role as the Intermediate Body for the SUD part of the ESIF programme, approves the advice included in the full assessment forms at part 2 of exempt Appendices 2 and 3 to allow the Managing Authority to now issue a funding agreement subject to the proposed conditions set out in the full assessments being fully met.

91. Minutes for Information

The Combined Authority noted the minutes of the committees and panels that have been published on the West Yorkshire Combined Authority's website since the last meeting.

Resolved: That the minutes of the Combined Authority's committees and panels be noted.

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**MINUTES OF THE MEETING OF THE
WEST YORKSHIRE COMBINED AUTHORITY
HELD REMOTELY ON TUESDAY, 9 MARCH 2021**

Present:

| | |
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| Councillor Susan Hinchcliffe (Chair) | Bradford Council |
| Councillor Tim Swift MBE (Deputy Chair) | Calderdale Council |
| Councillor Andy D'Agorne (Substitute) | York Council |
| Councillor James Lewis | Leeds City Council |
| Councillor Stewart Golton | Leeds City Council |
| Councillor Denise Jeffery | Wakefield Council |
| Councillor Steven Leigh MBE | Calderdale Council |
| Roger Marsh OBE DL | Leeds City Region Local Enterprise Partnership |
| Councillor Shabir Pandor | Kirklees Council |
| Councillor Rebecca Poulsen | Bradford Council |

In attendance:

| | |
|--------------------------|--------------------------------------|
| Councillor Kim Groves | Chair, Transport Committee |
| Councillor Peter Harrand | Chair, Overview & Scrutiny Committee |
| Dr Declan Hall | Independent Remuneration Panel |
| Ben Still | West Yorkshire Combined Authority |
| Caroline Allen | West Yorkshire Combined Authority |
| Brian Archer | West Yorkshire Combined Authority |
| Melanie Corcoran | West Yorkshire Combined Authority |
| Dave Pearson | West Yorkshire Combined Authority |
| Alan Reiss | West Yorkshire Combined Authority |
| Angela Taylor | West Yorkshire Combined Authority |
| Ian Smyth | West Yorkshire Combined Authority |
| Sarah Bowes | West Yorkshire Combined Authority |
| Alexander Clarke | West Yorkshire Combined Authority |
| Khaled Berroum | West Yorkshire Combined Authority |
| Ruth Chaplin | West Yorkshire Combined Authority |

92. Chair's Comments

On behalf of the Combined Authority, the Chair congratulated Councillor James Lewis on becoming Leader of Leeds City Council and welcomed him to the meeting.

93. Apologies for Absence

Apologies for absence were received from Councillor Keith Aspden.

94. Declarations of Disclosable Pecuniary Interests

There were no pecuniary interests declared by Members at the meeting.

95. Exclusion of the Press and Public

There were no items on the agenda that required the exclusion of the press and public.

96. Minutes of the Meeting of the Combined Authority held on 4 February 2021

Resolved: That the minutes of the meeting of the West Yorkshire Combined Authority held on 4 February 2021 be approved.

97. Covid-19 and Economic Recovery

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on COVID-19 and Economic Recovery.

The report provided an update on the work being undertaken to support the region to respond to COVID-19 and the development of products and services in response to the economic impacts of the pandemic.

Members discussed and noted the implications of the recent Budget which had included additional business support measures and welcomed the announcement that the UK's first infrastructure bank will be based in Leeds.

The Authority discussed and endorsed the Economic Recovery Plan attached at Appendix 1 which had been refreshed in light of the further impacts the pandemic had had on the economy. The update included the addition of a fifth proposition on Culture and Creative Industries which had been developed in partnership with culture leads across local authorities and details were attached at Appendix 2. It was noted that a summary version of the Economic Recovery Plan will also be produced.

It was noted that because no direct Government funding had yet been allocated to the Combined Authority to deliver the Economic Recovery Plan, the Authority had previously approved gainshare funding to support immediate priority recovery programmes. Members considered an additional three proposals which were aimed at creating jobs and new businesses which were outlined in the report – Entrepreneurship, Net Zero Carbon Pipeline and Health Innovation. The Authority supported the programmes in principle and Members discussed the proposal for approval to be given to the Investment Committee for programmes to pass through Decision Point 2, totalling no more than the £7 million revenue that remains unallocated from the Combined Authority's 2020-21 gainshare allocation. It was reported that this would enable the programmes to be implemented without delay in the context of the pandemic, and Members were advised that all of the proposals are consistent

with the themes set out in the Covid Economic Recovery Plan, the draft West Yorkshire Investment Strategy priorities and will be subject to the Combined Authority's Assurance Framework as appropriate.

Resolved:

- (a) That the Combined Authority supports in principle the programmes outlined in the submitted report.
- (b) That the Combined Authority delegates to the Investment Committee the approval for programmes to pass through Decision Point 2, totalling no more than the £7 million revenue that remains unallocated from the Combined Authority's 2020-21 gainshare allocation.
- (c) That the Combined Authority endorses the redrafted West Yorkshire Economic Recovery Plan, as contained in Appendix 1 and the related Culture and Creative Industries proposition, as contained in Appendix 2.
- (d) That progress on the delivery of products and services in response to the economic impacts of the pandemic be noted.

98. The Single Investment Fund and the West Yorkshire Investment Strategy

The Combined Authority considered a report of the Director, Policy, Strategy and Communications and Director, Corporate Services on the Single Investment Fund and the West Yorkshire Investment Strategy.

It was noted that the Authority was required to create a Single Investment Fund (SIF) as part of the devolution deal for West Yorkshire. The report provided an update on progress made in the development of the SIF and the design of a new West Yorkshire Investment Strategy (WYIS) which outlines the funding priorities for the SIF. This will facilitate the creation of an ambitious set of projects and programmes, based on core objectives to achieve far reaching outcomes in carbon reduction, inclusive growth and the reduction of inequality, connectivity and infrastructure.

It was reported that the high level operating principles of the SIF had previously been agreed by the Authority on 27 July 2020 and these were attached at Appendix 1 and further detail on the draft investment priorities of the WYIS was attached at Appendix 2.

The Authority considered and endorsed the proposed approach to the SIF, the design of the West Yorkshire Investment Strategy and the proposed next steps which were detailed in the report. Further work would be undertaken to complete the Investment Strategy and this would be brought to a future meeting.

Resolved: That the approach to the Single Investment Fund (SIF), the design of the West Yorkshire Investment Strategy (WYIS) and the proposed next steps be endorsed.

99. West Yorkshire Business Accelerator Fund

The Combined Authority considered a report of the Director, Economic Services on the West Yorkshire Business Accelerator Fund (WYBAF).

The Authority considered the proposed business case for the creation of a West Yorkshire Business Accelerator Fund (WYBAF), a new business loan facility to help deliver revenue, business growth and job creation in light of the COVID-19 pandemic.

It was reported that the LEP Board had supported the project to create a successor to the Growing Places Fund (GPF) using the returned GPF loans of c.£17 million, as core funding for the new loans.

Members discussed the proposed business case and noted the intention for the fund to be self-sustaining with initial modelling based on a ten year fund. It was agreed that up to £100,000 from the GPF development funding be approved for the establishment of a Business Accelerator Fund. This would be for external legal and tax consultants and specialist consultants to specify the fund, develop the business case, prepare for the governance, recruit the necessary resources and procure. This will go through the Assurance Framework and be brought to the Combined Authority for final approval.

A specialist Financial Conduct Authority (FCA) regulated Fund Manager would need to be appointed for an initial three year period and appropriate decision making and delegations would need to be put in place by the Authority.

Resolved: That up to £100,000 from the Growing Places Fund development funding be approved to expedite the establishment of a Business Accelerator Fund, for external legal and tax consultants and specialist consultants to specify the fund, develop the business case, prepare for the governance, recruit the necessary resources and that the Fund will go through the Assurance Framework and Combined Authority for final approval.

100. Carbon Impact Assessment

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on the Carbon Impact Assessment.

The report provided an update on progress in the development of a carbon impact assessment methodology to allow the impact of proposals on carbon emissions to be considered in decision making.

The project is divided into five phases and these were outlined in the report. Members were advised that the project was now part way through the assessment of existing projects (those currently going through the assurance process) and detailed recommendations for how carbon impact should be considered at different stages in the assurance process have been received from the consultants. The methodology for carbon impact assessment has been developed and is likely to be refined further as it is used to assess existing projects.

The importance of collaborative working with partners was highlighted and it

was noted that discussions and briefings have been held with Leaders, portfolio holders and officers from partner councils.

Resolved: That the report be noted.

101. Inclusive Growth Framework

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on the Inclusive Growth Framework.

Members discussed the draft Inclusive Growth Framework, which was attached at Appendix 1 and noted the working draft data set attached at Appendix 2. The draft Framework had been developed through discussion and engagement with public, private and third sector stakeholders and had also informed the development of the West Yorkshire Economic and Transport Recovery Plans.

The importance of involving and working with the private sector was highlighted and it was reported that the LEP Board had endorsed the Inclusive Growth Framework for adoption as part of the wider Strategic Economic Framework. The LEP Board had also considered, in principle, 'early win' inclusive growth related interventions, noting that any future funding decisions would rest with the Combined Authority. A pipeline of potential interventions to drive inclusive growth in the region will be considered in a future report.

Resolved: That the Inclusive Growth Framework be adopted as part of the overall Strategic Economic Framework.

102. Employment & Skills Plan Refresh

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on the Employment and Skills Framework.

The report provided an overview on the work being done to refresh the Employment and Skills Plan and summarised the key components. The strategic context, evidence base and objectives were provided in Appendix 1. Members discussed and endorsed the proposal for the revised Employment and Skills priorities and indicative actions to be published as a Framework, as part of the Strategic Economic Framework. This would set out the strategic aims of the Leeds City Region whilst allowing flexibility to produce further detail within specific plans.

The framework will be published later this year, following the Mayoral election.

Resolved: That the publication of the Employment and Skills Framework as part of the Strategic Economic Framework be endorsed.

103. Innovation Framework

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on the Innovation Framework being developed as part of the Strategic Economic Framework.

A copy of the draft Leeds City Region Innovation Framework which builds on the work carried out for the Local Industrial Strategy was attached at Appendix 1. Public consultation on the Framework had taken place via the YourVoice platform and there had also been significant additional input from members of the West Yorkshire Innovation Network, Business Innovation & Growth Panel and the LEP Board.

Members discussed and endorsed the draft which will provide a new framework for activity and investment in innovation in the region in order to drive economic growth and societal benefit around a shared set of ambitions.

Resolved: That the Combined Authority endorses and approves the overarching vision and priorities of the innovation framework and its positioning as part of the Strategic Economic Framework.

104. MCA Preparations - governance arrangements

The Combined Authority considered a report of the Director, Corporate Services on MCA preparations.

The report provided an update on work in relation to the governance arrangements for the Combined Authority as a mayoral combined authority (MCA).

Members considered the proposal that the Combined Authority adopt a formal Constitution to provide a robust and integrated governance framework. Details were outlined in the report and an indicative outline of the Constitution was attached at Appendix 1. It was noted that key arrangements for the Mayor will need to be in place at the start of the Mayor's term of office on 10 May 2021 and therefore there will be a phased approach to adopting the new Constitution.

Members considered key draft constitutional documents for the MCA's decision-making arrangements which were attached at Appendices 2-5. It was noted that these may be subject to revision as other elements of the new Constitution are developed and it was agreed that authority be delegated to the Head of Legal and Governance Services to make any further technical amendments. Arrangements for PCC functions are currently being developed and these will be brought to the next meeting.

The Constitution will be considered as a whole at the Combined Authority's Annual Meeting in June 2021.

Resolved:

- (a) That the Combined Authority notes that arrangements are being put in place for decision-making relating to new Non-Mayoral Functions.
- (b) That the Combined Authority notes the timeline set out in paragraph 2 of the report for approving revised governance documents for the MCA.

- (c) That the Combined Authority approves the governance documents attached as Appendices 2-5 to the report to be of effect from 10 May 2021, and authority be delegated to the Head of Legal and Governance Services to make any further technical amendments to these documents, should these be required as the Constitution is developed.

105. Future Scrutiny Arrangements

The Combined Authority considered a report of the Director, Corporate Services on a proposal for new and improved scrutiny arrangements for the mayoral combined authority.

Members discussed the proposal to increase the number of overview and scrutiny committees from one to three to cover corporate, economic and transport scrutiny. Councillor Harrand, Chair of the Overview & Scrutiny Committee advised that the Overview & Scrutiny Committee had reviewed scrutiny arrangements and a working group had been established to provide input and had made recommendations regarding a new governance structure and scrutiny arrangements which differed from the proposals in the report.

The Authority discussed the Overview & Scrutiny Committee's original recommendation and advice outlined in Appendix 1 and considered a proposal to replace the existing scrutiny arrangements with three overview and scrutiny committees to cover corporate, economic and transport scrutiny. As an MCA, it was considered important to increase scrutiny and involve more members to broaden the engagement and each Committee would comprise of 16 members, increasing the number of scrutiny members from 18 to 48.

Due to the proposed change in the scrutiny structure, terms of reference and membership numbers, it was agreed that an Independent Remuneration Panel (IRP) be convened to reassess the level of allowances paid to Combined Authority scrutiny chairs and members. A report would be brought to the next meeting.

It was noted that additional staff resource will be required to support the enhanced scrutiny structure and it was agreed that initially an additional support officer be appointed although this would be considered further as part of a review of the new structure to take place 6 months after the annual meeting.

The Authority thanked the Overview & Scrutiny Committee and the working group for their review of scrutiny arrangements.

Resolved:

- (a) That the work undertaken by the Overview and Scrutiny Committee in reviewing scrutiny arrangements and the Committee's original recommendation and advice, as outlined in Appendix 1, be noted.
- (b) That the Combined Authority approves the proposal to replace the existing scrutiny arrangements with three overview and scrutiny committees, each consisting of 16 members (3 from each West

Yorkshire constituent authority and 1 from the non-constituent authority York), and asks officers to progress developing governance arrangements to enable such appointments to be made at the annual meeting on 24 June 2021 as outlined in paragraphs 2.6 – 2.11 of the report.

- (c) That the Combined Authority approves the convening of an Independent Remuneration Panel to reassess the allowances to be paid to scrutiny chairs and members as outlined in paragraph 2.9 of the report.
- (d) That the Combined Authority approves the additional investment into the scrutiny function including additional staff resource and other potential associated costs as outlined in section 5 of the report.

106. Governance Arrangements

The Combined Authority considered a report of the Director, Corporate Services on governance arrangements.

Leeds City Council – Appointments

It was noted that Leeds City Council had advised of the following changes in their appointments to the Combined Authority:

- Councillor James Lewis to replace Baroness Judith Blake as the Combined Authority member.
- Councillor Debra Coupar to replace Councillor James Lewis as the substitute Combined Authority member.
- Councillor Helen Hayden to replace Councillor Lisa Mulherin as the ex-officio member of the West Yorkshire & York Investment Committee.

Notification had also been received for a change in Leeds City Council's nomination to the Place Panel, and the Authority agreed the appointment of Councillor Helen Hayden to the Place Panel.

Employment & Skills Panel – Advisory Membership

It was reported that at its meeting held on 24 February 2021, the LEP Board had considered and recommended to the Authority, the appointment of a non-voting advisory representative from the TUC to the Employment & Skills Panel. The Authority approved this appointment.

Governance & Audit Committee

The Authority noted the resignation of Andy Clayton, the independent member and current Chair of the Governance & Audit Committee. It was agreed that the Head of Legal & Governance Services be authorised to commence recruitment arrangements for the vacant position. It was noted that there was one remaining meeting scheduled in the current municipal year and it would be necessary for a current member of the Governance & Audit Committee to acts as interim chair for that meeting.

Resolved:

- (a) That the Combined Authority notes Leeds City Council's change in appointments to the Combined Authority and the West Yorkshire & York Investment Committee as detailed in paragraphs 2.1 and 2.2 of the report.
- (b) That the Combined Authority approves the appointment of Councillor Helen Hayden to the Place Panel.
- (c) That the Combined Authority approves the appointment of a non-voting advisory representative from the TUC to the Employment & Skills Panel.
- (d) That the Combined Authority notes the resignation of Andy Clayton, independent member of the Governance & Audit Committee and the arising vacancy for both a member and chair.
- (e) That the Combined Authority authorises the Head of Legal & Governance Services to progress recruitment and appointment arrangements to the current independent member vacancy on the Governance & Audit Committee.
- (f) That, in respect of any future in-year vacancies, the Combined Authority delegates arrangements for convening an interview panel and making subsequent recommendations to the Authority to the Head of Legal & Governance Services.
- (g) That a current member of the Governance & Audit Committee acts as interim chair for the remaining meeting of the current municipal year.

107. Independent Remuneration Panel – West Yorkshire Mayor's Allowance

The Combined Authority considered a report of the Director, Corporate Services on the report of the Independent Remuneration Panel in respect of the remuneration of West Yorkshire Combined Authority's Mayor.

Councillor Stewart Golton took no part in discussion of this item as he was the Liberal Democrat candidate for the role of West Yorkshire Mayor.

It was noted that the WYCA (Election of Mayor and Functions) Order 2021 specifies that a remuneration must be determined for the West Yorkshire Mayor and in setting this, the Combined Authority must consider a report by an independent remuneration panel (IRP).

The IRP review was undertaken in February 2021 by a Panel of three members, headed by Dr Declan Hall who was in attendance at the meeting to present the IRP's report which was attached at Appendix 1. The IRP recommended that the remuneration of the West Yorkshire elected Mayor be set at £105,000 and that it be indexed linked to the NJC index, namely the percentage annual cost of living salary increase as applied each year to staff.

It was noted that the allowance paid by the Combined Authority should not exceed the amount specified in the recommendation of the IRP.

Dr Hall was thanked for chairing the review and attending the meeting.

Resolved:

- (a) That the report of the Independent Remuneration Panel be noted.
- (b) That the recommendations of the Independent Remuneration Panel's report in respect of remuneration for the West Yorkshire Mayor, including indexation, attached at Appendix 1, be approved.

108. Minutes for Information

The Combined Authority noted the minutes of the committees and panels that have been published on the West Yorkshire Combined Authority's website since the last meeting.

Resolved: That the minutes of the Combined Authority's committees and panels be noted.

**MINUTES OF THE MEETING OF THE
WEST YORKSHIRE COMBINED AUTHORITY
HELD REMOTELY ON THURSDAY, 22 APRIL 2021**

Present:

| | |
|---|--|
| Councillor Susan Hinchcliffe (Chair) | Bradford Council |
| Councillor Tim Swift MBE (Deputy Chair) | Calderdale Council |
| Councillor Andy D'Agorne (Substitute) | York Council |
| Councillor James Lewis | Leeds City Council |
| Councillor Stewart Golton | Leeds City Council |
| Councillor Denise Jeffery | Wakefield Council |
| Councillor Steven Leigh MBE | Calderdale Council |
| Roger Marsh OBE DL | Leeds City Region Local Enterprise Partnership |
| Councillor Shabir Pandor | Kirklees Council |
| Councillor Rebecca Poulsen | Bradford Council |

In attendance:

| | |
|--------------------------|--------------------------------------|
| Councillor Kim Groves | Chair, Transport Committee |
| Councillor Peter Harrand | Chair, Overview & Scrutiny Committee |
| Ben Still | West Yorkshire Combined Authority |
| Caroline Allen | West Yorkshire Combined Authority |
| Brian Archer | West Yorkshire Combined Authority |
| Melanie Corcoran | West Yorkshire Combined Authority |
| Dave Pearson | West Yorkshire Combined Authority |
| Alan Reiss | West Yorkshire Combined Authority |
| Angela Taylor | West Yorkshire Combined Authority |
| Ian Smyth | West Yorkshire Combined Authority |
| Ruth Chaplin | West Yorkshire Combined Authority |

109. Apologies for Absence

Apologies for absence were received from Councillor Keith Aspden.

110. Declarations of Disclosable Pecuniary Interests

Councillor Golton advised that he would not take part in any discussion in respect of Agenda Item 8, MCA Governance Arrangements, as he was the Liberal Democrat candidate for the role of West Yorkshire Mayor.

111. Exclusion of the Press and Public

There were no items on the agenda that required the exclusion of the press and public.

112. Minutes of the Meeting of the Combined Authority held on 9 March 2021

Resolved: That the minutes of the meeting of the West Yorkshire Combined Authority held on 9 March 2021 be approved.

113. COVID-19

The Combined Authority considered a report of the Director of Economic Services which provided an update on developments concerning the COVID-19 crisis, including business support and skills programme delivery.

The report outlined a number of issues in respect of the roadmap out of lockdown restrictions and the next steps on the implementation of elements of the West Yorkshire Economic Recovery Plan. The support being provided at a West Yorkshire level, including the local authority grant distributions from the Government funding was noted and further information on the payments made to businesses would be provided.

In noting the updates on employment and skills support, Members discussed funding for further education colleges and the recent Government announcement regarding the clawback threshold if colleges did not achieve the required level of success. The Authority would work with the further education sector and private providers to ensure they have sufficient financial resilience.

In respect of public transport, it was noted that because of the reduced capacity on buses, arrangements are in place for operators to provide additional vehicles at busy times such as for school services. Further details of future bus funding arrangements linked to the National Bus Strategy are awaited and a report will be brought to a future meeting.

Resolved: That the report be noted.

114. Community Renewal Fund

The Combined Authority considered a report of the Director, Policy, Strategy and Communications on the UK Community Renewal Fund (UKCRF).

The UKCRF 2021-22 had been announced in the recent Budget and aims to support people and communities most in need, creating opportunities to trial new approaches and innovative ideas ahead of the UK Shared Prosperity Fund in 2022. The fund will be administered by the Ministry of Housing, Communities and Local Government (MHCLG) and the Combined Authority has been designated as the Lead Authority for West Yorkshire.

The report summarised the purpose and scope of the UKCRF and the Combined Authority's responsibilities as the designated Lead Authority, as defined by Government.

An invitation to bid was now live and a panel of Combined Authority and Local Authority officers will assess and prioritise all bids and details of the process were outlined in the submitted report. It was noted that the Combined Authority will need to submit shortlists up to a maximum of £3 million per place to Government by 18 June 2021. As there would not be a meeting of the Combined Authority before that date, it was agreed that the Managing Director be authorised to finalise and submit them to Government on behalf of the Combined Authority. It was also agreed that shortlists will be shared with Members. It was expected that the Government will announce the outcome of the assessment process from late July 2021.

Resolved:

- (a) That the purpose and scope of the UK Community Renewal Fund and the responsibilities of the Combined Authority as the designated Lead Authority, as defined by Government, be noted.
- (b) That the Managing Director be authorised to finalise and submit the shortlists to Government on behalf of the Combined Authority.

115. Capital Spending and Project Approvals

The Combined Authority considered a report of the Director of Delivery on capital spending and project approvals.

Members noted the progress and funding for a number of schemes through the Combined Authority's assurance process which were outlined in the submitted report. These had been approved by the Investment Committee on 4 March 2021 and 7 April 2021 and included:

- TF: Mirfield to Dewsbury to Leeds
- GBF: Dewsbury Arcade
- GBF: Brighouse A6025 Reconstruction
- George Hotel, Huddersfield
- CIP: Fink Hill, Leeds
- York Central Access & York Station Frontage
- Points Cross, Hunslet Road
- Temple Green Park & Ride Extension
- Digital Skills Programme – Adult Digital & Technical Skills Project
- Door to Door Digital Community Transport Service
- Parry Lane Enterprise Zone
- Leeds Public Transport Investment Programme (LPTIP) Review 2020
- UTMC Element C
- CityConnect Phase 1 and 2
- Business Growth programme

Details of all the schemes were provided in the submitted report.

Resolved: That the projects that have been approved by the Investment Committee be noted.

116. MCA Governance Arrangements

The Combined Authority considered a report of the Director, Corporate Services on governance arrangements.

Governance Documents

The report provided an update on the work that has been completed to date on the Combined Authority's Constitution as part of the phased approach introduced and approved at the last meeting. A summary of the timescales for approving the remaining documents was attached at Appendix 1.

As part of this phased approach, the Combined Authority approved further draft constitutional documents at Appendices 2-9 which addressed Mayoral functions, including PCC functions, most of which are to be in effect from 10 May 2021 when the Mayor is in office. Appendix 2 provided an introduction to the Combined Authority's Constitution and the Protocol for the exercise of Concurrent Functions and Statutory Consents which would be introduced with immediate effect was attached at Appendix 4. This would be subject to review before the end of the calendar year.

Independent Remuneration Panel (IRP) Reports

Members considered the IRP's reports and recommendations for both the Overview & Scrutiny Committee and Deputy Mayor for Policing and Crime which were attached at Appendices 10 and 11. Councillor Golton took no part in the discussion as he was the Liberal Democrat candidate for the role of West Yorkshire Mayor.

It was noted that following the changes to the scrutiny structure that were approved on 9 March 2021, an IRP was convened to reassess the level of allowances paid to the members, Chairs and Deputy Chairs (if appointed). Members were advised that there is no statutory provision to consult an IRP and their recommendations are intended to assist the Combined Authority in determining an appropriate level of remuneration. It was noted that there is also no statutory requirement for the allowance of the Deputy Mayor for Policing and Crime to be considered by an IRP as the power to determine their allowance rests with the Mayor. However it was considered that in order to promote transparency and consistency the IRP be asked to also make recommendations for this role.

Resolved:

- (a) That the Combined Authority approves the Protocol for the exercise of Concurrent Functions and Statutory Consents attached at Appendix 4, to be of immediate effect and subject to review before the end of the calendar year.
- (b) That the Combined Authority approves the following documents to be of effect from 10 May 2021:

- Articles 5-14 attached at Appendix 3
 - Part 4: Budget and Policy Procedure Rules attached at Appendix 5
 - Part 5: Revised members' Code of Conduct and new Protocol for Member/officer relations attached at Appendices 7 and 8
- (c) That the Combined Authority approves the Petitions Scheme attached at Appendix 6, to be of effect from the Annual Meeting.
- (d) That the report and recommendations of the Independent Remuneration Panel in relation to remuneration for members of the Overview & Scrutiny Committees attached at Appendix 10 be approved, to be of effect from the appointment of the committees.
- (e) That the report and advice of the IRP in relation to remuneration for the Deputy Mayor for Policing and Crime attached at Appendix 11 be noted.

117. MCA Committee Arrangements

The Combined Authority considered a report of the Director, Corporate Services on MCA committee arrangements.

Members discussed the proposals for changes to be made to the Combined Authority's current decision-making arrangements. An overview of the principles and options highlighting the key elements was provided in the submitted report and the current and proposed structures were attached at Appendices 1 and 2. It was reported that the proposals and alternative options had been considered by the West Yorkshire Leaders in the context of the new functions and funding arising from the West Yorkshire devolution deal. It was considered that the proposed new arrangements would better reflect the changed role and responsibilities of the Authority following the appointment of a Mayor for West Yorkshire.

The proposal to establish formal Combined Authority member portfolio leads was discussed together with the suggested membership across the new committee arrangements which was set out in Appendix 4. Concern was raised regarding the lack of political balance on some committees and Members were reminded that West Yorkshire was the only Combined Authority that includes opposition members and that the new scrutiny committees would be chaired by opposition members to the Mayor.

Members considered the proposals in respect of the Transport Committee outlined in the submitted report. It was noted that because of the current complex and demanding transport agenda, significant input was needed from the Chair of the Committee outside the committee cycle. It was therefore agreed that the Transport Committee be retained in its current form at the present time and reviewed following the annual meeting. It was noted that the Authority had previously agreed to establish a Transport Scrutiny Committee which would be appointed at the annual meeting. It was however possible that this Scrutiny Committee would have a wider remit than just transport and it was therefore proposed that the extent of its work programme be phased in

during the course of the municipal year. Councillor Harrand, Chair of the Overview & Scrutiny Committee expressed his concern regarding the proposal and asked for clarification on when the review of Transport Committee was expected to be undertaken and the timescales for the phased approach to moving to an enhanced scrutiny arrangement. Members were advised that the review would be undertaken at the earliest opportunity although any changes would not be made until the annual meeting in 2022.

Councillor Pandor was thanked for his work with the Inclusive Growth and Public Policy Panel. While it was proposed that panel would not continue under the new arrangements, the importance of ensuring inclusive growth was embedded in all the committees was acknowledged and this would be reflected in their terms of reference and metrics.

The Authority approved the proposals for changes to be made to the decision-making arrangements. Local authorities will be asked to nominate representatives following the local elections and details of the governance arrangements would be worked up to enable the revised committee arrangements to be put in place at the Combined Authority's Annual Meeting.

Resolved:

- (a) That the Combined Authority approves the proposals outlined in the submitted report for changes to be made to the Combined Authority's decision-making arrangements, including in relation to structures and membership, following the election of a Mayor for West Yorkshire.
- (b) That officers be asked to work up the detail of the governance arrangements including terms of reference for the committees, the scope of delegated authority to be exercised by each of the decision-making committees and frequency of meetings to enable this to be approved and implemented at the Annual Meeting of the Combined Authority on 24 June 2021.
- (c) That the Combined Authority notes that to enable the Authority to make the necessary appointments to the new committee arrangements at the Annual Meeting, officers will be required to liaise with Constituent Councils following the local elections to seek nominations based on the proposed committee structure and membership in anticipation of the formal appointment of the same on 24 June 2021.

118. Minutes for Information

The Combined Authority noted the minutes of the committees and panels that have been published on the West Yorkshire Combined Authority's website since the last meeting.

Resolved: That the minutes of the Combined Authority's committees and panels be noted.



Name of meeting: Council

Date: 14th July 2021

Title of report: Proposed amendment to Council Procedure Rule 35

Purpose of report:

To set out proposed changes to the Council’s constitution, namely CPR 35, as described in paragraph 2 below and recommended by the Corporate Governance and Audit Committee, for consideration by the Council.

| | |
|--|---|
| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | No |
| Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u> | No |
| The Decision - Is it eligible for call in by Scrutiny? | No |
| Date signed off by <u>Strategic Director</u> & name | Rachel Spencer-Henshall – 5 th July 2021 |
| Is it also signed off by the Service Director for Finance? | Eamonn Croston – 5 th July 2021 |
| Is it also signed off by the Service Director for Legal Governance and Commissioning? | Julie Muscroft – 5 th July 2021 |
| Cabinet member portfolio | Cllr Paul Davies |

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? YES

1. Summary

- 1.1 At Annual Council an amendment to item 10 on the agenda was proposed by Cllr Bolt and Cllr D Hall.
- 1.2 The effect of the amendment, if approved, would be to exclude certain members from sitting on Strategic Planning Committee as well as any of the Planning Sub-Committees.

- 1.3 The amendment was referred to the Corporate Governance and Audit Committee (CGA), before going on to Council.
- 1.4 A report on the proposed changes was put before CGA on 25th June 2021 and the Committee voted in favour of recommending the changes to Council. That report is attached at Appendix A for reference and sets out some further background including what other Councils say in their Constitution on this matter and some of the existing checks and balances that exist in the current planning decision making process.

2. Information required to take a decision

- 2.01 The full text of the recommended amendment is as follows:

Addendum to CPR35: rule2: section 3 (in italics)

(2) The Council subject to any statutory provision:-

(iii) shall not appoint the Leader, the Deputy Leader of the Council or any Members of the Cabinet as members of the Overview and Scrutiny Committee or its Panels **or the Strategic Planning Committee or Sub-Committee thereof.**

- 2.02 The amendment that was proposed and subsequently recommended by CGA is highlighted above and consists of extending the provisions of CPR 35, rule 2.

- 2.03 For information the discussion at CGA focused on a number of points, listed below:

- i. The view that Kirklees is not bound by what other authorities do and are free to choose their own rules;
- ii. It was suggested that the issue was one of perception, with some decisions being made on a strategic level and then being later considered at a subsequent Planning Sub-Committee by the same members;
- iii. The perception could be that the matter had been pre-determined by Cabinet members, with an example given as a decision by Cabinet to dispose of Kirklees owned land, with the same members or members making a subsequent decision on a planning application made by the purchaser;
- iv. It was suggested that, in such a situation, a member would declare their involvement in the decision making at strategic level, and withdraw from the planning decision making;
- v. A belief that there was a lack of understanding of and therefore a lack of confidence in the planning process by members of the public and that members of the public could perceive there to be conflicts of interest;
- vi. It was suggested that the proposed amendment didn't deal with the wider issues around public confidence;
- vii. There was some acceptance that the issues around planning were wider than just the subject of the proposed amendment, but it was put that, failing to vote for the amendment could send the wrong message, that members

were unwilling to address public perceptions about planning, or to address wider problems;

- viii. It was suggested that much of the frustration of the public expressed to councillors related to the planning process;
- ix. A suggestion was made that safeguards are already in place to ensure that the planning process is correctly followed and is non political;
- x. There was a view that there may need to be a wider look at the planning process in light of some of the issues discussed;
- xi. It was put that the issues around public perception could possibly be addressed via the Council's comms process.

3. Implications for the Council

It is essential the Council's Constitution is regularly reviewed to ensure that it remains fit for purpose and that it enables Council meetings to be conducted in a fair, business like and effective manner.

3.1 Working with people

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

N/A

3.5 Improving Outcomes for Children

N/A

3.6 Other implications (eg Legal/Financial or Human Resources)

N/A

4. Consultees and their opinions

N/A.

5. Next steps and timelines

- 5.1 The amendments that have been recommended by Corporate Governance and Audit will now be considered by Council with any amendments agreed upon resulting in an update being made to the Constitution.

6. Officer recommendations and reasons

That Council consider the recommendation of the Corporate Governance and Audit committee and approve the adoption of the amendment to the Council's Constitution at Council Procedure Rule 35, as set out at paragraph 2.01.

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer

Julie Muscroft – Service Director – Legal, Governance and Commissioning
01484 221 000
julie.muscroft@kirklees.gov.uk

9. Background Papers and History of Decisions

Report to Annual Council dated May 19th 2021.

10. Service Director responsible

Julie Muscroft – Service Director – Legal, Governance and Commissioning
01484 221 000
julie.muscroft@kirklees.gov.uk

11. Appendices

Report to Corporate Governance and Audit dated 25th June 2021.

Name of meeting: Corporate Governance and Audit Committee

Date: 25th June 2021

Title of report: Proposed amendments to Council Procedure Rule 35

Purpose of report:

To set out proposed changes to the Council's constitution, namely CPR 35, as described in paragraph 2 below, for consideration by the Committee.

| | |
|--|--|
| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | NO |
| Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u> | NO |
| The Decision - Is it eligible for call in by Scrutiny? | NO |
| Date signed off by <u>Strategic Director</u> & name | Rachel Spencer-Henshall – 17 th June 2021 |
| Is it also signed off by the Service Director for Finance? | Eamonn Croston – 17 th June 2021 |
| Is it also signed off by the Service Director for Legal Governance and Commissioning? | Julie Muscroft – 17 th June 2021 |
| Cabinet member portfolio | Cllr Paul Davies |

Electoral wards affected: All

Ward councillors consulted: NO

Public or private: Public

Has GDPR been considered? YES

1. Summary

1.1 At Annual Council an amendment to item 10 on the agenda was proposed by Cllr Hall and Cllr Bolt.

1.2 The effect of the amendment, if adopted, would be to exclude certain members from sitting on Strategic Planning Committee as well as any of the

Planning Sub-Committees.

- 1.3 The amendment as proposed was not considered, as the proposal had not been considered by the Corporate Governance and Audit Committee (CGA), before going on to Council.
- 1.4 The proposer of the amendment was advised that the proposed amendment needed to be referred to CGA before it could be put before Council and a subsequent proposal was agreed at Annual Council referring the amendment for consideration at CGA before being referred back to a meeting of Council.

2. Information required to take a decision

- 2.01 The full text of the proposed amendment is as follows:

Addendum to CPR35: rule2: section 3 (in italics)

(2) The Council subject to any statutory provision:-

(iii) shall not appoint the Leader, the Deputy Leader of the Council or any Members of the Cabinet as members of the Overview and Scrutiny Committee or its Panels **or the Strategic Planning Committee or Sub-Committee thereof.**

- 2.02 The amendment proposed is highlighted above and consists of extending the provisions of CPR 35, rule 2.
- 2.03 It was suggested when moving the amendment that Cabinet members, having an involvement in strategic decision making, ought not to then be involved in planning decisions through the Strategic Planning Committee or either of the Sub-Committees. It was further suggested that the planning process should be non-political.
- 2.04 Comparison with other local authorities in West Yorkshire and York (WYLAW members) shows that:
 - i. Leeds City Council places no restrictions in its CPRs
 - ii. City of Bradford Metropolitan District Council places no restrictions in its CPRs or Articles of the Constitution
 - iii. At Wakefield Council Cabinet members are not able to be members of the Planning & Highways Committee.
 - iv. Calderdale Council places no restrictions in its CPRs
 - v. York City Council places no restrictions in its CPRs
 - vi. Selby District Council places no restrictions in its CPRs
- 2.05 The Local Plan that was approved by Council does set out an overarching planning and development strategy which would act to minimize any political influence in the planning process that a Cabinet member or indeed any other member may have at Committee or Sub-Committee level.
- 2.06 There are also other checks and balances in place to ensure that decisions are taken properly:
 - i. All members who sit on the Strategic Planning Committee or any of the Planning Sub-Committees are required to undergo planning specific

training, which includes issues around predetermination and bias, and are required to be given an annual update on planning matters before they can sit on any of the committees as decision makers. As part of the training, it is made clear to members that decisions are to be taken by them as a Planning Authority and not taken along political lines.

- ii. The members Code of Conduct does deal with any interests that members may have and this would be applicable at any Strategic Planning Committee or Planning Sub-Committee meeting at which a member of the Cabinet was present in a decision making role. There are specific rules about declaring interests and participation / non-participation in meetings.
- iii. Part of the duties of the Legal Officer who is present at the Planning meetings is to ensure that only relevant planning issues are considered as part of the decision making process and that decisions are taken as a Planning Authority.

3. Implications for the Council

It is essential the Council's Constitution is regularly reviewed to ensure that it remains fit for purpose and that it enables Council meetings to be conducted in a fair, business like and effective manner.

3.1 Working with people

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

N/A

3.5 Improving Outcomes for Children

N/A

3.6 Other implications (eg Legal/Financial or Human Resources)

N/A

4. Consultees and their opinions

N/A.

5. Next steps and timelines

- 5.1 Any amendments recommended by Corporate Governance and Audit will be put before Council for consideration, with any amendments agreed upon resulting in an update being made to the Constitution.

6. Officer recommendations and reasons

That Committee:

- a. Consider the proposed amendment and either:
 - i. Recommend to Council that it be adopted;
 - ii. Reject the proposed amendment.

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer

Julie Muscroft – Service Director – Legal, Governance and Commissioning
01484 221 000
julie.muscroft@kirklees.gov.uk

9. Background Papers and History of Decisions

Report to Annual Council dated May 19th 2021.

10. Service Director responsible

Julie Muscroft – Service Director – Legal, Governance and Commissioning
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11. Appendices

N/A



Name of meeting: Council
Date: 14 July 2021
Title of report: Network Rail – Trans-Pennine Route Upgrade Transport and Works Act
Order submission: Council Response

Purpose of report: In light of Network Rail’s Transport and Works Act Order submission to the Secretary of State on 31st March 2021, this item is to enable Council to debate the endorsement of the Councils response to the TWAO submission, in order for Officers to best represent and uphold the Councils interests, if necessary at public inquiry, as required by statutory requirements.

| | |
|---|--|
| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | No – This is not an Executive Decision |
| Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u> | Key Decision – No |
| The Decision - Is it eligible for call in by Scrutiny? | Yes |
| Date signed off by <u>Strategic Director</u> & name | David Shepherd (Strategic Director - Growth and Regeneration) |
| Is it also signed off by the Service Director for Finance? | Eamonn Croston (Service Director – Finance) |
| Is it also signed off by the Service Director for Legal Governance and Commissioning? | Julie Muscroft (Service Director – Legal, Governance and Commissioning) |
| Cabinet member portfolio | Cllr Peter McBride, Cllr Naheed Mather, Cllr Eric Firth |

Electoral wards affected: Ashbrow, Newsome, Dalton, Greenhead, Mirfield, Dewsbury West and Dewsbury South

Ward councillors consulted:

The following ward councillors have been consulted / briefed on this item:

- Cllr McBride, Cllr Mather and Cllr Firth briefings (14th June 2021)
- Leadership Management Team (Cabinet members) (21st June 2021)
- Ward Members along the route:
 - Ashbrow – Cllrs Uppal, Homewood and Pinnock (08/07/2021)
 - Newsome – Cllrs Cooper, Allison and Lee-Richards (29/06 2021)
 - Dalton – Cllrs McBride, Mather and Khan (Portfolio briefing 14th June 2021 and briefing for Cllr Khan 01/07/2021)
 - Greenhead – Cllrs Pattison, Sokhal and Ullah (29/06/2021)
 - Mirfield – Cllrs Bolt, Taylor and Lees-Hamilton and members of Mirfield Town Council

(07/07/2021)

- o Dewsbury West – Cllrs O'Donovan, Hussain and Pervaiz (12/07/2021)
- o Dewsbury South – Cllrs Ramsay, Ahmed and Dad (30/06/2021)

Public or private: Public

Has GDPR been considered? Yes, there is no personal information contained in this report.

1. Summary

- 1.1 Network Rail formally submitted a Transport and Works Act Order¹ (“TWAO”) application – (The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order) to the Secretary of State on 31 March 2021 seeking authorisation to upgrade the existing railway and undertake electrification works between Huddersfield and Westtown (about half a mile south-west of Dewsbury Station). The proposed Order would also authorise the construction of station improvement works at Huddersfield Station and works for the construction or reconstruction of stations at Deighton, Mirfield and Ravensthorpe.
- 1.2 The works are expected to cost c. £1.56 Billion. The Council had a statutory 45-day period to submit its response to the application. Officers submitted a response on 17th May 2021 and whilst supportive of the proposal in principle included several significant issues that it was felt, required further work or negotiation to resolve.
- 1.3 The Secretary of State has deemed the Councils submission an ‘objection’ to the proposals. As a result of this it is a requirement that under s239 of the Local Government Act 1972, a Full Council resolution to support the objection to the works is obtained. The submission as it stands is deemed a ‘holding objection’ until a Full Council resolution is received by the Secretary of State.
- 1.4 Full Council is asked to consider the information contained within this report and decide whether to endorse the Councils Officer response with a full resolution such that the Secretary of State will deem the response as an objection to the TWAO. This report sets out the Officer reasons for seeking this endorsement and what might happen should Full Council decide not to endorse the Officer response

2. Information required to take a decision

Kirklees Involvement with TRU 2017 to 2019 - TWAO Consultation

- 2.1 Development of the Transpennine Route Upgrade between Huddersfield and Westtown (the scheme) has been ongoing since 2017. Kirklees Council technical officers have been involved in this process and have tried to work with Network Rail to ensure that the interests of Kirklees residents and council policies are protected and adhered to.
- 2.2 During this period, Network Rail undertook the following consultation:

| Date | Consultation Activity |
|---------------------------|--|
| August to September 2019 | Phase 1a stakeholder consultation (landowners) |
| September to October 2019 | Phase 1b stakeholder consultation (statutory) |
| Winter 2019 | Analysis of consultation feedback from Phase 1 |

¹ TWAO: Orders under the Transport and Works Act 1992 (the TWA) are used to authorise, amongst other transport, rail schemes in England. The powers that can be given in a TWAO can be very wide-ranging. For example, the promoter of a scheme may need planning permission or compulsory powers to buy land or to close streets. A TWAO, if confirmed by the Secretary of State, can grant these powers.

| | |
|---------------------|---|
| March to April 2020 | Phase 2 stakeholder consultation (landowners and statutory) |
| March to April 2020 | Phase 2 public consultation (online) |
| Spring 2020 | Analysis of consultation feedback from Phase 2 |
| Autumn 2020 | Phase 3 engagement events |

2.3 The following Local MP, councillor and stakeholder events took place:

- 6th September 2019 at the Media Centre (prior to phase 1 public consultation events)
- 16th March 2020 at Huddersfield Town Hall (prior to phase 2 public consultation events)
- 5th October 2020 at John Smiths Stadium (prior to phase 3 public consultation events)

Kirklees Council officers also responded formally to phase 1 and phase 2 public consultation.

2.4 Two further engagement events were held in October 2020 as “follow-ups” to the TWAO consultation. These were drop in events at which Network Rail was presenting the revised plans for the TRU. Network Rail was not asking for feedback during these events and agreed with the Council that no further contribution as part of this engagement was required.

2.5 In addition to the double tracking along the route and electrification, the following works are proposed:

| Location | Description of Works |
|----------------------------------|---|
| Huddersfield Station | - Provision of a fourth additional through platform (platform 9) |
| Huddersfield | - Gledholt tunnel- installation of overhead line electrical (“OLE”) equipment - Strengthening of Huddersfield viaduct and fixing of OLE gantries - Northgate Bridge- new walls and span on Grade II listed structure |
| Hillhouse Sidings (Alder Street) | - 3 new overnight sidings - A temporary platform |
| Deighton Station | - Improved station in the same location - Provision of step free access and blue badge spaces |
| Colne Bridge Road | - New replacement bridge - Realigned track at Heaton Lodge junction |
| Mirfield | - Provision of a new, longer island platform and step-free access at Mirfield Station |
| Ravensthorpe | - Relocation of Ravensthorpe Station approximately 300 metres to the west. New station with improved station forecourt and blue badge parking spaces - grade separated Thornhill junction (line to Wakefield) - Ravensthorpe viaduct- provision of a new 250m viaduct to accommodate 1.3km of realigned railway between Thornhill junction and Thornhill Road |

The Secretary of State has set the aims of the scheme to increase capacity and improve journey time and performance reliability of rail services on the Transpennine Line both between Huddersfield and Westtown (Dewsbury) and Manchester, Leeds and York.

TRU 2021 and future- Kirklees Involvement

2.6 The TWAO application was submitted to the Secretary of State on 31 March 2021. Kirklees Council submitted its response on 17 May 2021 which, whilst supportive of the proposal in principle, included several significant issues that it was felt, required further work or negotiation to resolve.

2.7 The response from the Secretary of State was as follows:

'We are conscious that although the Council are generally supportive of the scheme we were minded to treat your letter of 17 May as an objection rather than a representation to the scheme so that the Applicants could adequately address the issues you raised. We are also conscious that any letter received from a local Council to any TWA application which we treat as an objection, as we did with your letter, would be subject to a full resolution of the Council under section 239 of the Local Government Act 1972 and that is not always possible within the usual objection period.'

As things currently stand, as the local authority for the area in which any works are to be carried out and because we have treated your letter as an objection (subject to full resolution of the Council) you are known as a "Statutory objector" (see section 11(4) of the Transport and Works Act 1992) for the purposes of the inquiry process into the application. As a statutory objector, the following rights apply:

- You can, if you wish, have your objection heard before a person appointed by the Secretary of State. However, you cannot be heard privately.*
- If a public inquiry is held, whether or not you asked for one, you are entitled to speak at it.*
- You can require the inspector to carry out a site visit during or after an inquiry, accompanied by you or your representative and at least one representative of the application. Worth noting Inspectors do, however, make at least one site visit as a matter of course.*
- If your land is subject to compulsory purchase and you are successful in opposing that, you are usually awarded your costs.*

*We note the Council's concerns that the letter you submitted and which we are treating as a statutory objection may not receive the full resolution of the Council for it to be confirmed as that, it would then have to revert to a representation. Although **it would not carry the same benefits as a statutory objection** it would still be considered by the Inspector and then the Secretary of State in his consideration of making a determination on the application.'* (officer emphasis)

- 2.8 As a result of the Secretary of State deeming the Councils submission as an 'objection' to the proposals in order to give it the full weight of a statutory objection (which gives oral rights of representation at any future public inquiry) it is necessary for Full Council to pass a resolution in compliance with s239 of the Local Government Act 1972, to endorse the content of the Council's "objection". The submission as it stands is deemed a 'holding objection' until a Full Council resolution is received by the Secretary of State.
- 2.9 Taking the above into account, it is for the reasons and rights as outlined above that a Full Council resolution to support the objection would better serve the needs and interests of Kirklees residents and that of the Council.
- 2.10 In anticipation of today's meeting providing the necessary endorsement and in order to keep within the statutory timelines set down in the Transport and Works Act 1992, the Council was required to submit a formal Statement of Case to the Secretary of State (highlighting those matters which remained of concern and to expand upon some key strategic issues identified in the Councils response to the submission) and this was submitted on 6 July 2021.
- 2.11 Without a formal resolution to support the Councils response, matters that are of concern to Kirklees officers and residents may not benefit from a full hearing or discussion at the proposed public inquiry should the issues have not been resolved at that stage and a Statement of Common Ground have been prepared by both Kirklees and Network Rail. It is the intention of officers to continue with full negotiations with Network Rail between now and the proposed public inquiry date (Nov 2021) to resolve as many technical issues as possible which may ultimately result in part or the majority of the Councils objections being withdrawn.
- 2.12 Nine listed building consents were also submitted to the Council in March 2021 in association with the works proposed as part of the TWAO. On 12 May 2021, Kirklees Strategic Planning Committee considered the nine committee reports whereby officers concluded they had no

objections to the proposed works, subject to the suggested conditions, and Members of the Kirklees Strategic Planning Committee provided their own additional comments. In the case of some of the applications concerns were raised and these comments have since been referred to Secretary of State for final determination.

The Councils Response to the TWAO submission

2.13 In summary, due to the short time span for responding, lack of information from Network Rail prior to the submission date and time left prior to the inquiry in late 2021, officers have identified issues/concerns per technical discipline that may potentially impact upon Kirklees residents both during construction works and long term. These can be categorised as follows:

1. Points of clarification that are required
2. Issues that can be potentially negotiated prior to the public inquiry or dealt with via an appropriately worded planning condition
3. Matters to be taken further in a public inquiry subject to how negotiations proceed prior to the inquiry.

2.14 It is envisaged that the Council will work collaboratively with Network Rail in the run up to the public inquiry with a view to producing a Statement of Common Ground to address many of these issues. Any remainder of the issues that have not been resolved will remain within the Councils Statement of Case and may be identified as ‘matters’ by the Inspector to be determined at the public inquiry. It should be noted that the inquiry timetable has not yet been issued by the Secretary of State.

Whilst the attached response is very detailed, it is considered there are approximately ten strategic/key issues for the Council which **may** need to be further considered at the inquiry (subject to negotiation at this stage):

These relate to:

| | |
|--|---|
| 1. Environment and Biodiversity | Detail of the application states loss of large areas of trees/woodland and associated consideration of biodiversity net gain as per Environment Bill requirements. |
| 2. Climate Change | General considerations around the project’s aspirations for net zero carbon in the light of the Councils declaration of a Climate emergency |
| 3. Noise and Air Quality | Works at Hillhouse for a construction compound and how this may impact on residential properties |
| 4. Highways disruption | Key concerns on replacement public transport provision during construction works, congestion around the town centre/Mirfield, diversions of traffic and re-routing of public rights of way. Retaining structures, infill of bridges and landscape maintenance |
| 5. Dewsbury Riverside Housing Allocation | Whilst Officers are of the view that the TRU scheme does not prevent the housing development coming forward, clarification is required regarding the Western Gateway access arrangement and its interaction with the realignment of Calder Road proposed as part of the TRU scheme. |

| | |
|--|--|
| 6. A62 Leeds Road Bridge | Consideration of future liability and maintenance of the new bridge and design concerns for the replacement bridge. |
| 7. Operation of Waste/Recycling sites at Emerald Street and Weaving Lane | Continued public and commercial access to these sites are vital during the construction phase and a solution will need to be agreed. |
| 8. Heritage Assets | Considerations around the Huddersfield Conservation Area and how works may impact on the setting and how works directly affect listed structures along the route |
| 9. Development Management | Proposed structures/operations that require planning permission or further detail in their own right out of the scope of the TWAO |
| 10. Minerals and Waste | Clarification required around the restoration and landscaping of Forge Lane Quarry site |

- 2.15 Work is on-going with officers from the relevant technical teams to address these concerns above alongside numerous other lines of negotiation through the establishment of thematic workshops and the production of a Statement of Common Ground.

Summary of Key Points to consider

The objection to the TWAO

- 2.16 Kirklees has in all communication with Network Rail expressed support for the delivery of the TRU as a key piece of infrastructure to facilitate the district's economic and sustainable, low carbon growth agendas and we very much welcome this level of investment and subsequent commitment to working with us.
- 2.17 Kirklees is not objecting in principle to this scheme more raising technical concerns 'on the ground' which officers feel need resolving prior to works commencing. In addition, officers felt some information is omitted from the TWAO submission, as drafted, or is different to what was expected from the content of the submission as per previous negotiations. In raising these concerns in the Councils response, we are protecting the amenity and interests of Kirklees residents first and foremost.
- 2.18 Procedurally, and in the context of a formal public inquiry process, Kirklees response has been categorised as an objection to enable full consideration of any outstanding issues at a public inquiry should any issues remain by the inquiry date and should the Council wish to pursue them as highlighted above. It is worth noting the inquiry timetable has not yet been published by the Secretary of State.
- 2.19 Officers consider that the majority of these technical issues will be resolved through continued negotiation with Network Rail with the opportunity to withdraw specific concerns prior to the holding of the public inquiry should agreement be reached in the meantime. A Statement of Common Ground is proposed by officers to audit agreement with Network Rail on specific issues with any outstanding issues to remain in the Councils Statement of Case whereby the Council would then need to provide a Proof of Evidence for the public inquiry. At any point up until the public inquiry, the Council can withdraw its objection either in whole or in part.

TWAO Design Proposals and Additionality

- 2.20 As described in paragraph 2.5, Network Rail is instructed by the Secretary of State for Transport, to produce a scheme specific to the aims the scheme. Any works proposed to stations or land adjacent to the route or stations will be to facilitate the specific scheme. For example, the opportunity for the Council to request additional improvements to car parks or station facilities does not exist in the context of a TWAO application. As summarised above, Network Rail has worked alongside WYCA and has successfully agreed some works to benefit additional parking

as part of a district wide scheme, however, it is not expected or perceived that other works will be funded from this specific Government funded scheme.

Future Negotiation with Network Rail

2.21 Opportunities to reach further agreement are threefold:

1. Working with Network Rail to produce a Statement of Common Ground to be presented to the public inquiry.
2. Working with Network Rail to agree additional planning conditions to be attached to any deemed consent including details of what to include in any specific management plans as part of a planning condition; and
3. Working with Network Rails legal representatives to arrange any side agreements outside of the TWAO process in order to protect the operational capability of Council functions and any partner commercial interests.

2.22 Officers will work with Network Rail to ensure issues and concerns are dealt with expediently and effectively to reduce the necessity for attendance at the public inquiry which is in the best interests of the Council and Network Rail. In reference to point 2 above, Network Rail may be required to have Council agreement to a Construction Traffic Management Plan (“CTMP”) and Conservation and Implementation Management Plan (“CIMP”) and a Landscape and Ecology Management Plan as per planning conditions attached to any deemed consent of the Order. Officers are keen to seek agreement as to the specific content of these plans to ensure concerns and issues are addressed and rectified. In addition to this, Officers will work with Network Rail to produce any other technical reports and assessments deemed to be required.

3. Implications for the Council

3.1 The main implications for the Council in responding to the TWAO submission from Network Rail is to ensure minimal disruption and benefits for Kirklees residents during lengthy construction works and also longer-term strategic benefits when the TRU is complete. It secures consistency and compliance with Kirklees ambitions for the future in terms of improved transport provision, biodiversity, climate change, housing delivery and inclusive growth whilst accounting for ‘on the ground’ environmental concerns at a local level when construction is taking place.

Working with People

3.2 Network Rail has conducted their own engagement with members of the public and statutory consultees as it is their project including a separate meeting at Mirfield Town Council. The Council has responded to two previous TRU consultations. Officers have held individual ward member briefing sessions for those affected along the route and attended a Mirfield Town Council meeting to answer concerns from town councillors.

Working with Partners

3.3 The Council is working extensively with Network Rail and their array of technical consultants to ensure issues/concerns are addressed. Internal teams will be holding specific meetings to focus on each technical discipline affected by the proposals alongside other relevant external partners for example Suez in relation to household recycling sites and also affected businesses along the route. The Council is working closely with West Yorkshire Mayoral Combined Authority in our response to the proposals, especially with regard to any impacts on the bus station and impacts in relation to strategic transport schemes/funding.

Place Based Working

- 3.4 The proposals affect Ashbrow, Dalton, Newsome, Greenhead, Mirfield, Dewsbury West and Dewsbury South wards critically during the construction phase. Officers have conducted specific ward member briefing sessions to go through the proposals in relation to each ward. Considerations for the whole district on a strategic level are included in the comprehensive overall response.

Climate Change and Air Quality

- 3.5 The proposals have been considered by the Councils Climate Change and Environmental Services team in the context of climate change and impact on air quality. These have been included in the Councils response to Network Rail's TWAO submission and the Council have highlighted key areas of concern relating to addressing climate change including the design of the new stations and the loss of trees/green infrastructure along the route. These issues will be pursued during negotiations with Network Rail prior to the public inquiry.

Improving outcomes for children

- 3.6 As per the information above, officers have raised technical concerns around the health and well-being of Kirklees residents including children.

Financial implications

- 3.7 Continued negotiations with Network Rail and future attendance at the public inquiry will need to be funded by the Council. Human resources – Officers in relevant teams are aware of the work leading up to the public inquiry. In terms of project management there are dedicated resources in both Major Projects service and Planning service to lead on negotiations and if necessary extra resources will be procured. In addition, the Council retain Womble Bond Dickinson to provide legal support under the WYLA Framework and it may be necessary to employ a Barrister to represent the Council at the public inquiry.

Communications

- 3.8 Communications (external) – This is a Network Rail project and communications have been driven by them to date during two previous periods of consultation and the 45-day statutory period for the submission. All relevant landowners/business have been consulted as part of the TWAO legislative process.
- 3.9 It is a legislative requirement that the Council ratifies its objection via a Full Council resolution, held after the requisite notice period has been given. A public notice has been published 10 days prior to the meeting on 1st July in Huddersfield Examiner, Dewsbury and Mirfield Reporter.
- 3.10 The Council may wish to consider a communications strategy following the outcome of the TWAO inquiry to publicise when construction may commence and what it means for residents.

Integrated Impact Assessment (IIA)

- 3.11 It is considered a full Integrated Impact Assessment (IIA) is not required as the decision to approve the TWAO application rests with the Secretary of State not the Council in this case.

In undertaking continued negotiations with Network Rail, officers are aware of the need to discharge the authority's equality duties with regard to those with protected characteristics and will ensure for example any road or public rights of way diversions take account of this moving forward. In addition, Network Rail will have to comply with the relevant legislation around providing for those with protected characteristics in any scheme design.

Consultees and their opinions

- 3.12 Cllr McBride, Cllr Mather and Cllr Firth were briefed on 14 June 2021 and Leadership Management Team (cabinet members) were briefed on 21 June 2021. In these sessions, members agreed with the proposed approach relating to the Councils response to the TWAO submission.
- 3.13 The Leading Members were briefed on the proposed approach to the Councils response to the TWAO submission on the 28th of June 2021. Leaders indicated their support for the approach and there were no dissenting voices or major concerns raised.
- 3.14 Consultation has taken place internally with a wide array of Council officers who input into planning applications (e.g. Energy & Climate Change, Environmental Services, Conservation and Design, Highways, Landscape, Waste Strategy, Employment and Skills) and officers who determine planning applications (Development Management). Consultation has also been had with the Councils Senior Legal Officer and external legal representatives, as above.

4. Next steps and timelines

- 4.1 If Council decides to endorse the Councils response with a full resolution, then the Secretary of State will deem the response as an objection to the TWAO and on that basis Kirklees will have to right to present oral evidence at a public inquiry to be held Oct/Nov this year and the other associated benefits as listed above.
- 4.2 If the Council is minded not to endorse the Councils response, the Secretary of State will treat the Councils response as a representation but will not afford the ability to attend the public inquiry and provide evidence in person or afford the other benefits as listed above. The detail of the written representation would, however, still be considered by the inspector for the inquiry.
- 4.3 The public inquiry is predicted to take place later in the year, possibly in November, however, the Secretary of State has not published the formal inquiry timetable to date.

5. Officer recommendations and reasons

- 5.1 That Council endorse the response made to the Secretary of State as set out in the Appendix to this report for it to be deemed as an objection, for the following reasons:
- An objection can be heard before a person appointed by the Secretary of State,
 - If a public inquiry is held, Officers will be entitled to speak at it; and
 - That an objection would better serve the needs and interests of Kirklees residents and that of the Council, by allowing, in Officers opinion, a strengthened negotiating position on behalf of the Council with Network Rail
- 5.2 The reason for the above recommendation is should Council not endorse the response as a formal objection, it will be classified by the Secretary of State as a representation then there is a risk that the Council will not be in a strengthened position to negotiate with Network Rail, on most importantly the 10 significant issues described in the body of this report.

6. Cabinet Portfolio Holder's recommendations

- 6.1 The Cabinet Portfolio Holder recommends that Council endorses the response made to the Secretary of State as set out in the Appendix to this report (which has been deemed as an objection by the Transport Infrastructure Planning Unit) as an objection to the Transport and Works Act Order application for the purposes of s239 of the Local Government Act 1972.

7. Contact officer

Tim Lawrence

Transport Strategy and Policy Group Leader
Tim.Lawrence@kirklees.gov.uk

8. Background Papers and History of Decisions

Network Rail – TWAO submission documentation:

[Huddersfield to Westtown \(Dewsbury\) - Network Rail](#)

Strategic Planning Committee papers (12th May 2021):

[Agenda for Strategic Planning Committee on Wednesday 12th May 2021, 1.00 pm | Kirklees Council](#)

9. Service Director responsible

David Shepherd
Strategic Director for Growth and Regeneration

Appendix 1 – Full Council Response (submitted 17th May 2021 to Secretary of State):



**Strategic Director Growth & Regeneration
DAVID SHEPHERD**

First Floor South, Civic Centre 3,
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Tel: 01484 221000

Email: David.shepherd@kirklees.gov.uk

Date: 17th May 2021

Enquiries to: Tim Lawrence

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit,
Department for Transport,
Great Minster House,
33 Horseferry Road,
London,
SW1P 4DR

Dear Sir/Madam,

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 - Network Rail Huddersfield to Westtown TWA Order

SECTION 1 - INTRODUCTION

The following submission is made under rule 21 of The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and is made by Kirklees Council, Civic Centre 3, Market Street, Huddersfield HD1 2EY.

Kirklees Council (The Council) welcomes Network Rail's Transport and Works Act Order application to the Secretary of State for Transport for the Huddersfield to Westtown (Dewsbury) scheme. The Council fully recognises and supports the stated principal outcomes of the scheme, namely:

- A better Railway: doubling of the tracks from two to four, proving more resilience and reliability while also improving journey times and providing more frequent trains for passengers.
- Accessible Stations: upgrading them to modern standards and providing better accessibility facilities for passengers.
- Cleaner and quieter railway: electrification as a more sustainable form of locomotion, offering better energy efficiency and lower emissions.
- Supporting Economic growth: increasing passenger capacity on this busy section of the line, better connecting the communities of the North to employment opportunities.

The Council understands that the purpose of the scheme is to increase capacity and improve journey time and performance reliability of rail services on the Transpennine route between both Huddersfield and Westtown (Dewsbury) and Manchester, Leeds and York. The Council is pleased to see that the scheme will also deliver four fully accessible and compliant stations (at Huddersfield, Deighton, Mirfield

and Ravensthorpe), with step-free access, drop-off arrangements, and blue badge parking made available at all these stations.

The Council recognises that a lot of work has been undertaken by Network Rail in partnership with the Council's own technical officers over the course of the evolution of the scheme, and that much of the detail has been discussed through technical working groups held with Council Officers. The Council acknowledges that many of its design-related requests (that have been made through the evolution of the scheme) have had to be considered against the scope of what can be accommodated through a Transport and Works Act Order and the prescribed available budget for the scheme. Appendices 1 and 2 of this submission are provided to show previous consultation responses and the evolution of the Council's thought processes, to provide context for our subsequent comments.

The Council is aware that the application for the Transport and Works Act Order is a large document that contains a lot of detail. Notwithstanding the level of detail submitted, there are a number of areas where the Council requires further information in order to be satisfied that the scheme can be delivered without unacceptable impacts on the carrying out of the Council's various statutory functions. The key message that the Council seeks to emphasise through this response is that, whilst being fully committed to the scheme, there are a number of areas where further partnership working is required to agree some of the detail of the scheme, particularly during the construction phases.

The Council's Rule 21 representation to the Transport and Works Act Order application is structured in three parts:

1. This introduction, where the Council's support for and commitment to, the Transpennine Route Upgrade between Huddersfield and Westtown (Dewsbury) is set out.
2. Issue specific representations which cover in greater detail technical issues that Officers in the Council have raised throughout the afore-mentioned partnership working process and where the Council considers that either:
 - a. Modifications to the Order and/or the draft deemed planning permission are required;
 - b. further information should be provided to justify the design decision taken; or
 - c. where mechanisms for the submission and approval of further information to be provided as part of the future partnership working between Network Rail and the Council.

This section contains the Council's rationale for suggested amendments to proposed conditions and new proposed conditions (see Appendix 6) to deal with the lack of information provided or to ensure that the design or construction methodology does not impact, in the Council's opinion more than absolutely necessary on our residents. This section should be read in conjunction with Appendix 5.

Appendix 5 comprises a working internal document, detailing specific technical concerns and/or points of detail identified by the Council's various technical teams and which the Council considers will need to be addressed, or further detail provided, prior to the implementation of the relevant Works or Stage.

3. A proposal for a set of proposed amended and new planning conditions for consideration by Network Rail and the Secretary of State (as detailed in Appendix 6)

The Council reiterates its full support in principle for the scheme and hopes that through further partnership working that as many as possible of the issues raised can be dealt with prior to the determination of the application by the Secretary of State, or else can be conditioned through the drafting of the Order or through planning conditions.

SECTION 2 – ISSUE SPECIFIC REPRESENTATIONS

1- The Environment and Biodiversity

A scheme of this nature will have significant environmental impacts across its footprint and the Council considers it to be of utmost importance that these impacts are adequately mitigated for in line with our Local Plan Policy on ecological impacts and biodiversity net gain. The Council has the following over-arching comments to make on this issue:

- i. The Outline Environmental Mitigation Plans (Environmental Statement Volume 4 ,ch.02 Scheme Description- Fig 2-3 Outline Environmental Mitigation Plan- drawings 151667-TSA-00-TRU-REP-W-EN-001031 to 151667-TSA-00-TRU-REP-W-EN-001032) submitted to mitigate and reinstate the loss of habitat across the scheme are not detailed enough or measurable, and at this stage the Council cannot be satisfied that the proposals are in accordance with Local Plan Policy to “*result in no significant loss or harm to biodiversity in Kirklees*”.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC1(A)”**) (see Appendix 6) on any deemed planning permission.

- ii. There will be a significant short to medium term loss of woodland designated as within the Kirklees Wildlife Habitat Network, potentially of up to 33% along the TRU-W3 route, contrary to Council objectives and Local Plan Policy to strengthen and safeguard this network. This is just the first of two other sections which will impact on ecological connectivity across the Kirklees district to deliver the line.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC4”)** (see Appendix 6) on any deemed planning permission.

- iii. The timespan of adverse impacts is predicted to be between 30 to 100 years in some instances, whilst the proposed maintenance and management regime proposed by Network Rail is only 5-years post-development. The TWAO does not demonstrate sufficient mitigation for the predicted impacts of the scheme or provide long-term biodiversity net gains in line with Council objectives and Local Plan Policy. The management and monitoring regimes should span a minimum of 30 years to ensure habitats recover to comparable condition.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC4”)** (see Appendix 6) on any deemed planning permission.

- iv. The Council's adopted planning policies require all new development to provide a biodiversity net gain. The Council also notes that Network Rail has committed to achieving a 10% Biodiversity Net Gain across their line side estate within its Biodiversity Action Plan - which covers the time frame of this project. This is not currently reflected with the TWAO and therefore it has not been demonstrated to the Council's satisfaction how the scheme will achieve this commitment or accord with Local Plan Policy to “*provide net biodiversity gains through good design*”.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC1(B)”**) (see Appendix 6) on any deemed planning permission.

- v. The TRU-W3 Landscape and Ecological Management Plan must set a high standard in regard to mitigation and biodiversity net gain to be achieved across the whole length of the line, including the forthcoming TRU-W2B and TRU-W4.

The Council considers that the suggested **Additional / Alternative Conditions (“AAC1(A)”**, **(“AAC(B)”**) and **(“AAC4”**) each meet the relevant policy tests of the imposition of planning conditions, and that there is a clear justification of the use of pre-commencement conditions in these instances. The approved schemes would help avoid significant ecological impacts and provide long-term biodiversity enhancement.

2- Climate Change

In summary, the Council welcomes the lower carbon ambition and credentials of this scheme in terms of improving the capacity and punctuality of the network, reducing the dependence on road transport, and facilitating the shift away from fossil fuel powered railways towards full electrification.

However, the Council believes that the scheme can justifiably go further in terms of maximising the ‘net zero’ facilitation of the scheme by focusing on a more holistic view of enabling modal shift through improved facilities and minimising the footprint associated with station facilities. There is also scope to ensure that climate resilience is explicitly reflected in the scheme landscaping designs.

The Council considers that the following requirements and suggested planning conditions are necessary to ensure that the scheme meets the Council's 2038 Carbon Neutral Vision for responding to the threats of climate change:

- Incorporating the careful design of green infrastructure along the railway corridor to ensure maximum ‘ecosystem services’ benefits are provided by the corridor.

The Council considers that the policy objectives of its Carbon Neutral Vision are capable of being met through the imposition of a suitably worded condition to ensure an appropriate scheme of landscaping/green infrastructure is retained along the corridor. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC3”**) (see Appendix 6) on any deemed planning permission

- Detailed plans/rationale for considering comprehensive EV charging infrastructure at stations and parking facilities associated with the route. We would also suggest that this includes facilities for other modes, such as e-bikes, linking this to cycle storage to facilitate commuting. This would be a way of emphasising the ultimate low carbon credentials of the complete upgraded route.

The Council considers that the policy objectives of its Carbon Neutral Vision are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC27”**) (see Appendix 6) on any deemed planning permission

- Due to the comparatively lengthy period of anticipated disruption of rail services, further definition of the replacement bus specification is suggested in order to minimise unnecessary detrimental impacts relating to air quality and Greenhouse Gas emissions. The Council would suggest that a minimum standard of EURO6 is applied to conventional buses with more advanced ‘hybrid’ buses particularly welcomed. The latter would also be a way of emphasising the ultimate low carbon credentials of the complete upgraded route.

The Council considers that the policy objectives of its Carbon Neutral Vision are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub condition iv) of **Amended Proposed Condition (“APC6”**) (see Appendix 6) on any deemed planning permission.

3- Noise and Air Quality

i. Air Quality

Under relevant statutory duties for air quality contained within the framework of the Environment Act 1995 The Council wants to ensure that impacts on existing air quality levels are minimised as much

as possible during the construction process. The Council considers that various points of clarification are required as to the content of the TWAO application documentation, and further information is required in order to ensure that air quality impacts are minimised. These can be found in Appendix 5.

ii. Noise

General Mitigation

Under the Environmental Protection Act 1990, the Council wants to ensure that impacts at Noise Sensitive Receptors are minimised as much as possible during the construction process and when the scheme is operational. As a result, the Council asks the Secretary of State to impose **Amended Proposed Conditions (“APC5”) (“APC13”)**.

Hillhouse Sidings

Hillhouse sidings (ref. plans 151667-TSA-31-MVL3-DRG-T-LP-162863, 162864 and 162865) is near neighbouring residential properties to the north of the site (Hammond Street and Abbey Road). There is a significant difference in levels which rise to the north, however there is the possibility of adverse noise nuisance from the permeant overnight sidings from train engines starting and idling overnight. An Environmental barrier or ‘other mitigation’ at the boundary of these neighbouring properties is indicated on the plans (ref. above). The design of the intended noise mitigation barrier needs to be carefully considered to avoid an adverse impact on visual and residential amenity.

The Council considers that it’s duties under the Environmental Protection Act 1990 are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC15”)** (see Appendix 6) relating to noise threshold levels applicable and **Amended Proposed Condition 16 (APC16)** (see Appendix 6) on any deemed planning permission.

4- Highways

The Council wishes to make representations around the highway designs submitted as part of the submission, the impact of the construction on the highway and Public Right of Way (PROW) networks and the provision of replacement bus services. As mentioned earlier it is hoped that many of these representations can be dealt with through more detailed partnership working between the end of the statutory response period and the start of any period of consideration by the Secretary of State.

i. Highway Design

Despite several meetings to resolve particular design issues on the highways approaching the A62 Leeds Road Bridge (MVL3/102) and the Calder Road Bridge (MNV2/202) (NR15, Chapters 8.4.8 and 8.7.2 such as drainage provision and Longitudinal gradients, the Council notes that with respect to the latter those proposed still exceed Local Highway Authority guidance.

There is no evidence provided that Network Rail has considered reasonable adjustments, and the Council considers that the current designs represent a risk to highway safety. The Council would like to see technical evidence such as long and cross-sections documenting why the desirable gradient technically cannot be achieved before accepting the designs for adoption.

The Council considers that the detailed design is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional/Alternative Condition (“AAC9”)** (see Appendix 6) on any deemed planning permission.

The proposed design of the new A62 Leeds Road and Colne Road bridges do not incorporate cycle provision in accordance with the latest Department for Transport design guidance, specifically LTN 1/20.

The Council considers that the detailed design is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC23”)** (see Appendix 6) on any deemed planning permission.

ii. Impact on Highway and PROW networks

The Transport Assessment is a useful starting point to understand the construction impacts of the scheme on motorised road users, but it uses a high-level strategic SATURN model as its base and as such final outputs cannot be relied on for detailed analysis.

As a consequence, the Council considers that the following each needs to be considered, assessed and mitigated prior to the commencement of development of each stage of the scheme:

In relation to impact on the highways and PROW networks, the “Scheme-wide Assessment” contained in Document NR15 Volume 2(i)- Environmental Assessment identified 107 links on 68 roads that could be impacted by the Scheme during the construction phase. Further work is required to understand projected delays **to all road users** on the links identified in table 14-11 of and what effect road closures and diversions might have on local businesses servicing arrangements.

The Council considers that any required mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub section vii) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

The Council considers that there is likely to be disruption and increased journey times from the temporary and permanent realignment of several PROW’s and as such has suggested a condition to assess and minimise disruption to users across the length of the Scheme.

The Council considers that the detailed design is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC17”)** (see Appendix 6) on any deemed planning permission.

In addition to the wording of the planning condition proposed by Network Rail, the CTMP should additionally provide full details of all road closures and diversions for each stage, including any time constraints to accurately predict the impact on specific waste collection routes. The Council would seek opportunity to engage early with Network Rail to suggest diversion routes based on local operational knowledge. The timing is critical to ensure correct processes are put in place to ensure minimum disruption to the network.

The Council considers that any engagement and detail are capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub condition iii) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

iii. Replacement Bus services

Information contained in NR 16 Volume 3 Environmental Statement Appendices; Appendix 14 Transport Assessment on replacement bus services is welcome, but the detail around the potential level of delay needs to be more granular than what is provided by the transport model. Furthermore, the road closures and associated delay will potentially necessitate the

re-routing of a number of buses which could in turn create some significant severance for communities along parts of the line that rely on the bus network.

It is suggested that further work is undertaken to understand how accessibility will be affected during various stages of construction compared to the current baseline position and if necessary, the option of providing feeder buses should be investigated.

Given that they will be operating within or near to existing AQMAs we require confirmation that any *replacement* bus services will be either Euro 6 buses or vehicles which have been retrofitted to meet Euro 6 standards. As a bare minimum we would expect a Euro 5 and Euro 6 mix of buses. In addition, we would expect all *replacement* bus services to use routes specifically selected to avoid as many residential properties as possible

The Council considers that any required mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub section iv) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

iv. Parking and Interaction with Kirklees Highway Schemes

The Council is progressing several major transport and regeneration schemes through the West Yorkshire and Transforming Cities Funds, pursuant (as far as Huddersfield is concerned) with the aspirations contained within our Huddersfield Blueprint. There will be overlap with our own delivery timescales. We note that in NR16 -Environmental Statement Volume 2ii these schemes were considered “aspirational”, despite in some cases having been working towards are at Outline Business Case stage within the West Yorkshire Combined Authority’s Assurance Process.

The Council requests that these schemes are put into future modelling scenarios as “committed”, but more importantly that due cognisance is given their construction timescales and that further work is undertaken with the Council to map out and understand the impacts of both sets of construction

The Council is specifically interested in the impact of the TRU scheme on the council’s Station Forecourt Car Park, of Network Rail’s proposal to utilise its adjoining Station Car Park as a satellite construction compound taking access to/from the compound for construction traffic via St George’s Square and the Station Forecourt Car Park.

The Station Forecourt Car Park provides pick up and drop off and short stay parking for rail users, complementing the Station Car Park which provides long-stay parking.

The documentation states that it is likely that the satellite compounds will be used intermittently over the 4-year period of TRU, rather than continuously. For the compound at the Station Car Park, further information adds that both daytime and night-time (possession) working will be required, and the duration of use is estimated at up to 2 years.

The Council requests greater clarity on:

- The scale of construction traffic likely to access/exit the Station Car Park via St George’s Square and the Station Forecourt Car Park; and
- Whether the Station Car Park might be operated as a car park intermittently for the periods in between TRU working, so as to provide long-stay parking for rail users and complement pick up and drop off and short stay parking in the Station Forecourt Car Park

The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the

Secretary of State to impose part (a), sub section vi) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

v. *Condition Assessments*

The streets in questions will suffer damage due to intensification of use e.g., haul roads and necessary work to facilitate the scheme. The Council questions whether Network Rail would undertake condition assessment with council prior and agree how this risk can be mitigated with the council.

The Council considers that any mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Amended Planning Condition (“APC5”)** (see Appendix 6) on any deemed planning permission.

5- Dewsbury Riverside

The Council wishes to raise several representations in relation to strategic housing allocation HS61 (Dewsbury Riverside) which has an indicative capacity of up to 4000 houses as identified in Kirklees Local Plan. The delivery of this allocation will be impacted upon through the TRU proposals. This housing allocation is a regional Spatial Priority Area as defined by WYCA and thus is instrumental to housing provision for the region. Section 7.4.2 of NR14 states that the plans do not preclude the Dewsbury Riverside housing allocation (HS61) from being delivered. However, there is a lack of information in relation to impacts of the TRU proposals on the delivery of the Dewsbury Riverside site.

The Council has written to Network Rail on two occasions to try and find a way of accommodating the interests of both the scheme and the housing allocation. The Council remains concerned that the delivery of Dewsbury Riverside will be adversely impacted by the Transpennine Route Upgrade. Appendices 3.1 and 3.2 details the first set of correspondence between Kirklees and Network Rail on Dewsbury Riverside and Appendices 3.3 and 3.4 details the second set.

The Council firmly believes that further joint working with Network Rail can enable the delivery of the TRU proposals alongside the full Dewsbury Riverside housing allocation. The Council (as part landowner of the Dewsbury Riverside HS61 site) has jointly commissioned a report with Homes England to assess the implications of the TRU proposals for Dewsbury Riverside. This includes alternative options which could be cheaper to deliver and better in place making terms for all parties. The Council is keen to progress further engagement on these matters and will share its jointly commissioned report with Network Rail as a basis for further mutually beneficial design work.

The Council considers that to ensure that any further engagement with Network Rail is productive and to facilitate the Council’s delivery of a regionally important housing allocation requires the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC10”)** (see Appendix 6) on any deemed planning permission.

6- Leeds Road Railway Bridge

The Council has significant concerns in relation to the ongoing maintenance of the A62 Leeds Road Railway Bridge (The Bridge) which carries a public highway over the railway. The bridge was originally British Rail’s liability. The bridge was strengthened in 1974. In 1973, BR and Huddersfield Borough Council entered into an agreement for Huddersfield to undertake the strengthening works and take on ownership of the bridge. There are no records as to why the ownership was transferred at this time, but it is a feature of railway bridges that their capacity can often meet NR’s obligations, whilst falling short of the national 40T requirement for the public highway. In such a case the Highway Authority is responsible for the shortfall in capacity but without normally becoming responsible for the asset itself, which is believed to be unprecedented.

Until recently, the negotiations with Network Rail about Leeds Road bridge had led Kirklees to understand that Network Rail would consider taking back ownership of the Bridge, which is to be reconstructed as part of the TRU programme.

Although the Council accepts that its views on construction method and sequencing of works have informed Network Rail's choice of a design option, the proposed design entails the construction of a significantly larger bridge structure with a more extensive footprint. The proposed methodology and phasing improve the horizontal alignment of the highway, which will help mitigate the impact on A62 traffic during construction. As a consequence, the proposed bridge is a fundamentally new structure, which is significantly bigger and will require a higher inspection and maintenance cost than the existing Bridge. The Council holds that this alters the premise on which the 1973 agreement was made.

However, shortly before the submission of the TWAO application, Network Rail (in a letter covering a range of other issues) asserted that they will not take on the liability for this asset, in their first expression of their opinion in writing on this matter since discussions started approximately three years ago.

In view of the above, Kirklees would not be prepared to accept ownership or maintenance responsibility for the proposed enlarged bridge. Appendix 4 and the associated sub-appendices 4.1 and 4.2 detail our objection and required amendments to the drafting of Article 47.

7- Operation of Waste Sites

The Council has concerns regarding the operation of two Household Waste Recycling Centre's (HWRC's) at Huddersfield and Dewsbury. At present, the Council is not satisfied that the operational ability of, and access to, the sites will not be adversely impacted during construction works. Appendix 5 details these concerns.

Any road closure will affect household waste collection routes and potentially vehicle movements around depots, transfer stations and other key locations.

The Council requires early and specific engagement to ensure that diversion routes that affect critical operations around waste transfer stations, operational depots, HWRCs and on key routes for household waste collection access are not impacted. There may be the opportunity to offer alternative diversion routes based on local knowledge and operational needs. Early engagement on this is requested.

Through that process more specific information in relation to the construction compounds, construction routes, staff numbers and working hours, associated trips and parking requirements as well as the construction programme and associated traffic measures will be provided". The Council seeks reassurance that there will be sufficient detail in the CTMP at each stage of the works to assess the impact in this regard. e.g., details such as operation times, diversion routes etc in order that we can work with other departments to minimise impacts on service delivery.

The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part **(a), sub section iii and v) of Amended Planning Condition ("APC6")** (see Appendix 6) on any deemed planning permission.

8- Heritage Assets

The Council notes that any works to heritage assets are dealt with through the Listed Building Consent process, and further that the Council does not have any objections to the 9no Listed Building Consent Applications submitted by Network Rail for determination by the Secretary of State for Housing, Communities and Local Government.

Notwithstanding the above, the Council is concerned that the Scheme is likely to have further impacts on designated and non-designated heritage assets and as a consequence seeks the following:

- i. The completion/submission of individual Conservation Implementation Management Plans (CIMP's), which the Council considers will be critical to protecting individual designated heritage assets and the Huddersfield Conservation Area.
- ii. There is a need to consider overall impact on Huddersfield Conservation Area not just individual listed structures in isolation. The identified adverse impacts will need to be managed and partially mitigated by means of a tailored (CIMP) as part of the suite of thereof which will be necessary to cover the TRU-W3 as a whole.
- iii. There is a need to consider maintenance or ongoing use of 'redundant' listed bridges. A detailed Conservation Strategy to secure the future of the bridge should be clearly stated, to include as a minimum a Conservation Implementation Management Plan (CIMP) developed to demonstrate the future management and maintenance works necessary to secure the long-term preservation and potential re-use of the grade-II listed structures.
- iv. The Council is of the opinion that the Environmental Statement fails to consider Grade II listed Hillhouse sidings coal shutes, tramway, walls and gates and their future. The impact of the works impacting on the listed Railway Coal shutes and Tramway at Hillhouse Sidings will need to be defined managed and partially mitigated by means of a tailored Conservation Implementation Management Plan (CIMP) as part of the suite of CIMP's which will be necessary to cover the TRU-W3 as a whole.

The Council considers that the potential impacts on designated and non-designated heritage assets can be managed and protected through the submission and approval of individual Conservation Implementation Management Plan (CIMPs), which can be secured by way of a suitably worded condition on any deemed planning permission. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition ("AAC5")** (see Appendix 6) on any deemed planning permission.

9- Development Management

The Council requires further plans/drawings on the following items listed in the Environmental Statement as currently there is no detail:

- i. Power Supply Unit (PSU) to replace existing infrastructure to west of Heaton Lodge cottages.
- ii. Fixed Telephone Network mast to replace existing facility, exact location, and height to be confirmed.
- iii. New maintenance access anticipated from Wood Lane to provide vehicular access to new railway.

The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition ("AAC24"), ("AAC25") and ("AAC26")** (see Appendix 6) on any deemed planning permission.

In addition, it is noted that a Static Frequency Converter Feeder Station Site is proposed in the triangle of land between the new viaduct and the L&Y Lines to Wakefield. This is a substantial, free-standing building complex in its own right, located in the edge of the river and restored landscape. It will potentially have a significant impact on the built heritage and natural environment.

The Council questions whether it is appropriate to require the detailed design of this substantial structure and the associated landscaping to be addressed through the submission of details in a Planning Condition. Full details of the design and form of the development should be provided or be subject to a detailed application which would ensure that (as a minimum) the architectural form, site enclosure and the landscape and biodiversity impact, mitigation and enhancement are fully understood and subject to detailed analysis and appropriate decision-making.

The Council therefore asks the Secretary of State to impose **Amended Planning Condition (“APC 14”)** (see Appendix 6) on any deemed planning permission.

The Council would also note that the land upon which this Static Frequency Converter Feeder Station is to be sited is a safeguarded waste site (former landfill) which is under a restoration programme. It is currently unclear how this programme will be affected, or biodiversity impacts will be accounted

A portion of the above land is defined as ‘exchange land’ to compensate for the loss of Public Open Space along the track and is presumed to be provide public amenity space, however it is unclear how the scale of the proposed Static Frequency Converter Feeder Station development affects its public amenity purposes and is the loss therefore adequately compensated for through this site if a large proportion of it is to be developed to accommodate a Feeder station and Power Supply Unit.

Finally, the Council would note that no details of landscaping/planting for both the developments and the exchange land. The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC2”)** (see Appendix 6) on any deemed planning permission.

10- Minerals and Waste

The Council would like to make a representation in respect of Environmental Statement NR16, Volume 2i, Chapter 2, page 64 and Chapter 5, page 12 and the Planning Statement NR14, pages 56 and 87. The representation relates to Forge Lane Quarry Site Kirklees Local Plan reference MES6. There is an extant planning permission for mineral extraction 2012/92979 granted on 25/04/14 for a period of 10 years to be implemented within 3 years from being granted. This could take it up to August 2024.

The Council understands that no restoration works have yet commenced on site and mineral extraction is continuing. Clarity is sought if Network Rail acquires the site whether they will be responsible for completing the approved restoration of the site or a revised restoration scheme. The Council is keen to understand whether all mineral is to be extracted from site prior to Network rail acquiring the land. If not, this could potentially sterilise the remaining mineral resource from the site and affect supplies of minerals.

For clarity, the Council requests an explanation on the following potential confusion with respect to the Forge Lane Quarry site:

- Paragraph 9.15.7 of the Planning Statement states that Network Rail will enter consultation with Kirklees Council, the Canal and River Trust and the operators of Forge Lane Quarry to create a landscape design for exchanged land in this plot.
- Paragraph 2.12.3 of the Environmental Statement, states Network Rail understand the sites will be fully restored prior to the scheme commencing.

11- Further Technical Issues – Appendix 5

In addition to the issues identified above, for the benefit of both the Secretary of State and the Promoter the Council has included Appendix 5 to this submission. Appendix 5 comprises a working internal document, detailing specific technical concerns and/or points of detail identified by the Council's various technical teams and which the Council considers will need to be addressed, or further detail provided, prior to the implementation of the relevant Works or Stage.

The Council acknowledges that many of the points identified are capable of being addressed through further plans and specifications to be approved through the Order's Articles, or through details to be approved pursuant to conditions imposed on any deemed Planning Permission. However, Appendix 5 has been included at this stage to assist the Secretary of State and the Promoter in understanding the scope and extent of the matters where addition information will be required before the Council can be confident that it can discharge its own statutory functions.

As above, the Council remains committed to working with the Promoter, both prior to the determination of the Transport and Works Act Order application and (if confirmed) through the various prior approval mechanisms relevant to each Works and Stage. At this stage, the Council reserves the right to supplement or expand upon the key concerns identified within this submission (above), to the extent that further discussions with the Promotor prior to determination of the application indicate that the concerns/ further details cannot be addressed through post-confirmation conditions and approvals. The Council looks forward to continuing working with Network Rail on these issues prior to the determination of the application.

Section 3- NR Draft Planning Conditions – Appendix 6

Appendix 6 includes various proposed minor amendments to the wording of the draft planning conditions Network Rail presented as part of the Transport and Works Act Order application. With due consideration of the technical issues raised, the Council has suggested some amended wording to the existing proposed conditions and in addition, a set of new potential conditions, Alternative/Additional Conditions (“AAC1”) to (“AAC27”). The Council invites both the Secretary of State and Network Rail to consider the proposed amendments and additions and looks forward to working with all parties to produce an agreed final set of conditions.

Conclusion

The Council strongly welcomes the almost £1.46 billion investment in the borough of Kirklees and the undoubted economic, environmental, and social benefits this will bring. The Council remains committed to assisting wherever possible, Network rail in bringing this level of investment forward. The Council understands that disruption during construction is to a certain extent inevitable and is extremely cognisant of the fact that a lot the non-railway infrastructure will fall to us to maintain and operate in the future. For these reasons we seek to ensure that our residents and businesses can move around the borough as efficiently as possible during the construction, that their future is assured in terms of housing choice in a greener and cleaner environment and that they do not disbenefit from the Council having to pay disproportionately for increased maintenance costs of legacy infrastructure.

For these reasons we have provided this detailed representation, but we are confident that through further partnership working with Network Rail we can resolve many of the issues highlighted and we can all benefit from this significant level of investment.

Yours faithfully,



David Shepherd
Strategic Director Growth and Regeneration

Project Remit



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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Wednesday 18th November 2020

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

Observer: Councillor Martyn Bolt

288 Membership of Cabinet

All Members of the Cabinet were present.

289 Minutes of previous meetings

RESOLVED – That the Minutes of the meetings of the Cabinet held 1 September, 22 September, 20 October and 23 October 2020.

290 Interests

No interests were declared.

291 Admission of the Public

It was noted that the information contained at Agenda Item 22 was exempt from publication.

292 Deputations/Petitions

No deputations or petitions were received.

293 Questions by Members of the Public

Question from Sarah Newton

“WYCA's carbon emission reduction Pathways anticipate the need for vehicle traffic to significantly decrease by 2030 including measures to reduce private car travel by up to 43%. In this context, investing in greater highway capacity is wasteful and short-sighted.

Would it not be more sensible to pause schemes which increase private vehicle capacity and instead review them in the context of the climate emergency and policy changes that will be implemented to achieve targets?”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

Question from Sarah Newton

“When will there be an official statement regarding the decision to re-design the Cooper Bridge Road Scheme that guarantees the preservation of Nun’s Bank Woods and the Bradley Quarry Nature Reserve?”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

Question from Sarah Newton

“Please will the Council consider revising the Climate Emergency Declaration to include the preservation of mature trees alongside the planting of new ones?”

A response was provided by the Cabinet Member for Greener Kirklees (Councillor Mather).

Question from Sarah Newton

“The tree planting season has just started. Again there is an absence of actions meeting KMC’s claims of contributions to the Northern Forest. When will the Council refrain from repeating unsubstantiated claims about tree planting and actually get some Northern Forest trees planted? Will it be in the last months of 2021 or even later?”

A response was provided by the Cabinet Member for Culture and Environment (Councillor Walker).

Question from James Taylor

“At a previous Cabinet meeting I asked about the public feedback that hadn't been published on the planned improvements at Cooper Bridge and Cllr McBride said in that meeting that plans had been mothballed.

On Monday I read in the Examiner an article by Tony Earnshaw that Richard Hollinson, a senior officer at Kirklees, said all options remain on the table. Therefore, who is right and who is wrong and actually runs the Council, the elected Labour Cabinet or the unelected officers?”

A response was provided by the Cabinet Member for Regeneration (Cllr McBride).

Question from James Taylor

“With the delayed local elections due to take place in May 2021 has Kirklees done any work on the possibility that the way the electorate vote in May, may be different from normal?”

For example, I have a postal vote and Kirklees have my signature so they can check that it is I who casted the vote, if we end up with an all-out postal election, how can each voted be verified when Kirklees don't have everyone's signature on their systems?"

A response was provided by the Cabinet Member for Corporate Services (Councillor Turner).

Question from James Taylor

"As requested in one of the many emails I receive from Kirklees Together I've recently completed several questionnaires on recycling, planning issues and museums. How are these questionnaires made up?

Are they done "in house" or sub contracted out and who decides on the questions, for example do cabinet sign it off?"

A response was provided by the Cabinet Member for Corporate Services (Councillor Turner).

Question from Richard Stow

"Kirklees Council is the lead Council for the White Rose Forest. The White Rose Forest is the lead forest for the Northern Forest and Community Forests Trust. Kirklees Council through White Rose Forest is seeking multi million pound funding, to be the lead body for national reforestation delivery.

Kirklees Council has sought the responsibility to lead delivery of national reforestation policy. We face a climate emergency, right now. We are 6 weeks into planting season with little to show. Please Deliver."

A response was provided by the Cabinet Member for Greener Kirklees (Councillor Mather).

294 Questions by Elected Members (Oral Questions)

Question from Councillor Bolt

"A question to the Leader, yourself and the Cabinet agree to abide by the Nolan principles, which include openness, honesty, and leadership. We heard in response to a question from Sarah Newton, Cllr McBride say that the options put forward for public consultation on the Cooper Bridge Scheme had been withdrawn. The statement from your Officers categorically says 'At this point in time no formal decision has been taken to eliminate any of the options delivered to date' Who is correct?"

A response was provided by the Leader of the Council.

Question from Councillor Bolt

“The Cabinet have launched another consultation exercise, this time a £2.4m project to link Brighthouse to Bradley. What strategic aims are underpinning this project and will the consultation findings on this occasion be brought back to a public Cabinet meeting for consideration?”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

Question from Councillor Bolt

“Does the Cabinet support the Local Plan and agree that the first principle of any development should be that it conforms with and supports the Local Plan?”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

Question from Councillor Bolt

“Referring to a press clipping in December 2014, Councillor McBride said that the future of Dewsbury lies with the relief road, and he was referring to a relief road for Ravensthorpe which was in the pipeline but it could be 2025 before it is finished. If the future of Dewsbury lies with the relief road, that was due to be finished in 2025, when will it start?”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

295 Council Housing IT Replacement System

Cabinet gave consideration to a report which advised that approval had already been given to undertake a procurement exercise to replace the Council’s Housing IT system and that approval was now being sought to draw down capital and award the contract to the winning bidder. The report advised that an indicative budget of £1m had been identified in the Housing Revenue Account Capital Plan for the provision of a system that would improve the service available to tenants by providing more responsive service provision and process efficiencies, including opportunities for tenant self-service and improved frontline delivery.

Cabinet were advised that, following evaluation, four products had been shortlisted and the most suitable product, from a perspective of both quality and price, had been selected. Cabinet were asked to assign the necessary budget, estimated to be circa £1.1m, in order to purchase the system and to ensure sufficient resources were in place for its implementation. The report advised that it would be cheaper to purchase and implement the new system than continue to use the current system and would result in a financial saving over a 7 year period. It was noted that the project would commence in early 2021 with implementation anticipated to take 12 to 15 months.

RESOLVED –

- 1) That approval be given to the drawing down of £1.1m capital from the Housing Revenue Account Capital Plan to enable the contract for the new Housing IT system to be awarded to the winning bidder.
- 2) That authority be delegated to the Strategic Director (Adults and Health) to implement this decision.
- 3) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into all relevant legal documents on behalf of the Council to enable implementation of this decision.

296

Holme Valley Neighbourhood Development Plan

Cabinet received a report which set out detail of the submission of the Holme Valley Neighbourhood Development Plan by Holme Valley Parish Council, in accordance with the Neighbourhood Planning (General) Regulations (as amended) 2012. The report advised that the Plan had been formally submitted to both the Council and the Peak District National Park Authority on 6 July 2020 and that Officers considered that the submission met the legal requirements to proceed to consultation and independent examination. An assessment of the legal requirements was attached at Appendix 1 of the report.

It was noted that the Council held responsibility for organising the statutory publicity of the plan and that this would commence on 8 December 202 for a period of 8 weeks. The detailed publicity plan was attached at Appendix 3 of the considered report. Appendix 2 of the report listed a number of concerns and detailed comments raised by Officers regarding the content of the plan and Cabinet was asked to endorse the submission of the concerns to the independent examiner.

RESOLVED –

- 1) That authority be delegated to the Head of Planning and Development to progress with publicity (consultation), appointment of an independent examiner (following consultation with Holme Valley Parish Council and the Peak District National Park Authority), participation at the independent examination and to undertake statutory duty to submit representations received during the publicity (consultation) period.
- 2) That the Holme Valley Neighbourhood Development Plan and supporting documents be published for publicity (consultation) for a minimum of 8 weeks commencing on 8 December 2020.
- 3) That the Officer comments on the Holme Valley Neighbourhood Development Plan, as set out at Appendix 2, be endorsed and submitted to the independent examiner for their consideration.
- 4) That authority be delegated to the Service Director (Growth and Housing) to make non-material amendments to the Council's comments (as endorsed in (3) above) to the independent examiner, or to reflect any further evidence that comes to light prior to the examination.

297 Dewsbury Towns Fund Accelerated Grant & Getting Building Fund

Cabinet gave consideration to a report which provided detail of grant approvals totalling £2.715m and sought approval to implement the associated projects and programmes. The report advised that the recent grant approvals had been received from the Government for capital works to take place in Dewsbury and Huddersfield, and Cabinet were asked to approve the implementation of the schemes and to also to give approval to entering into other agreements with third parties in order to enable the Towns Fund Accelerated Grant Programme and projects to be delivered.

The report set out details of the projects within both the Towns Fund Accelerated Grant, which included improvements to Dewsbury Railway station and improved pedestrian and cycle routes, and the Getting Building Fund Approvals which related to projects at the George Hotel and Huddersfield Arcade.

Cabinet noted that there was limited time available to use the grant and it was therefore suggested that the monies be allocated to other projects within the programme in order to provide flexibility and increased expenditure on some schemes, if necessary, in order to ensure that the funding was fully spent in 2020/21.

RESOLVED –

- 1) That the success in receiving the £750,000 Towns Fund Accelerated Grant, and the in-principle approval from Government of £1.965m from the Getting Building Fund, be noted.
- 2) That approval be given to the projects as detailed within section 2 of the considered report.
- 3) That authority be delegated to the Strategic Director (Growth and Regeneration) to negotiate and agree with Kirklees Theatre Trust, or another organisation, supported by the Arts Council, agreements to create a Creative Hub at 15 Union Street, Dewsbury, including a grant award of up to a maximum of £200,000.
- 4) That authority be delegated to the Strategic Director (Growth and Regeneration) to negotiate and agree with Kirklees College, agreements to enhance open space to the west of Pioneer House as part of the Better Spaces Programme, including a grant agreement for a grant award of up to a maximum of £150,000.

298 Corporate Financial Monitoring Report Quarter 2, 2020-2021

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

Cabinet received a report which set out financial monitoring information for General Fund Revenue, the Housing Revenue Account and Capital Plan, as at Quarter 2 (Month 6), 2020/2021.

The report advised that the Council's revised General Fund controllable (net) revenue budget for 2020/21 was £306.0m and that the budget included (net) revenue savings in-year of £2.8m. It indicated that the revised budget included a number of planned transfers from reserves during the year, with the most significant

Cabinet - 18 November 2020

being from £1.3m from the revenue grants reserve, £0.8m from the Public Health Reserve, £0.8m from the Strategic Investment Support reserve and £0.4m from the Rollover reserve.

Cabinet noted that there was a forecast overspend of £5.5m against the £306.0m revised budget at Quarter 1, equivalent to 1.8%, which represented forecast £3.7m unfunded pressures relating to Covid 19 and forecast £1.8m net pressures elsewhere. The report indicated that there had been a net £2.2m reduction on the forecast overspend position since Quarter 1 which was made up of both decreased net unfunded Covid 19 pressures, due in part to a higher estimated income compensation payment, and a net decrease in pressures elsewhere from a range of incremental changes across service activity.

The report set out information on headline variances as well as detail relating to Central Budgets, General Fund Reserves, the Collection Fund, the North and West Yorkshire Business Rates Pool, Housing Revenue Account and Capital, 2020/2021 Budget Proposals.

RESOLVED –

- 1) That, in regards to the General Fund (i) the 2020/2021 forecast revenue overspend of £5.5m as at Quarter 2 be noted (ii) it be noted that the 2020/2021 forecast £7.6m High Needs overspend which, as per current DfE guidance, will roll forward into 2021/22 on the Council balance sheet as a negative reserve (iii) it be noted that, in conjunction with the assumed continued support of central Government to adequately compensate the Council for Covid 19 pressures, the Executive Team shall continue to identify opportunities for spending plans to be collectively brought back in line within the Council's overall budget by year end and (iv) the forecast year-end position on corporate reserves and balances be noted.
- 2) That the forecast position on the Collection Fund as at Quarter 2 be noted.
- 3) That the Quarter 2 forecast Housing Revenue Account position, and the forecast year-end reserves position, be noted.
- 4) That, in regards to the Capital Budget (i) the Quarter 2 forecast capital monitoring position for 2020/2021 be noted (ii) approval be given to the re-profiling across years of the capital plan , as detailed within the report and at Appendix 6 (iii) approval be given to the £255k capital proposal to increase burial capacity by way of a further extension at Batley Cemetery, as detailed within the report and at Appendix 7 (iv) approval be given to a £502k gym/spin studio development scheme at Batley Sports and Tennis Centre, as detailed within the report and at Appendix 8 (v) approval be given to capital works at Batley Baths and Recreation Centre at £50k, as detailed within the report (vi) approval be given to further capital remedial works of £300k at Huddersfield Leisure Centre, as detailed within the report (vii) approval be given to £463k to cover part of the Pioneer House overspend, with the remainder to be covered by future slippage to be identified within the plan, in agreement with the Chief Finance Officer (viii) approval be given to the release of funding from the Huddersfield Town Centres Action Plan for Huddersfield Town Hall and the release of Sustainability of Major Town Halls – Service Development Capital Programme line funding for Cleckheaton

Town Hall for external lighting systems, as detailed within the report and (ix) approval be given to the replacement of the Council's current fleet vans with fully electric equivalent vehicles, as part of the Climate Emergency Green Travel Measures, as detailed within the report and at Appendix 9.

299 Request to support children eligible for Free School Meals with vouchers during school holiday periods

Cabinet received a report which provided information as to a decision which had previously been taken by the Chief Executive under Emergency Powers as to support for children eligible for free school meals during October half term, and also gave consideration to arrangements for future school holiday periods.

The report advised that, following the decision of Parliament not to fund free meal provision over October half term 2020, Officers had remodelled the costs to the Council of making a commitment to local children and their families and made available funding as a £15 voucher for the half term, providing an entitlement to approximately 15,000 children, and that this decision was taken under delegated powers.

In terms of future school holidays, the Cabinet were asked to consider a similar commitment in order to support eligible children, though it was noted that the Government had recently announced a targeted support package to the families in greatest need up until the end of March 2021, and so were asked to delegate authority to Officers to be prepared to support related activity through the upcoming holidays if required in regards to the forthcoming Christmas, half term and Easter holiday periods.

RESOLVED –

- 1) That the decision taken by Officers under Emergency Powers regarding supporting children eligible for free school meals during October half term be noted.
- 2) That the Director of Children's Services be asked to submit a report to the meeting of Cabinet on 15 December 2020 setting out proposals for the Christmas holiday period and other targeted support into 2021, following on from the Government's new winter package announcement for extra support this winter to vulnerable households.

300 Place Partnerships - Kirklees Mental Health Champions Training Programme and Support Network

Cabinet received a report which requested the allocation of £93,270 funding from the Place Partnership Mental Health Themed Budget in order to deliver the Kirklees Mental Health Network and Training Programme. The report advised that the proposal had been influenced by information collected through local data and intelligence and aimed to develop a place based approach to supporting the third sector to assist citizens facing low level mental health challenges.

Cabinet noted that the project of providing mental health first aid training would be delivered by locally based organisations and the Council's wellness team and that

the lead organisations would support and develop the training programme over a 12 month period.

RESOLVED - That approval be given to funding of £93,270 from the Place Partnership Mental Health Budget, for the Kirklees Mental Health Network and Training Programme.

301 Huddersfield Central, Huddersfield North, Batley, Birstall and Birkenshaw and Spen Place Partnership - Tackling mental health and improving physical activity from the front door

Cabinet received a report which requested the allocation of £38,255 funding from the Place Partnership Mental Health Themed Budget for an 18 month pilot scheme for improving physical activity. The report advised that the proposal had been influenced by information collected through local data and intelligence and aimed to signpost citizens to what is available, and also to help to develop opportunities.

Cabinet noted that the proposal focussed upon short term early intervention and support for the next 12 to 18 months and would build upon activities that already existed, including cycling, jogging, guided walks and chair-based activities. The report advised that the objective of the scheme would be to develop a place based approach to supporting the third sector to assist citizens facing low level mental health challenges through physical activity and that locally based lead organisations would develop and map activity opportunities and identify volunteers to attend training in walking, cycling, jogging, movement and games.

RESOLVED - That approval be given to funding of £38,255 from the Place Partnership Mental Health Budget for the tackling of mental health and improving physical activity.

302 Huddersfield Central Place Partnership - Tackling the Taboo - Supporting Women Going Through the Menopause

Cabinet received a report which requested the allocation of £42,947 funding from the Place Partnership Mental Health Themed Budget to support a two year pilot for women experiencing the menopause. The report advised that the proposal was based upon a collaboration between the Women's Centre and local community partners to develop a two year pilot targeted at raising awareness of the menopause and creating opportunities for local women to shape the design, delivery and evaluation of a local response to support for women and their families, enabling opportunities for learning across Kirklees and beyond.

The report set out the anticipated outcomes of the pilot scheme, which included reducing anxiety and improving mental health and well-being of women and their families, would be community led and co-ordinated by a project worker.

RESOLVED - That approval be given to £42,947 revenue funding from the Huddersfield Central Place Partnership Mental Health theme allocation for the menopause pilot scheme.

303 Batley, Birstall and Birkenshaw Place Partnership - Mental Health Initiatives

Cabinet received a report which requested the allocation of £82,261 funding from the Place Partnership Mental Health Themed Budget to deliver mental health initiatives in the Batley, Birstall and Birkenshaw area. The report advised that the proposal would enable local providers to deliver a range of Mental Health support programmes, including carer support, access to employability, and work regarding community perceptions and stigma.

The report advised that the proposal had been influenced by information collected through local data and intelligence and aimed to provide support locally for citizens who may be effected by one or more identified themes. Cabinet noted the detail of each 3 projects; (i) Carers Support (ii) Mental Health Support through Employability and (iii) Anti-Stigma.

RESOLVED - That approval be given to £82,261 of funding from the Place Partnership Mental Health Theme Budget to deliver the following projects; (i) Carers Support - £12, 376 (ii) Mental Health Support through Employability - £36, 685 and (iii) Anti Stigma - £33,200.

304 Batley, Birstall and Birkenshaw Place Partnership - Supporting the Mental Health and Wellbeing of Children and Young People as they return to school settings

Cabinet received a report which requested the allocation of £40,000 funding from the Place Partnership Mental Health Themed Budget to deliver support for children and young people in school and community settings in the Batley, Birstall and Birkenshaw area. The report advised that collaboration was taking place with local schools and community youth providers to focus upon activities to support children and young mental health and wellbeing in the wake of the pandemic.

Cabinet were advised that schools and community providers would be invited to submit proposals based upon local knowledge and experience and that the short term interventions would be made sustainable wherever feasible were success was demonstrated.

RESOLVED - That approval be given to funding of £40,000 from the Place Partnership Mental Health Theme Budget to support the mental health and wellbeing of children and young people in schools and community settings.

305 Dewsbury Place Partnership - 'Better Connected Dewsbury' Proposals for Allocation of Mental Health Focus Funding

Cabinet received a report which requested the allocation of £142,857 funding from the Place Partnership Mental Health Themed Budget for the commissioning of three preventative and interlinked approaches to help address mental health priorities across Dewsbury. The report advised that the programme would be delivered through three interlinked projects; (i) Mind, Health, Nature – Dewsbury wide 12 month pilot (ii) Enhancements of greenspaces in each of the three Dewsbury wards and (ii) 'Tech to Connect' digital inclusion approach to help tackle isolation and loneliness, and the report provided a breakdown of how the projects would benefit residents within the Dewsbury area.

RESOLVED - That approval be given to funding of £142,857 from the Place Partnership Mental Health theme budget to fund the commissioning of three preventive and interlinked approaches to address mental health priorities across Dewsbury.

306 Huddersfield Rural Place Partnership - Proposal to boost School Capacity to Support Children and Young People's Mental Health and Well-being

Cabinet received a report which requested the allocation of £187,778 funding from the Place Partnership Mental Health Themed Budget to boost mental health support and capacity in schools within the Huddersfield Rural Place Partnership area, which would support children and young people to maintain positive mental health and emotional well-being.

The report advised that the proposal sought funding for a project that would provide for two mental health professionals working across 37 schools, which collectively supported the wellbeing of 10,237 children, for a period of 18-30 months. Cabinet noted the key aims of the project, which included supporting the emotional wellbeing preparation of young people for progression to post 16 education and assisting school management and mental health teams to develop whole school strategies to emotional and mental wellbeing.

Cabinet were asked to consider funding options to appoint a host organisation for the two posts and an evaluation timescale. Cabinet were of the view that Option 3, as set out at Para, 2 of the report, allowing for a 30 month timescale, should be supported.

RESOLVED - That approval be given to funding of £187,778 from the Place Partnership Mental Health Theme Allocation to fund two posts aimed at boosting mental health capacity and support in schools in the Huddersfield Rural Place Partnership area, with the balance to be funded through ward budgets and/or other funds.

307 Development of land at Southgate, Huddersfield

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

Cabinet gave consideration to a report which requested that consideration be given to an offer received from the University of Huddersfield to purchase the strategic development site at Southgate, Huddersfield. The report advised that the site, which was over two hectares and was allocated as a mixed use site in the Local Plan, was subject to a proposal submitted by the University was for the development of the site as a National Health Innovation Campus, including teaching and learning facilities. Cabinet were advised that the proposal would bring staff, students and visitors into Huddersfield Town Centre.

Exempt appendices to the report provided detail with regards to the draft Heads of Terms, and the offer letter which had been accompanied by a vision and concept for the development of the site.

(Cabinet gave consideration to the exempt information at Agenda Item 22 (Minute No. 309 refers) prior to the determination of this item.

RESOLVED –

- 1) That approval be given to the disposal of the Southgate site (Appendix 1 refers) to the University of Huddersfield at the price as detailed in Appendix 3 (exempt).
- 2) That approval be given to a departure from the adopted Disposals and Acquisitions Policy and that approval be given to the treatment of negotiations with the University as that of a Special Purchaser within the meaning of the adopted Policy.
- 3) That authority be delegated to the Strategic Director (Growth and Regeneration) and Service Director (Legal, Governance and Commissioning) to finalise the Heads of Terms and to proceed with the disposal broadly in accordance with the draft Heads of Terms as set out in Appendix 3 (exempt).
- 4) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute any agreements or instruments relating to the disposal of the Southgate site.

308 Exclusion of the Public

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

309 Development of land at Southgate, Huddersfield

(Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person. It was considered that the disclosure of the information would be contrary to confidential terms and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 20 (Minute Mo. 307 refers).

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Thursday 26th November 2020

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

Observers: Councillor Martyn Bolt
Councillor Nigel Patrick

310 Membership of Cabinet

All Members of Cabinet were present.

Cabinet Member, Councillor Paul Davies, attended the meeting but did not participate in any vote due to his appointment to Cabinet being subsequent to the publication of the agenda and the notice of Cabinet membership.

311 Interests

No interests were declared.

312 Admission of the Public

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

313 Deputations/Petitions

No deputations or petitions were received.

314 Questions by Members of the Public

No questions were asked.

315 Questions by Elected Members (Oral Questions)

Question from Councillor Bolt

‘Do Kirklees Cabinet take their responsibilities seriously in terms of the safety of KNH tenants and residents?’

A response was provided by the Leader of the Council.

Question from Councillor Bolt

“Could you explain why residents of Bankfield Court in Mirfield who for three months have been plagued with criminal and anti social behaviour from a neighbour who is in a private rented property but severely affects those in KNH properties are not getting the support they wish from Kirklees. The situation has been reviewed by staff who told them they would come back in 6 weeks to review the situation. We have regular issues where emergency services are being called out, and elected members and the MP’s office were excluded from a neighbourhood management meeting last week, so, in saying that you take it seriously, why is no robust action being given to support, defend and assist tenants in Bankfield Court?”

A response was provided by the Leader of the Council.

Question from Councillor Bolt

“As Leader of the Council, will you join me in extending every good wish to Councillor Lynn Petrini?”

A response was provided by the leader of the Council.

Question from Councillor Bolt

“When will Kirklees emulate Kingston Upon Hull by having meetings in a socially distanced fashion where members are present in the same room as they have been doing for some while, and seeing the installation of our first next citizen?”

A response was provided by the leader of the Council.

Question from Councillor Bolt

“As Leader you previously said that you run the Council, so when you or your Cabinet Members issue an instruction to Officers should that instruction be acted upon and complied with?”

A response was provided by the leader of the Council.

Question from Councillor Patrick

“There is a small bouquet of flowers attached to a lamppost on Springwood Road by the high school. It is there as a constant reminder of a young person who lost her life on that road. Over a month ago I attended this Cabinet meeting and asked for an update on the progress of the Springwood Road school drop off point road safety scheme. I have not had an update. This scheme is fully funded, you have the money, 14 years in the waiting and still no sign of it being delivered. Do we have to wait for another bouquet to be placed on another lamppost before you deliver this scheme?”

A response was provided by the Cabinet Member for Greener Kirklees (Councillor Mather).

Question from Councillor Bolt

“When did the Deputy Leader and Cabinet have their damascene conversion regarding active travel as claimed in the press statement of 16 November which said, ‘it’s no secret that as a Council we are committed to making it safer and easier for people to travel by bike or on foot’ When and did the damascene conversion take place?

A response was provided by the Cabinet Member for Regeneration (Councillor McBride) and the Strategic Director (Growth and Regeneration).

316 West Yorkshire Devolution - Consent to Draft Order

Cabinet gave consideration to a report which sought consent, in principle, to a draft Order to establish a Mayoral Combined Authority and associated changes, as set out in the ‘minded to’ Devolution Deal, and as submitted to the meeting of Council on 25 November 2020.

Cabinet noted that, during September, consideration had been given to the outcome of the public consultation process and that the summary of consultation responses had been submitted to the Secretary of State. The report advised that the submission, along with the detail of the Scheme, had been used to draft the Order which was now presented for consideration.

The report set out information with regards to (i) the benefits of the deal which would enable increased funding, power and influence (ii) the process for enacting the deal (iii) consultation follow-up and (iv) the content of the draft Order, which included matters regarding the election of the Mayor and mayoral functions. The report also explained that the functions of the Police and Crime Commissioner role would be transferred to the Elected Mayor in May 2021 and that the arrangements for the current Police and Crime Panel would be retained and supported by Wakefield Council.

Appendix 1 to the report set out the timetable for implementing the deal and the draft Order was attached at Appendix 2. It was noted that the Order would be laid in Parliament during December 2020.

RESOLVED –

- 1) That the report, and the draft Order, as attached at Appendix 2, be noted.
- 2) That consent in principle be given to the draft Order (Appendix 2), to establish a mayoral combined authority and associated changes as set out in the ‘minded to’ Devolution Deal.
- 3) That (i) authority be delegated to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of each Constituent Council, and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order further to any technical issues which may arise, and (ii) accordingly, the Leader and Chief Executive be authorised to act as a consultee on behalf of the Council for these purposes.
- 4) That (i) the updated timetable, as set out at Appendix 1, and the next steps which are subject to consent being given by the Constituent Councils and

Combined Authority, to the draft Order that the Secretary of state will lay the Order in Parliament in December 2020 be noted and (ii) accordingly, authority be delegated to the Service Director (Legal, Governance and Commissioning) to make necessary amendments to the Council's Constitution.

- 5) That it be noted that Corporate Governance and Audit Committee are currently considering proposed governance and reporting arrangements between the proposed mayoral authority and the Council.
- 6) That it be noted that this decision of Cabinet shall be exempt from Call-In, as agreed by the Chair of Overview and Scrutiny Committee, upon grounds of urgency as set out at para 3.6 of the report.

317 Covid 19 - Additional Restrictions Grant Scheme

(Due to urgency, a Regulation 10 Notice had been issued in respect of this item and the Chair of Overview and Scrutiny Management Committee had agreed to the waiver of Call-In).

Cabinet gave consideration to a report which sought approval for the Council to establish an Additional Restrictions Grant fund for Kirklees. The report explained that the grant scheme would provide support for certain types of small and micro businesses that had been affected by Covid-19 but were ineligible for other grant schemes which had been established by the Government in response to the period of lockdown that commenced on 5 November 2020.

Cabinet noted that the scheme aimed to address gaps in the other grant programmes and that it would operate on a discretionary basis with local eligibility criteria being determined by the local authority, within a framework of national guidance. The report advised that a total of £8,795,740 had been allocated for businesses within Kirklees and sought approval to establish the scheme, including the eligibility criteria for applicants and the grant amounts to be awarded.

It was noted that the Chair of Overview and Scrutiny Management Committee had waived the period of Call-In on grounds of urgency for implementation.

RESOLVED –

- 1) That approval be given to the establishment of the Additional Restrictions Grant, including the proposed eligibility criteria for applicants and the grant amounts to be awarded, as detailed at section 2 of the considered report.
- 2) That a further update report be submitted regarding the implementation of the Government's business grant schemes that have been operating during the lockdown period.
- 3) That authority be delegated to the Strategic Director (Growth and Regeneration) and the Service Director (Finance) to implement and monitor the Local Authority Discretionary Grant Fund Scheme, and make any further changes to the scheme to ensure equity and achievements of the objectives.
- 4) That authority be delegated to the Strategic Director (Economy and Infrastructure) and the Service Director (Finance), in consultation with the Cabinet Member for Corporate Services, to vary the eligibility criteria for the Additional Restrictions Grant Scheme.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 15th December 2020

Present: Councillor Shabir Pandor (Chair)
Councillor Viv Kendrick
Councillor Musarrat Khan
Councillor Naheed Mather
Councillor Carole Pattison
Councillor Cathy Scott
Councillor Graham Turner
Councillor Paul Davies

Observers: Councillor Martyn Bolt
Councillor David Hall
Councillor Andrew Marchington
Councillor Alison Munro
Councillor Elizabeth Smaje

Apologies: Councillor Peter McBride

318 Membership of Cabinet

Apologies for absence were received on behalf of Councillor McBride.

319 Interests

No interests were declared.

320 Admission of the Public

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

321 Deputations/Petitions

No deputations or petitions were received.

322 Public Question Time

Cabinet received the following question;

Question from Andy Leader

“There is a longstanding and ongoing problem on a number of Holmfirth public rights of way caused by intensive and inappropriate use by 4x4 vehicles and motorbikes.

This vehicle use is severely damaging both the unsurfaced rights of way and adjacent private land, causing a nuisance to non-motorised users and degrading the environment. The routes worst affected are Ramsden Road, Kiln Bent Road, Rake Head Lane and Old Gate.

Can the Council protect these vulnerable rights of way by closing these routes to vehicles with Traffic Regulation Orders?"

A response was provided by the Cabinet Member for Environment (Councillor Mather).

323 Questions by Elected Members (Oral Questions)

Cabinet received the following questions from members of the Council;

Question from Councillor Bolt

"At an earlier Cabinet meeting today, Councillor McBride agreed with me that enforcement action should be taken against developers who do not conform to the terms of the planning permission and deliver everything agreed. Could I ask that Cabinet will also agree with me and take action against the applicant of planning application 2003/95052, the applicant being Kirklees Metropolitan Council, and the application being the construction of a shared use footpath, walking and cycle route from Dewsbury through to Huddersfield. The area in particular is in the Dalton ward between Helme Lane and Bog Green Lane where what is delivered on the ground does not reflect what is in the plans. They have failed to deliver in accordance with plans, and also a planning condition on this stipulates that there should be an annual usage survey and an annual highways survey. We haven't had any highway safety surveys done at each of the road crossings and the route has not been delivered in conformity with the planning application approved, so it would seem hypocritical for Kirklees to be taking action against private developers whilst blatantly ignoring the planning conditions itself. So, will you ensure that your staff deliver the scheme as originally approved?"

A response was provided by the Leader of the Council.

Question from Councillor D Hall

"Leeds Council are to empty all their household bins between Christmas and New Year, as are Calderdale and Bradford, and Wakefield is prioritising grey bin collections. In Kirklees there are to be no household bin collections between Christmas and New Year. Do you think this is an acceptable service to people who pay their Council tax?"

A response was provided by the Cabinet Member for Environment (Councillor Mather) and the Cabinet Member for Culture and Greener Kirklees (Councillor Davies).

Question from Councillor Bolt

"In line with all the other West Yorkshire authorities, Kirklees has signed up to the West Yorkshire Carbon Emission Reduction Pathway. Some of the key targets of this are to reduce private car travel by at least 21%, increase travel by walking by 78%, increase travel by bicycle by approx. 2000%, as well as bus and rail targets. Where are the targets that Kirklees have adopted, how much of these West

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Yorkshire targets will Kirklees absorb and what is being done to increase cycling in Kirklees by 2000%?”

A response was provided by the Cabinet Member for Culture and Environment (Councillor Davies).

Question from Councillor Munro

“Advertising plays a key role in the climate crisis by fuelling demand for high carbon products such as diesel and petrol vehicles, SUVs, airline flights, as well as promoting fossil fuel companies like Shell and BP. We have declared a climate emergency and we must therefore make sure that we don’t allow advertisements promoting these kind of things to appear on our advertising billboards and screens that are located on council owned land across Kirklees. Additionally passenger transport executors often control advertising policies regarding buses, bus stops and rail so it’s vital that we put an end to any advertising that doesn’t accord with the Council’s climate change policy. I’m therefore asking today, will you adopt a low carbon advertising policy across Kirklees?”

A response was provided by the Cabinet Member for Culture and Environment (Councillor Davies).

Question from Councillor D Hall

“With regards the perennial recurrence of the poor bins service, can I ask the Leader, if you are re-elected as an administration in May, can we expect a similar service next Christmas?”

A response was provided by the Leader of the Council.

Question from Councillor Bolt

“With regards to Christmas and bank holiday working hours and the IT service desk, this is obviously a section of the Council that has been put under extreme pressure since February this year, with more staff than ever home working and the excellent support that we as Members get from them when we have problems. I notice that the IT staff will be finishing work at lunchtime on Christmas Eve, returning on Tuesday 29th, so can I ask that the Cabinet join me in thanking our IT service for their dedication and hard work during this period, for the support that they give not only to elected members but to everyone in the Council in enabling them to work from home and to continue to run the Council. Will you join me in thanking them and wishing them all the best for the forthcoming season?”

A response was provided by the Leader of the Council.

324

Half Yearly Monitoring on Treasury Management Activities 2020-2021

Cabinet received a report which set out an update on the Council’s treasury management function and half yearly monitoring on treasury management activities for 2020/2021. The report advised that external investments averaged £53.4m during the period at an average rate of 0.41% and that investments had ranged from

a peak of £144.1m in April and a low of £15.0m in June, whereby the high investment balance in April was due to receiving a Covid 19 support grant of £12.2m and business grant relief grant of £11.7m on 27 March 2020, and business rates of £113.7m on 1 April 2020.

Cabinet noted that balances had been invested in line with the approved treasury management strategy, as attached at Appendix 1 to the report, in instant access accounts or short term deposits. The report advised that in-year treasury management performance had been in line with treasury management prudential indicators, as set out at Appendix 4.

The report provided a breakdown of detail in regards to (i) economic context (ii) investment performance (iii) borrowing performance (iv) revenue budget monitoring (v) prudential indicators and (vi) future treasury management strategy.

Cabinet noted that the treasury management strategy would continue to maintain a relatively low risk strategy giving priority to security and liquidity, and as such, invest an average of around £20m externally in relatively short term liquid investments. The report advised that any remaining balances, net of the investment in the Local Authorities Pooled Investment Fund, would be used internally, offsetting borrowing requirements.

RESOLVED - That the Half Yearly Monitoring on Treasury Management Activities 2020/21 be noted and that the report be submitted to the meeting on Council on 13 January 2021.

325 Colne Valley Place Partnership - Proposal to provide responsive mental health and wellbeing interventions for young people and families

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

Cabinet received a report which sought approval of £101,000 from the Place Partnership mental health themed budget to provide a responsive counselling support mental health intervention for young people and families in the areas of Golcar, Lindley and Colne Valley, and also the delivery of a Therapeutic Forest School Pilot for primary school children. The report advised that a pilot project of counselling support had been undertaken during the summer to provide a service for young people aged 11-18, and that feedback had been positive.

The report set out details of the proposal to fund a locally delivered intervention which would replicate the benefits of the pilot scheme and provide young people with the support that they require at an early stage to attempt issues from escalating and requiring more specialist intervention. Cabinet noted that aims of the proposal included a reduction in referrals to CAMHS, supporting young people with emotional resilience, and improving overall mental and physical wellbeing. The report advised that the allocation of £98,000 was being sought for the provision of this counselling support provision and that, additionally, the allocation of a further £3,000 was sought for the provision of an outdoor play based project (Therapeutic Forest School) for primary school aged children who may be experiencing anxiety, stress, loneliness or isolation. Cabinet noted that the allocation of £3,000 would fund 6 sessions at £410

per session, plus £540 to cover any potential transport costs incurred to enable families to have access to the sessions.

The report advised that, subject to approval, a procurement exercise would take place in respect of the counselling support service to commission a host organisation to be able to commence service delivery as early as February 2021, and that, in regards to the forest school project, liaison would take place with local schools to identify ten young people who would benefit from the pilot and that the sessions would commence in January 2021.

RESOLVED - That approval be given to £101,000 from the Place Partnership Mental Health Theme Budget to provide a responsive mental health intervention and a therapeutic forest school pilot in the Golcar, Lindley and Colne Valley wards.

326 Final Report of Ad Hoc Scrutiny Panel on Elective Home Education

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

Cabinet received the final report of the Ad Hoc Scrutiny Panel on Elective Home Education, which had been formed in November 2017 following an increased number of home educated children in Kirklees, which reflected a trend a local and national trend, and therefore identified a need to review relevant protocols and support provided to parents with the aim of developing the offer available to ensure that families are supported to achieve the best possible outcomes for home educated children. The report advised that, between December 2017 and December 2019, the Panel had gathered evidence from relevant stakeholders and considered non statutory government guidance, prior to completing the final report which set out its findings and seven recommendations, including the possibility of providing a centre to sit exams and establishing a dedicated elective home education team.

Cabinet welcomed the content of the Scrutiny Panel's final report, along with the recommendations and appended action plan, and it was noted that updates on progress would be submitted to the Children's Scrutiny Panel.

RESOLVED - That the recommendations of the Ad Hoc Scrutiny Panel, and the responses as set out in the Action Plan, be noted.

327 Amendments to Civil Penalty Policy for Housing related offences

Cabinet received a report which set out proposed amendments to the civil penalty policy for housing related offences. The report advised that Cabinet had approved a policy to be used in determining appropriate levels of civil penalties on 2 October 2018 but that further housing legislation had since been introduced and that the revisions to the policy would consolidate all existing housing offences where civil penalties could be considered, and take account of legislation, guidance and case law.

The updated policy, which was appended to the considered report, was intended to deter and prevent the renting out of unsafe and substandard accommodation and providing clear and transparent guidance to promote high quality standards and practices within the private sector. Cabinet noted that, for offences committed under

the Housing and Planning Act 2016, raising the level of civil penalty to £30,000 was considered important in achieving this.

The report advised that a communications and publicity campaign would take place to outline the legislative changes and potential consequences of non-compliance.

RESOLVED –

- 1) That amendments to the Civil Penalty Policy for Housing Related Offences, as attached at Appendix A of the considered report, be approved.
- 2) That future minor amendments to the Policy be delegated to the Service Director (Growth and Housing) in consultation with the relevant Cabinet Portfolio Holder.

328 Local authority COVID Winter Grant scheme

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

Cabinet gave consideration to a report which set out details of the local authority covid winter grant scheme, and proposals to provide assistance with food utilities and other essential supplies, in accordance with guidance issues by Government. The report advised that the scheme aimed to provide support to families with children and other vulnerable households and individuals from December 2020, and cover the period until the end of March 2021.

Cabinet noted that work would be undertaken with services and partners to identify recipients through the local welfare provision scheme and that the approach would take advantage of existing administration and delivery mechanisms, ensuring the most appropriate and timely interventions. The report advised that services would include the provision of food parcels, essential supplies and food vouchers, and the provision of winter clothing.

The report advised that the funding was a one off contribution for the 2020-2021 financial year, made under Section 31 of Local Government Act 2003.

RESOLVED –

- 1) That a sum equivalent to £30 per child eligible for free school meals be provided to schools and colleges in order that they can provide a voucher for the Christmas period.
- 2) That a sum equivalent to £15 per child eligible for free school meals be provided to schools and colleges in order that they can provide a voucher for the February half term period.
- 3) That the balance of funding available, estimated to be £697,500, be allocated to the Local Welfare Provision budget to support additional food, fuel and other essentials, in accordance with the grant determination and guidance issued by the Secretary of State.
- 4) That a further report be submitted to Cabinet in early 2021 to consider proposals for a Holiday Activities and Food Programme for 2021, following

confirmation of Government funding support through the Spending Review 2020 announcement on 25 November 2020.

329 Proposal for the Early Help offer for Children Young People and Families

Cabinet received a report which set out the progress made pursuant to a report to Cabinet in 2017 which had set out proposals for the redesign of early support service delivery. The report also provided information on the 'Early Years and Beyond' Summit that had been held in January 2020 in order to engage with partners to shape the development of an integrated early support offer for children and families.

The report explained that the proposed family hub model, which was illustrated within the report, aimed to build upon existing relationships, and place and community assets, while focusing upon local residents and the needs of the area, and would be based around the geography of (i) Dewsbury and Mirfield (ii) Batley and Spen (iii) Huddersfield and (iv) Kirklees Rural, with each having a designated children's centre building.

Cabinet noted that the proposed model offered the opportunity for children and young people to be involved with their communities and to develop parent participation in local areas. The report advised that a series of engagement activities were taking place and that a subsequent report setting out the findings would be submitted to a future meeting of Cabinet, prior to an anticipated implementation of the model from April 2021.

RESOLVED - That the proposal for the Early Help Offer for Children, Young People and Families be noted and endorsed, and that a further report be submitted to a future Cabinet meeting setting out the findings of the engagement exercise and the finalised proposals for the Family Hubs model.

330 COVID 19 Community Champions Grant Scheme

Cabinet gave consideration to a report which sought approval to establish a Community Champions grant scheme to support the Community Champions Fund, which would provide a range of funding options in order to enable communities to provide additional capacity, and support the existing integrated Covid 19 response. The report advised that, subsequent to the Government announcement in October 2020, that up to £25m funding would be available for communities that had suffered disproportionately during Covid 19, via a new scheme called 'Community Champions', Kirklees had been identified as one of the areas to apply for this funding due to its diversity of communities and range of complex and individual needs. The report advised that, in order to deliver the outcomes of the scheme within Kirklees, a Community Champions grant scheme would be established in order to ensure that funding could be provided to support those areas and communities facing the greatest challenges.

Cabinet were asked to approve the establishment of the grant scheme, the eligibility criteria for applicants, and the indicative grant amounts to be awarded. It was noted that, subject to approval, the Council launch the scheme as soon as practicable and would promote detailed scheme guidance and application forms whilst keeping the operation of the scheme under review.

RESOLVED –

- 1) That approval be given to the establishment of the Community Champions Grant, including the proposed eligibility criteria for applicants and the grant amounts to be awarded, as detailed at para. 3 of the considered report, and that the short timescales for the establishment and operation of the scheme be noted.
- 2) That authority be delegated to the Strategic Director (Children's Services) to implement and monitor the Local Authority Discretionary Grant Fund Scheme, in consultation with the Service Director (Finance) and relevant Cabinet Portfolio Holders, and that authority also be delegated to make further changes to the scheme to ensure equity and achievement of the objectives.
- 3) That authority be delegated to the Strategic Director (Children's Services), in consultation with the Service Director (Finance) and relevant Cabinet Portfolio Holders, to vary the eligibility criteria for the Community Champions Grant Scheme.

331

VCS Support Funding over the Christmas Period (Late/Urgent item)

(The Leader of the Council advised that he had given authority for this item to be considered as a late and urgent item due to the timescales for implementation).

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

Cabinet gave consideration to a proposal to provide Ward Members with additional resources to support voluntary and community groups who would be impacted by a loss of funding over the Christmas period. The report explained the proposal to allocate a budget of £50,000 to assist groups who have found increasing difficulty in relying upon consequential opportunities to generate income due to the challenges of Covid-19, impacting upon financial security. It was noted that, subject to approval, work would take place with local groups and organisations in order to facilitate timely access to the funding and that the criteria and process would be finalised and communicated.

RESOLVED –

- 1) That, in order to support local community groups and organisations impacted over the Christmas period with regards to a loss of funding, approval be given to a budget of £50,000.
- 2) That responsibility for the design of the criteria and supporting process be delegated to the Head of Democracy and Place Based Working.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 19th January 2021

Present: Councillor Shabir Pandor (Chair)
Councillor Viv Kendrick
Councillor Naheed Mather
Councillor Peter McBride
Councillor Carole Pattison
Councillor Cathy Scott
Councillor Graham Turner
Councillor Paul Davies

Observers: Councillor Martyn Bolt
Councillor John Lawson
Councillor Aleks Lukic
Councillor Alison Munro
Councillor Richard Smith
Councillor Elizabeth Smaje
Councillor Will Simpson
Councillor John Taylor

Apologies: Councillor Musarrat Khan

332 Membership of Cabinet

Apologies for absence were received on behalf of Councillor Khan.

333 Minutes of Previous Meetings

RESOLVED – That the Minutes of the Meetings held on 18 November, 26 November and 15 December 2020 be approved as a correct record.

334 Declarations of Interest

No interests were declared.

335 Admission of the Public

It was noted that Agenda Item 15 would be considered in private session (Minute No. 346 refers).

336 Deputations/Petitions

No deputations or petitions were received.

337 Questions by Members of the Public

Cabinet received the following questions;

Question from James Taylor

“Does it seem ironic and of double standards that anyone who wants to make an objection to a planning application now has their address published in the public domain by Kirklees Council, yet out of the nine cabinet members at today's meeting seven of you have decided against having your home address published on the Kirklees website?”

A response was provided by the Leader of the Council.

Question from James Taylor

“I've asked Shabir before who runs the Council, elected members or officers and Shabir has always answered that he's in charge as Leader. If that's still the case, why did elected members including the Chair of Strategic Planning confirm at the full council meeting that I watched online on Wednesday that he knew nothing of these new changes to planning representations and the vast majority of other councillors and members of the public knew nothing until reading it in the Examiner, so who made these changes, you as Leader without consultation or officers?”

A response was provided by the Leader of the Council.

Question from James Taylor

“On 6th January 2021 West Yorkshire Police tweeted "Following numerous complaints from members of the public to the police, regarding the overflowing bins and litter on The Princess of Wales Precinct, in Partnership with Kirklees Council the area was tidied up in no time."

Is this a good use of Police time, them having to contact the Council to get bins emptied in the town centre and shouldn't it happen regularly without the public contacting the Police?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor P Davies).

Question from James Taylor

“In Saturday's Examiner there was a report stating "A new law will ban travellers from setting up camp on private land - and those who break the law will be fined up to £2,500 and jailed for up to three months, according to reports”.

The Telegraph says the change in the law will be announced next week, allowing police to seize vehicles and arrest people who refuse to move on when told to do so.

The change would make intentional trespass a criminal offence.

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Landowners currently face court battles that can take days or weeks before getting an order allowing them to remove travellers from their sites because trespass is currently a civil offence."

Does Cabinet welcome this move by the Government with all the upset that many residents have suffered over the past few years in Kirklees from travellers?"

A response was provided by the Cabinet Member for Corporate Services (Councillor Turner).

Question from Andy Leader

"Could you please provide a date for completion of repairs on Ramsden Road?"

A response was provided by the Cabinet Member for Environment (Councillor Mather).

Question from Andy Leader

"Peak & Northern Footpaths Society have recently surveyed all public paths in the Colne Valley. We found over 230 paths with more than 350 problems, making them difficult or impossible for the public to use.

What extra resources and help can be provided to assist front line council staff in resolving these issues?"

A response was provided by the Cabinet Member for Environment (Councillor Mather).

338 Questions by Elected Members (Oral Questions)

Question from Councillor Bolt

"In response to Mr Taylor's question, you have just said that the situation with planning has always been that way, it's our policy etc. He did ask you who made policy. In this case can I refer you to what staff have said, that the development management privacy policy regarding the publication of planning comments on the website has recently been reviewed and updated following consultation with the Council's Legal Officer and Information Governance – no mention about elected members, stakeholders, or yourself or Cabinet Members. So to refer you back, why are Officers dictating policy which effects the public when you've said that's your job?"

A response was provided by the Leader of the Council.

Question from Councillor Lukic

"Why do my constituents in Dewsbury now have to pay to park in their town centre but your constituents and those in a number of Kirklees towns can continue to take advantage of free town centre parking?"

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A response was provided by the Leader of the Council.

Question from Councillor Lawson

“Has our Council applied to the National Recovery Fund, for places like KAL?”

A response was provided by the Cabinet Member for Corporate Services (Councillor Turner).

Question from Councillor Simpson

“Can we congratulate and thank everyone involved in the development of the play area at Manor Rise Park in Newsome ward which has been recognised as a fantastic facility. The Officers that have worked on it have done a fantastic job, and also in my ward Councillor Turner and I have worked with them closely on the development of the play area at Skelmanthorpe Wreck. Could you elaborate, Councillor Mather, on the design award and what it means for our continuing commitment to invest in our play areas across the borough?”

A response was provided by the Cabinet Member for Environment (Councillor Mather).

Question from Councillor Munro

“Does the Council believe that a Scrutiny Panel will be able to adequately address accountability of the West Yorkshire Mayor?”

A response was provided by the Leader of the Council.

Question from Councillor Bolt

“You were quoted in various media on a campaign that you are running in partnership with police to address nuisance motorbikes and it was said that a partnership with the Council and police would tackle the problem in Kirklees hotspots. You said ‘nuisance bikes don’t only cause high level noise pollution, they can be intimidating for local communities ...if nuisance bikes cause problems in your local community please report them online to West Yorkshire Police. This behaviour will not and should not be tolerated in Kirklees’.

Could you supply, if not now, in a written answer, the number of activity days that police have had with regards to nuisance motor bikes and also can we have those broken down by wards in terms of where the public have reported issues with nuisance motorbikes?”

A response was provided by the Cabinet Member for Learning, Aspiration and Communities (Councillor Pattison).

Question from Councillor Bolt

“Calderdale have seen a lot of work going into natural flood defence measures such as ‘slow the flow’ and tree planting. What measures have Kirklees been taking in our Penning uplands to reduce the flow of water into our valley and ultimately into Mirfield?”

A response was provide by the Cabinet Member for Culture and Greener Kirklees (Councillor P A Davies).

Question from Councillor Simpson

“Given Councillor Munro’s comments I thought it may be helpful to reflect that the Council asked Corporate Governance and Audit Committee to look into West Yorkshire scrutiny arrangements and I’m Chair of that Committee. Work has been ongoing. There was a workshop last week where we invited members of all political groups from across the Council to get their ideas about how we’d like Kirklees to contribute to creating scrutiny arrangements that work for us. Councillor Turner attended that workshop, can he reflect upon it?”

A response was provided by the Cabinet Member for Corporate Services (Councillor Turner).

Question from Councillor Bolt

“Kirklees in line with West Yorkshire is pursuing the construction of a number of active travel corridors, most recently converting canal towpaths going up the Colne Valley. It’s okay building these but what thoughts are being given to maintenance? Shouldn’t we be looking at maintaining our active travel corridors?”

A response was provided by the Cabinet Member for Environment (Councillor Mather).

339

Annual RIPA Update

Cabinet received the Annual RIPA Update which provided an overview on the use of the Regulation of Investigatory Powers Act 2000 by the Council and an update on the 2020 Investigatory Powers Commissioner’s Office (IPCO).

The report advised that the IPCO undertook an inspection visit in 2016 and that a telephone inspection took place in July 2020, following which the Commissioner advised that he was satisfied that there was an appropriate level of compliance and that he noted that (i) all recommendations from the 2016 report had been implemented (ii) training had been completed and (iii) the RIPA Policy had been updated to include changes and had been reviewed in 2020.

Cabinet noted that the Council’s annual return to the IPCO had been completed and that there had been no RIPA authorisations within the past 12 months.

RESOLVED- That the Annual RIPA Update report be noted.

340 Housing Revenue Account Rent and Service Charge Setting and Key Housing Challenges

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representations from Councillors Bolt and Lawson).

Cabinet received a report which provided the financial context and basis for the annual setting of rents and service charges. The report sought approval for a 1.5% (CPI +1%) increase in dwelling rents in 2021/2022, and an annual uplift of 1.5% for garage rents and other service charges. It was requested that an annual uplift of 2.75% be applied to Extra Care Services – Intensive Housing, and 2.2% to Extra Care Services – Night Time Security.

The report proposed that the Council continues to charge a target rent on all properties let to new tenants and provided context in terms of the key challenges for the Housing Revenue Account, including the CPI+1% rent increase. An appendix to the considered report set out the full schedule of proposed weekly dwelling rent, service and other charge increases to Council tenants for 2021/2022. Cabinet noted that the increases would be implemented from 5 April 2021, following the issue of notification letters prior to tenants, in accordance with the statutory four week notice period.

RESOLVED –

- 1) That, in order to comply with the requirements of the Local Government and Housing Act 1989 to have a balanced Housing Revenue Account, the Welfare Reform and Work Act 2016, and the rent standard, an increase be applied to the rents and service charges payable for social housing by CPI+1% from 5 April 2021, as detailed within the considered report.
- 2) That charges for (i) extra care services – intensive housing management, be uplifted by 2.75% and (ii) extra care services – night care services, be uplifted by 2.2%, in line with other increases.
- 3) That approval be given to the continuation of charging a target rent on all properties let to new tenants.
- 4) That the national and local financial challenges be noted in preparation for the Housing Revenue Account budget discussions in February 2021.

341 Community Infrastructure Levy - Next Steps

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representations from Councillors Bolt and Munro).

Cabinet received a report which requested that, in view of proposals to reform the national planning system, consideration be given to next steps regarding the Kirklees Community Infrastructure Levy. The report advised that, following the Government announcement that it will abolish the Community Infrastructure Levy and replace it with a nationally set infrastructure levy, it was recommended that the Community Infrastructure Levy charging schedule was not, at this stage, to be adopted. It explained that this proposal took into consideration a change to planning rules which allowed contributions from developers to be pooled together and used to help fund infrastructure proposals to reduce the impacts of developments.

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Cabinet noted that the Council may revisit the matter again at a later stage, in which case, the community would again be consulted and the most appropriate approach to support economic recovery would be determined.

RESOLVED - That the Council shall not proceed to adopt the Community Infrastructure Levy Charging Schedule at this stage and that the implementation of the CIL be reconsidered at a later stage dependent upon national government policy intentions and economic circumstances.

342 **Dewsbury Town Deal - Town Investment Plan**

Cabinet gave consideration to a report which provided an update on the Dewsbury Town Deal Board, the progress that had been made on the Town Investment Plan and sought approval for the submission of a request for investment of approx. £25m to Government. The report explained that the town was eligible for support from the Towns Fund, with access of up to £25m, and set out the proposed Town Investment Plan to be submitted to Government at the end of the month. The plan highlighted nine projects to be supported across Dewsbury.

Cabinet noted that a requirement of Town Deals was for a Town Board to be established, and that the Board had been created following guidance to prepare and agree the Town Investment Plan. The report advised that key messages highlighted during public consultation were that residents wanted more access to open space, more activities and opportunities for young people and families, a safe and vibrant town centre, and opportunities to bring the community together. The selected projects for the scheme were set out in Appendix 1 to the considered report and totalled £26.255m, reliant upon match funding of £33.6m.

RESOLVED –

- 1) That the Dewsbury Town Investment Plan, as proposed by the Dewsbury Town Deal Board, be noted.
- 2) That the level of match funding required to deliver projects, and that provision for this will be made in the forthcoming capital plan, be noted.
- 3) That it be noted that the Dewsbury Town Deal Board may make final changes to the Town Investment Plan prior to its formal submission at the end of January 2021.
- 4) That the Dewsbury Town Investment Plan be submitted to the Ministry of Housing, Communities and Local Government before the end of January 2021.
- 5) That, pursuant to (4) above the Director of Growth and Regeneration, in consultation with the Cabinet Member for Regeneration and the Dewsbury Town Deal Board, negotiate and agree the terms of any Town Deal and any ancillary agreements required.
- 6) That, following the approval of the Dewsbury Town Investment Plan, the Chief Executive be authorised to enter into any grant agreement between the Council and the Ministry of Housing, Communities and Local Government in respect of any Town Deal, and any ancillary agreements required.
- 7) That the Council's role as 'Accountable Body' for the Dewsbury Town Investment Plan and Dewsbury Town Deal Board be noted and endorsed.

343 Locality Based Unclassified Roads Programme

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representations from Councillors Lawson and Smaje).

Cabinet gave consideration to a report which sought approval of methodology designed to engage with Councillors and allocate funding for the delivery of a £15m locality based unclassified road programme. Cabinet noted that the £15m 3 year locality based unclassified roads and pavement improvement budget provided additional funding to help address the backlog of unclassified roads requiring immediate repair which was estimated at £152m.

The report advised that this funding uplifted the two year Highways Capital Plan to over £44m which provided investment across the highway asset including road and pavement resurfacing, street lighting, structures, road safety, flood management, traffic signals, car parks and public transport provision.

Cabinet noted that the methodology proposed was needs based and used length of road to inform allocation of funding, with between £450-£700k per ward. The report advised that the programme had been developed from top priorities of Councillors to deliver a minimum of three schemes per ward and provided for over 120 schemes as set out in Appendix A of the considered report.

RESOLVED –

- 1) That the methodology for place-based Councillor engagement, as set out within the considered report, be approved.
- 2) That (i) the funding allocation and (ii) the creation of a detailed locality unclassified roads programme to the value of £11.8m, as set out at Appendix A, be approved.
- 3) That authority be delegated to the Service Director (Environment), in consultation with the Cabinet Member for Environment to enable amendments in accordance with the Council's financial regulations for the purposes of expediting efficient delivery of this programme.

344 Kingsgate Phase 2 - Funding from the Property Investment Fund

Cabinet received a report which advised of a request for loan support from the Property Investment Fund towards the remodelling of the Kingsgate Centre. The report explained that the request for support, via a loan from the Property Investment Fund, was for a scheme for the provision of a cinema, food and leisure facilities, in addition to the existing Kingsgate retail units. The report was submitted pursuant to the previous Cabinet approval on 22 January 2019 due to changes to the proposals.

It was advised that research had indicated that the redevelopment of the Centre would increase sales of non-food retail by 8% and that the proposal would assist in stabilising the retail environment.

An exempt appendix to the report set out the detail of the requested loan funding.

(Cabinet gave consideration to the exempt information at Agenda Item 15 (Minute No. 346 refers) prior to the determination of this Agenda Item).

RESOLVED –

- 1) That approval be given to a loan from the Property Investment Fund for the remodelling of the Kingsgate Centre, in accordance with the detail as set out within the exempt report at Agenda Item 15.
- 2) That the Strategic Director (Growth and Regeneration), in consultation with the Cabinet Members for Regeneration and Corporate Services, having sought advice from the Service Director (Legal, Governance and Commissioning) and the Service Director (Finance) be authorised to carry out appropriate due diligence on the proposal to offer a loan from the Property Investment Fund, including due diligence on WD's latest business plan.
- 3) That the Service Director (Legal, Governance and Commissioning) be authorised to enter into any documentation required to agree the Property Investment Fund loan and to protect the Council's position as lender.

345 Exclusion of the Public

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

346 Kingsgate Phase 2 - Funding from the Property Investment Fund

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

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 13 (Minute No. 344 refers).

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 26th January 2021

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

Observers: Councillor Bolt

347 Membership of Cabinet

All Cabinet Members were present.

348 Declarations of Interest

No interests were declared.

349 Admission of the Public

It was noted that there were no exempt agenda items for consideration.

350 Deputations/Petitions

There were no deputations or petitions.

351 Questions by Members of the Public

No questions were asked.

352 Questions by Elected Members (Oral Questions)

Cabinet received the following questions;

Question from Councillor Scott

“What is the policy for the provision of laptops, tablets and IT equipment to Infant, Primary and Secondary Schools?”

A response was provided by the Cabinet Member for Aspiration, Learning and Communities.

Question from Councillor Bolt

“Could you outline the benefits for Kirklees from the connectivity infrastructure plan and a mass transit vision 2040 which you other Leaders have agreed and in particular does this mean the loss of the popular Spen Valley Greenway?”

A response was provided by the Leader of the Council.

353 Kirklees School Funding Arrangements - Financial Year 2021-2022

Cabinet gave consideration to a report which set out details of Kirklees schools funding arrangements for 2021-2022 in terms of (i) specific funding factors to be used and the relative weightings and values of the funding factors (ii) exceptions applications to the Education and Skills Funding Agency and approvals given (iii) central budget provision within the Dedicated Schools Grant Schools block of funding, the Central School Services Block and the Early Years Block and (iv) de-delegation arrangements for the mainstream maintained schools. The report also requested that Cabinet give approval to the outline details of the Kirklees School Funding Formula for 2021-2022, which had been submitted to the Education and Skills Funding Agency in accordance with the deadline of 21 January 2021.

The Cabinet Member advised of updates to figures as set out within the report since its publication in respect of (i) para. 2.3.7 to reflect that £0.08m would be assigned to the required correction adjustment (ii) para. 2.4.4 to reflect that the Exceptions Application in respect of Ashbrow School had now been approved and (iii) para 2.9.4 to reflect that the minimum funding guarantee mechanism was now expected to provide at least an increase in pupil funding of around 1.39%.

Cabinet noted that the Local Authority was expected to inform maintained schools of their 2021-2022 budget shares by 28 February 2021 and that the ESFA would inform academies of their budget allocations by 31 March 2021.

RESOLVED –

- 1) That the consultative process undertaken in collaboration with head teachers, through the Schools Forum, to determine the ongoing local approach to the distribution of the Dedicated Schools Grant Schools Block funding for 2021-2022, the fourth year of a ‘soft’ National Funding Formula approach and the adjustment that needs to be made to correct the identified double-funding issue be noted.
- 2) That the exceptions application that was made to the Education and Skills Funding Agency, and subsequently approved, be noted.
- 3) That the submission of the Schools Funding Formula to the Education and Skills Funding Agency for 2021-2022 be approved.

354 Calculation of Council Tax Base 2021-2022

(Cabinet were reminded of and noted the requirements of the Local Government Finance Act 1992, Section 106, in relation to voting upon this matter).

Cabinet gave consideration to a report seeking approval from Council for the various tax bases, which would apply to the Kirklees area for the financial year 2021/22 in

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connection with the council tax. The report provided an explanation of the council tax calculation and the need to calculate a tax base for both the whole of Kirklees, and each town and parish council area. Para. 2.3 of the report set out the factors which were applied to the valuation banding and the council tax calculation.

Cabinet noted that there would be an overall reduction on the level of the taxbase, mainly due to the forecast impact of Covid-19 upon the economy and the consequential impact upon housing growth, income collection rates and the increase in the number of eligible council tax reduction claimants.

RESOLVED – That the 2021/22 Council Tax base for the whole of the Kirklees area, and the Council Tax bases for the five Parish and Town Council areas, be referred to the meeting of Council on 10 January 2021 with a recommendation of approval;

Whole of Kirklees £119,177.54
Denby Dale £5,784.34
Holme Valley £10,092.94
Kirkburton £8,936.65
Meltham £2,834.30
Mirfield £6,611.24

355 Council Annual Budget Report 2021-2022 and following years; incorporating Capital Treasury Management, General Fund, Revenue and Housing Revenue Account

(Cabinet were reminded of and noted the requirements of the Local Government Finance Act 1992, Section 106, in relation to voting upon this matter).

Cabinet gave consideration to the Council Budget Report 2021-2022, prior to its submission to Council on 10 February 2021. The report (i) reviewed the general fund revenue budget strategies over the medium term financial plan and budget proposals to achieve a balanced general revenue fund revenue budget in 2021-2022, and indicative revenue budget forecasts for the following four years (ii) incorporated the Government's announcement on the Local Government Finance Settlement for 2021-2022, and considered the level of general fund revenue budget required for Treasury Management and Central Contingencies (iii) reviewed the current levels of general fund reserves and balances and made recommendations on the level of reserves (iv) incorporated Housing Revenue Account proposals to achieve a balanced HRA in 2021-2022, and indicative revenue budget plan for the following four years, informed by the HRA 30 year business plan (v) reviewed the current levels of HRA reserves, and made recommendations on the level of reserves (vi) reviewed the multi-year plan for capital investment (vii) reviewed the 2021-2022 Treasury Management Strategy, Investment Strategy and Capital Strategy (viii) made recommendations on the Council tax requirement for 2021-2022 and (ix) incorporated a statement of assurance from the Council's statutory s151 officer in relation to the robustness of budget estimates and adequacy of General Fund and HRA reserves.

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Having considered the content of the report and the accompanying appendices, it was agreed that the proposed budget be submitted to the meeting of Budget Council for determination.

RESOLVED - That the Motion be submitted to the Meeting of Council on 10 February 2021 with a recommendation that;

(i) General Revenue Fund

- the draft Revenue Budget 2021/2022 be approved, as attached at Appendix A
- the forecast spending and funding plans for the 2022-2026 period, as set out at Appendix A, be noted
- the forecast levels of statutory and other Council reserves, as set out at Appendix Bii, be noted.
- the strategy for the use of balances and reserves be approved (paragraph 2.13 refers)
- the Council's participation in the Leeds City Region Business Rates Pool for 2021/22 be noted and that a further report be submitted to Cabinet in March 2021 to formally agree the new arrangements
- the 2020/21 Council tax base for the whole of the Kirklees area, and the Council tax bases for the five Parish and Town Councils for 2021/22, (Appendix G refers) be approved (as determined at Agenda Item 8)
- the Council Tax requirement for 2021/2022 (Appendix G refers) be approved
- the Council's Statutory s151 Officer's positive assurance statement (paragraphs 3.3.1 - 3.3.19) be noted
- the Council's Statutory s151 Officer be given delegated authority to amend how the finally approved precepts are recorded in the Council's revenue budget in line with the final notifications received following decisions by the Office of Police and Crime Commissioner, the Fire and Rescue Authority and Parish Councils should these be received after 10 February 2021 (paragraph 3.1.3 refers)

(ii) Treasury Management

- the borrowing strategy be approved (paragraphs 2.15 – 2.23 refer)
- the investment strategy be approved (paragraphs 2.24 – 2.33 refer)
- the policy for provision of debt (minimum revenue provision) be approved (paragraphs 2.34 – 2.38 and Appendix C refers)
- that paragraph 2.38 of the treasury management report, to which recommendation 6.12 refers, be amended as follows 'the Officer recommendation is to maximise the remaining balance of MRP unwind of £49.5m, over the 2020-2024 period to support the Council's medium term budget strategy'.
- the treasury management indicators be approved (Appendix D refers)
- the Investment Strategy (Non Treasury Investments) be approved (Appendix E refers)

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(iii) Capital

- the updated Capital Plan for 2020-2026 be approved (Appendix A refers)
- the capital strategy (including Prudential Indicators) be approved (Appendix E refers)

(iv) Housing Revenue Account

- the draft HRA budget for 2021/2022 be approved (Appendix A refers)
- the strategy for the use of HRA reserves be approved (Paragraph 2.15.5 refers)

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 16th February 2021

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

Observers: Councillor Martyn Bolt
Councillor Andrew Cooper
Councillor Gwen Lowe
Councillor Alison Munro
Councillor Nigel Patrick
Councillor Elizabeth Smaje
Councillor John Taylor

356 Membership of Cabinet

All Cabinet Members were present.

357 Admission of the Public

It was noted that there were no exempt matters listed for consideration.

358 Declarations of Interest

Councillor Davies declared an 'other' interest in Agenda Item 8 in his capacity as a Member of Holme Valley Parish Council (Minute No. 363 refers).

359 Deputations/Petitions

Cabinet received a deputation from Rachel Cowper in relation to Agenda Item 12 (Minute No. 367 refers).

A response was provided by the Leader of the Council.

360 Questions by Members of the Public

Question from Steve Slator (on behalf of Hands of HRI)

"Hands off HRI (HOHRI) note that Calderdale and Huddersfield Joint Health Scrutiny Committee (JHSC) state, in their letter to the Independent Reconfiguration

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Panel of 1 September 2017, that the 2017 hospital reconfiguration plans “would not be in the interests of the people of Calderdale and Greater Huddersfield and hence not in the interests of the health service of the area.” Since the publication of modified proposals in the Revised Reconfiguration of Hospital Services Strategic Outline Case in April 2019 (SOC), JHSC has met just twice to consider, most recently in September 2020 when the SOC was ‘noted’ by the Committee. We are concerned, however, that, as far as we are aware, the SOC has not been at any stage either endorsed or approved by the JHSC, nor has the JHSC expressed a formal opinion as to whether the revised plans are, or are not, ‘in the interests of the people (or) of the health service of the area’.

HOHRI note, too, that the JHSC sets out, in their revised Terms of Reference (attached, see p2, bp2, sub bp 3), a number of steps to be taken regarding the SOC, if required, including: “to prepare a report for the Calderdale and Greater Huddersfield Clinical Commissioning Groups (CCG’s), Calderdale Council and Kirklees Council, setting out the matter reviewed; a summary of the evidence considered; a list of the participants involved; and an explanation of any recommendations on the service configuration”. The Terms of Reference further refer that JHSC would then expect “to receive from the CCG’s their formal response to the report and to determine whether any concerns expressed by the Committee have been addressed”.

The JHSC report, with CCGs and CHFT responses, should assist Kirklees Council in determining whether the revised proposals are, or are not, now in the interests of the people of Kirklees.

HOHRI further note there are, in fact, a number of significant concerns which HOHRI and JHSC have raised with the CCGs, and/or CHFT, and which have either not been addressed, or been only partly addressed. In particular: equalities issues such as access to Calderdale Royal Infirmary (and to HRI) for disadvantaged groups, minority and ethnic communities, the defective - and currently withdrawn - ‘shuttle bus’ service, the criteria for any possible future reductions in bed numbers (though, we understand, not to be implemented at present, this is still proposed within the SOC), and a lack of critical clinical co-dependencies to support the proposed new A&E department at HRI.

HOHRI therefore request:

- i/ that, noting the above concerns, Kirklees Council, as one of the specified recipients of the JHSC report, require production of said report by JHSC, and
- ii/ that, given the schedule for publication of the HRI Full Business Case, and CRH Outline Business Case, in June 2021, Kirklees Council ask for production of the report in as short a timescale as possible, and in any case by end of April at the latest; and
- iii/ confirmation as to whether or not Kirklees Council have ratified the Reconfiguration of Hospital Services Strategic Outline Case of April 2019 (SOC); and, if not, how do Kirklees Council intend to communicate their opposition to the SOC?

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iv/ a response as to how Kirklees Council now see their role in the scrutiny and implementation of the hospital reconfiguration plans, and detail of how they expect to fulfil that role going forward.”

We would be much obliged to receive your written response.”

A response was provided by the Leader of the Council.

Question from Philip Smith

“I have recently (9th February 2021) received an update from the Council, regarding a complaint that I first reported on 18th August 2020, saying that they were now looking into it. I had previously only received one acknowledgement that the complaint had been received despite several enquiries as to progress.

Does the Leader of the Council think that taking 24 weeks to start responding to a complaint is acceptable and can he (i) give any reassurance about how long I will need to wait for the complaint to be fully investigated and (ii) confirm that I will eventually be informed of the findings of the investigation?

Please could the Leader of the Council advise how long he would expect his Council Officers to take to answer e-mails that are submitted by members of the Public?”

A response was provided by the Leader of the Council.

361 Questions by Elected Members (Oral Questions)

Question from Councillor Bolt

“Cabinet and Council have passed ambitions and environmentally beneficial policies and targets. Unfortunately at the moment these aspirations and targets are not binding, valid or considered in a planning context. They are not planning documents and therefore do not have any material bearing or weight in a planning sense. Could I therefore ask if you could explore the benefits of bringing forward a supplementary planning document to bring forward a tree policy , climate change etc so that they are planning policies, so in any planning application due weight has to be given and tree preservation orders are not just discarded because they are not planning documents. We want to see these environmental measures, we want to see the tree policy etc brought forward, but while they are separate from the planning process one of the biggest impacts on Kirklees means that that element just gets overlooked.

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Davies).

Question from Councillor J Taylor

“Would the Cabinet Member look into a problem with housing in the Farnley Tyas area? We have had Officers look at a property on a development called Butts Close where there have been complaints about damp, mould and the property being cold.

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Officers concluded that the radiator heating in the property was inadequate. There are several elderly neighbours that have also been complaining about the cold. Can we have a strategic look at this development, there are complaints about the cost of trying to keep the properties warm and dry. Could we look at what we can do to help the residents?"

A response was provided by the Cabinet Member for Housing and Democracy (Councillor Scott).

Question from Councillor Patrick

"At last week's budget meeting, Councillor McBride told us about investment of money in Holmfirth to help regenerate the town. Two days later, myself and Councillor Firth met with Councillor Davies, where they described loading and parking restrictions to Victoria Street in Holmfirth. When I tell them that would damage businesses in Victoria Street they do not seem concerned and seem intent to go ahead with it. Since that meeting I've spoken to a number of businesses on Victoria Street. They are very angry about what's happening. Some of the businesses didn't know about the proposals. What I want to know, is Labour's idea of regeneration putting people out of business and putting jobs at risk?"

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

Question from Councillor Lowe

"It's been confirmed today that sadly Cleckheaton Folk Festival has yet again sadly had to be cancelled this year. Please could you give an overview of the work being carried out on the Council's new Culture, Heritage and Tourism Strategies please?"

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Davies).

Question from Councillor Cooper

"Some weeks ago I passed on the Passivhaus Task Force report that was produced 3/4 weeks ago. Having looked through its recommendations, is there going to be a change in Kirklees policy regarding its own developments on land that it sells for development? Will we be catching up with Council's like Exeter and Norwich which already have such policies?"

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Davies).

Question from Councillor Munro

"In 2018 more than 2000 homes were left lying empty in Kirklees with at least 206 people homeless. Please can you provide me with the current data on empty homes in Kirklees and the number of people who are homeless?"

A response was provided by the Cabinet Member for Housing and Democracy (Councillor Scott).

Question from Councillor R Smith

“Kirkburton ward sadly saw another fatal road collision last year. Obviously this is not just an issue within my ward, and so I would like to ask why road safety does not appear to be a priority for this administration?”

A response was provided by the Cabinet Member for Environment (Councillor Mather).

362 Huddersfield District Energy & Heat Network

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillors Bolt, Cooper and Munro).

Cabinet gave consideration to a report which (i) provided the findings of the Huddersfield Phase 2 District Energy feasibility study and the detailed project development stage (ii) detailed an offer of grant funding from the Department for Business, Energy and Industrial Strategy Heat Networks Delivery Unit and (iii) sought approval to commence a procurement exercise to engage a consultant to commence the delivery of the next feasibility stage. The report described the work that had been undertaken to date with regards to a Huddersfield District Heat Network and set out a plan of proposals and gateways for the next phase, including a detailed project development report, which would provide an outline business case for the delivery of a successful heat network.

The report asked that Cabinet agree to progress the Huddersfield Heat Network project to the ‘detailed project development’ phase of feasibility, resulting in an outline business case which can then be considered in terms of deciding whether to proceed with the scheme. The report advised that the feasibility study had identified the most economically viable heat network for Huddersfield and set out several of the benefits that would be achieved, which included utilising local energy generation and the reduction of carbon emissions from the Council’s assets.

It was noted that, subject to approval, the completion of the detailed project development would be completed during Autumn 2021, following which the findings of the completed outline business case would be submitted to Cabinet.

RESOLVED –

- 1) That the positive results of the 2018 feasibility study be noted.
- 2) That approval be given to (i) accepting grant funding for the project from the BEIS Heat Network Delivery Unit (£309, 265) and (ii) corresponding capital match funding (£152,325) for the DPD stage of feasibility, as identified within the Capital Plan, in order to allow the heat network feasibility process to be completed and produce and outline business case.
- 3) That authority be delegated to the Strategic Director (Environment and Climate Change) to immediately undertake procurement of consultants for

the future delivery of the detailed project development stage of a Huddersfield District Heat and Energy Network.

- 4) That authority be delegated to the Strategic Director (Environment and Climate Change) to deliver the actions as set out above, and apply any minor alterations in order to ensure that the project is delivered up to outline business case completion.
- 5) That a further update be submitted to Cabinet following the completion of the DPD stage, presenting the completed findings of the feasibility process and the outline business case for consideration.

363

Community Asset Transfer of Honley Library to Holme Valley Parish Council

Cabinet gave consideration to a report which sought approval of the community asset transfer of Honley Library, West Avenue, Honley, Holmfirth to Holme Valley Parish Council. The report explained that the Council would retain use of the building for the library service, under a hosting provision, and that the Parish Council would lease the land and building to Friends of Honley Library who would manage the day to day running of the asset and continue to support Kirklees Library Service.

The report advised that the Parish Council had submitted an application and a business statement in accordance with the requirements of the Community Asset Transfer Policy, which had been approved. Cabinet noted that the administration and management of the building would be carried out by the Friends of Honley Library, reporting to the Parish Council, and that the group would be responsible for the financial management of the asset and ensuring effective maintenance, safety and security of the building, and would manage the asset as a hub for the benefit of the community.

The report proposed that a freehold transfer be approved, with restrictive covenants for community use, and an exception of up to 30% commercial use in order to permit commercial activity which would support the sustainability of the facility.

RESOLVED –

- 1) That approval be given to the freehold transfer by the Council of Honley Library to Holme Valley Parish Council for nil consideration, with the transfer including a covenant that the building is to be used for community use (including library use) with an exception of up to 30% of permitted commercial use in line with the Community Asset Transfer Policy and previous asset transfers.
- 2) That the transfer to Holme Valley Parish Council be subject to the Parish Council entering into (i) a hosting Agreement with the Council to enable the Council's Library Service to use Honley Library for the provision of a library service and (ii) a polling station agreement which gives the Council the right to use Honley Library for electoral services.
- 3) That authority be delegated to the Service Director (Economy and Skills) to negotiate and finalise the Heads of Terms for the freehold transfer of Honley Library to Holme Valley Parish Council and associated hosting agreement and polling station agreement.
- 4) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute all necessary documentation in

connection with the freehold transfer of Honley Library to Holme Valley Parish Council and the supporting hosting agreement and polling station agreement.

- 364** **Determination of School Admission Arrangements for 2022/23**
(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor R Smith).

Cabinet gave consideration to a report which presented the results of the statutory consultation process, undertaken between 30 November 2020 and 10 January 2021, on (i) increasing the published admission number of Netherhall Learning Campus from 131 to 145 in order to formalise arrangements which had been in place since 2020/2021 and (ii) changes to the published admission number for Moldgreen Primary School at the request of the governing body. It was noted that no significant changes to the admission arrangements for community and voluntary controlled schools were proposed, except a minor amendment to the deadline for submitting evidence regarding a change of circumstances relating to high school applications.

The report presented information in respect of (i) the co-ordinated admission schemes (as attached as appendices to the considered report) (ii) admission arrangements for community and voluntary controlled schools and (iii) published admission numbers for community and voluntary controlled schools.

Cabinet noted that there had been no objections received to the proposals as a result of the consultation process and an officer commentary was provided in regards to the comments that had been submitted.

RESOLVED - That approval be given to (i) Kirklees co-ordinated admission schemes for 2022/2023, as set out at Appendix 2 (ii) admission arrangements for Kirklees Community and Voluntary Controlled Schools, as set out at Appendix 1c without changes to oversubscription criteria and (iii) published admission numbers for the schools as set out at Appendix 1d, including changes to Netherhall Learning Campus High School and Moldgreen Primary School.

- 365** **Consultation with tenants of (i) Berry Brow/Buxton House: Remediation/Refurbishment or Demolition and New Build Consultation (ii) Harold Wilson Court: Fire safety improvements; Sprinkler/EWI/Compartmentation**
(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Bolt, Cooper and Patrick).

Cabinet received a report which requested that approval be given to the undertaking of a consultation with (i) residents at Berry Brow and Buxton House to address fire safety issues based upon the options of (a) designing, developing and investing in a remediation, refurbishment and remodelling strategy and (b) designing, developing and delivering a demolition and new build housing solution and (ii) residents at Harold Wilson Court advising of the intention to undertake major fire safety improvements.

The report provided information regarding the accommodation, the rationale as to the proposed improvement works and the resource requirements. It was noted that the consultation process aimed to offer long term solutions to address the housing needs of tenants and to provide a warmer, safer and higher standard of accommodation.

RESOLVED –

- 1) That approval be given to the undertaking of consultation with tenants and residents on the future options for the Council's high rise housing blocks to address fire safety concerns.
- 2) That approval be given to the on-going Waking Watch costs to the HRA at Berry Brow and Buxton House.

366 Green Homes Grant (Local Authority Funded Private Sector Energy Scheme)
(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Cooper).

Cabinet gave consideration to a report which set out a proposal to establish a local authority backed private sector energy improvement scheme and the allocation of £1m to offer financial support to homeowners and landlords of private sector rented housing.

Cabinet noted that the Council had been successful in securing over £2m funding from phases 1a and 1b of the Government's Green Homes Grant which aimed to improve energy efficiency and reduce carbon emissions from council housing and that in November 2020 a scheme referred to as Local Authority Delivery 2 had been launched, aimed at offering grant assistance to homeowners in private sector properties for energy improvements, subject to eligibility.

The report advised that the proposed improvement programme would deliver tangible benefit and overcome a number of inequalities realised through the impact of social deprivation and fuel poverty.

RESOLVED - That approval be given to the establishment of a Local Authority backed private sector energy improvement scheme and the creation of a £1m fund, initially, to offer financial support through Home Appreciation Loans for qualifying households.

367 Disposal of land designated as "Open space" to Network Rail to facilitate the Transpennine Route Upgrade
(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Bolt).

Cabinet gave consideration to a report which set out details of objections that had been received as a result of an advertisement regarding the Council's intention to dispose of open space near Deighton Station and Calder Road, Ravensthorpe, and to give consideration as to whether to proceed with the intended disposal of the open space.

Cabinet - 16 February 2021

The report explained that, in order to deliver the Transpennine Route Upgrade, Network Rail Infrastructure Ltd needed to permanently acquire a number of parcels of land and that as ten parcels of Council owned land had been identified as open space, the intention to dispose had been advertised, resulting in two objections being received. Cabinet was asked to give consideration to the disposal of land in view of the objections which related to (i) Ravensthorpe 20-0328 and (ii) Deighton 20-0326.

Cabinet were advised that the edge of the land boundary at Ravensthorpe (Dewsbury South), as identified within the appendix to the report, may fall within the Mirfield ward, and it was therefore noted that a further resolution be included to ensure that Officers were satisfied that due legal process had been followed prior to the disposal of the site.

RESOLVED –

- 1) That the objections received as a result of advertising the Council's intention to dispose of open space near Deighton Station, and Calder Road in Ravensthorpe, be overruled.
- 2) That the disposal of identified open space at Deighton be approved.
- 3) That the disposal of identified open space at Ravensthorpe be approved subject to Officers of the Council being satisfied that due legal process in relation to the proposed disposal has been correctly followed.

368

Place Partnerships - WEvolve Community Support Programme

Cabinet received a report which sought approval of £140,000 funding from the Place Partnership mental health themed budget to deliver the WEvolve Community Support Programme in Huddersfield North and Central Place Partnerships. It advised that the proposal was to allocate funding to develop support that would improve mental health and resilience of local residents and young people by ensuring that VCSE and other partner organisations are able to continue to provide and adapt their existing service and activities, or provide new initiatives, where there is an identified need.

The report advised that the project would focus upon locally based groups and organisations with a proven track record in delivering mental health outcomes and the ability to work with a place based approach to extend their offer to deliver mental health support to the community. Cabinet were advised that the proposal met the partnership's agreed outcomes to socially connect adults and build community resilience by having a positive impact upon the mental health and wellbeing of residents. It was noted that, subject to approval, proposals would be invited and would be implemented from March 2021 onwards.

RESOLVED –

- 1) That approval be given to funding of £140,000 from the Place Partnership mental health budget for the Kirklees Mental Health WEvolve Community Support Programme.

- 2) That authority be delegated to the Democracy Manager (Active Citizens and Places) in consultation with (i) the Cabinet Member (Housing and Democracy) and (ii) Lead Members for Huddersfield North and Huddersfield Central Place Partnerships to finalise the details of how proposals for funding will be determined.

369 Works Better 15-25 Positive Minds

Cabinet received a report which sought approval for the Council to receive and act as an accountable body for a European Social Fund Grant of £937,185 to deliver the Works Better 15-25 Positive Minds Project. The report advised that the project would provide specialist mental health support for young people and would integrate mental health provision with wider employment support in order to add significant value to Works Better 15-25, and improve outcomes for young people.

It was noted that Works Better 15-25 was the Council's programme of employment support for young people who are not in education, employment or training, and currently existed of two European Social Fund funded projects. The report explained that the output and target results of the project were (i) 409 unemployed participants in education, work or training (ii) 245 participants into employment within 6 months of leaving the projects and (iii) 44 participants to gain basic skills.

Cabinet were advised that, subject to approval of the project, the Council would enter into a funding agreement with the Department for Work and Pensions and service level agreements with delivery partners and that the operation of the scheme would be kept under review, including the period during which it would be open for applications.

RESOLVED -

- 1) That approval be given to the delivery of the Works Better 15-25 Positive Minds project.
- 2) That approval be given to accepting external European Social Funding of £937,185 for the project and for the Council to act as the accountable body in relation to the grant.
- 3) That Cabinet receive regular progress reports as to the delivery of the project.
- 4) That authority be delegated to the Strategic Director (Growth and Regeneration) and the Service Director (Legal, Governance and Commissioning) to finalise and execute all necessary legal agreements with the Department for work and Pensions, and project delivery partners.
- 5) That authority be delegated to the Strategic Director (Growth and Regeneration) and the Service Director (Finance) to submit grant claims and undertake related project monitoring and reporting.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 16th March 2021

Present: Councillor Shabir Pandor (Chair)
Councillor Paul Davies
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

370 Minutes of Previous Meetings

RESOLVED – That the Minutes of the Meetings held on 19 and 26 January 2021 be approved as a correct record.

371 Membership of Cabinet

All Cabinet Members were present.

372 Declarations of Interest

No interests were declared.

373 Deputations/Petitions

Cabinet received a deputation from Margaret Dale in relation to Agenda Item 8 (Minute No. 376 refers).

A response was provided by the Leader of the Council.

374 Questions by Members of the Public

Question from Balbir Singh Uppal (on behalf of the Sikh Leisure Centre)

“On behalf of all the Trustees of the Sikh Leisure Centre (Apna Venue), the Sikh and local communities and all users of the centre, we would like to thank Kirklees Council, its Officers and Members with whom we have been working to reach this stage. It is always difficult to name everyone that has contributed to bringing this proposal to fruition but we must pay tribute to the Local Authority’s Officers, Giles Chappell and David Sheppard as well as Councillors Peter McBride and Graham Turner for their positive support and outlook. Also our appreciation to the Leader of the Council Councillor Shabir Pandor, and the Chief Executive Jacqui Gedman for their input.

As most of you will know, Apna Venue is located in the Newsome Ward and again the support we have had from the Ward Members has been excellent. Ours thanks to Councillors Andrew Cooper, Karen Allison and Susan Lee-Richards.

As a community venue we look forward to continuing to work with Members and the Local Authority to further the aims and objectives of the organisation. The centre has an excellent track record of working with many communities and organisations.

Please can we thank the Council for its continued support and ask that Agenda Item 10 is approved by the Cabinet Members, as recommended by the Officers, to enable the Centre to continue to serve the interests of all of our communities?”

A response was provided by the Leader of the Council.

Question from Heather Peacock

“What can be done about the massive number of trees to be felled by Network Rail in their widening scheme? I was told in 2017 when they came through the Colne Valley felling the trackside trees that the Council was powerless to act. Is there anything the Council can do, if yes what?”

A response was provided by the Cabinet Member for Regeneration (Councillor Peter McBride)

375 Questions by Elected Members (Oral Questions)

Question from Councillor Bolt

“In 15 days KNH will come back into the Council as a wholly run Council service. Could you tell us what plans there are for bringing this back into the Council; the re-branding of vehicles, re-branding staff uniforms, letterheads. What will happen to the term KNH in 15 days?”

A response was provided by the Cabinet Member for Housing and Democracy (Councillor Scott).

Question from Councillor Hill

“I was really pleased when we accepted the Budget last month that there was a concrete commitment in there to engage young people around the environment and the climate emergency. You cannot underestimate the importance of that, and I think that it is a fantastic thing to do, and I also think we quite often comment on how young people from a really young age understand the importance of looking after the planet and the environment, often better than most adults do. I wondered if you could give us some more information or talk us through what that might look like on the ground and how you are planning to get that off to a flying start?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Davies).

Question from Councillor Y Hussain

“We have got the fantastic initiatives going on across the borough in terms of investment in our town and villages and the regeneration plans in general, my question is around the development of markets in Kirklees and I wanted some more insight into that and the development of them?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Davies).

Question from Councillor Zaman

“I would like to ask, in terms of investment in Batley, if you can give me a broad overview of that, and also how you intend to involve local Members?”

A response was provided by the Leader of the Council.

Question from Councillor Loonat

“We have previously had conversations about the build up of traffic in my ward, and in particular near the train station. With the money coming from Highways and investments can we look at exploring the possibility of the gyratory, especially now that the building that was blocking the plans has come up for sale. Can we look at exploring this?”

A response was provided by the Cabinet Member for Regeneration (Councillor Peter McBride).

Question from Councillor Bolt

“Previously, it was said with regards to options at Cooper Bridge, they were Councillor McBride’s opinions only. Is that still the fact or is it still the opinion of Councillor McBride only?”

A response was provided by the Leader of the Council.

376 Investing in Small Town Centres

(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Patrick, Bolt, S Hall, Zaman, Y Hussain, Loonat, D Hall and Akhtar).

Cabinet gave consideration to a report which set out an approach for developing programmes to support smaller town centres across Kirklees. The report sought approval to commence the programme of engagement, plan development as well as identification and delivery of projects and set out details the first phase of the requirement, the conditions for implementation; and the resources required.

The report advised that the programme of work in the two principal town centres of Huddersfield and Dewsbury was already underway and that there were many important centres outside of Dewsbury and Huddersfield which also required support and investment to ensure they remained vibrant places for the communities that they served. It was noted that those centres played an important local role to communities and formed part of a strategy which allowed local people to access a wider range of local services, contributing to a more sustainable way of living which embraced the climate change agenda.

The report explained that the four town centres of Batley, Cleckheaton, Holmfirth and Heckmondwike were the next largest and important centres as defined by work undertaken as part of the Local Plan and that each of the centres would benefit from short-term and long-term interventions up to a total of £1.5m, which would leave a residual amount from the initial capital allocation that would go towards other centres in the authority.

RESOLVED -

- 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.

377 Protocol on Concurrent Powers

Cabinet received a report which advised of the making of an Order to create a Mayoral Combined Authority (MCA) in West Yorkshire. The report provided Cabinet with a draft Protocol between Kirklees, the other West Yorkshire Councils and the MCA in dealing with consents and concurrent functions for approval. Cabinet were informed that the protocol aimed to establish the process for how the Combined Authority would exercise functions concurrently with Constituent Councils.

The report advised that the Order conferred concurrent powers on the Mayoral Combined Authority (MCA) and that these were powers which the Constituent Councils would also hold and, which the MCA could exercise independently, providing for certain decisions (termed statutory consents in the Protocol) to be made by the MCA only with the express consent of a Constituent Council. Appendix 1 to the considered report set out details of the functions that would be conferred on the MCA and it was noted that these function had either been devolved or granted by Government, or were functions that could be exercised concurrently with Constituent Councils. Appendix 2 to the report provided the report that had been submitted to the meeting of Corporate Governance and Audit Committee for consideration on 9 March 2021.

Cabinet were advised of the recommendation of the Corporate Governance and Audit Committee, reflecting an amendment at recommendation (ii) that the Group Leaders, in addition to the Leader of the Council, should also be consulted in the finalising of the Protocol.

Cabinet noted that the Protocol did not address the scrutiny of the Combined Authority in relation to how it exercised any Concurrent Function, and that this would be the subject of separate arrangements, which were also currently under consideration.

RESOLVED -

- 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.

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

Cabinet gave consideration to a report which sought approval of the disposal of the freehold reversion of the land that comprises the Apna Centre, Prospect Street, Springwood, Huddersfield, subject to restrictive covenants for community use with the exception of up to 30% permitted commercial use.

The report advised that there was need for further investment in the refurbishment and modernisation of the Centre and that, having identified priorities for capital

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investment and potential grant funding sources, the Trustees had requested that the Council consider the transfer of the freehold reversionary interest in the Prospect Street land to secure the investment needed to further develop the facility.

The report proposed that the freehold of the land be transferred for nil consideration, taking into consideration that the building is owned by the applicant, and would be subject to restrictive covenants for community use with the exception of up to 30% permitted commercial use.

RESOLVED -

- 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.

379 **Kirklees Specialist Accommodation Strategy 2021/2030 - Public Consultation** (Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor D Hall).

Cabinet gave consideration to a report which sought approval for a public consultation exercise in relation to a proposed new draft Specialist Accommodation Strategy 2021-2030. The report advised that the strategy (i) outlined the importance of quality housing and the impact which that has upon individuals and their wellbeing and (ii) considered the demographic, technological and consumer trends that were already impacting the market and were likely to continue to do so over the period of the strategy.

The report advised that the strategy had been developed alongside the vision and values for adult social care: *'We want every person in Kirklees who needs support, including social care, to be able to live the life that matters to them - with the people they value, in the places and communities they call home, and with an equal voice in co-ordinating their support'*.

The report proposed that an inclusive consultation plan would be developed which ensured appropriate consultation to enable effective response, and that the draft strategy would be revised considering consultation responses and then submitted to Cabinet for approval and a recommendation to Council for approval and adoption of the strategy, as part of the Council's Policy Framework.

RESOLVED -

- 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.

380 Place Partnerships - Proposal to improve domestic abuse outcomes

Cabinet received a report which sought approval of £400,000 funding from the Place Partnership Domestic Abuse themed budget to build capacity, train and equip staff and communities to recognise the signs of domestic abuse and make links to local support networks to help mitigate the impact of domestic abuse. Cabinet noted that the funding would be used to deliver place-based improvements across all Place Partnerships and would be used for activities that were sustainable without the need for ongoing funding, as this allocation is provided on a one-off basis.

The report advised that the Place Partnership's priorities for the funding related to how communities were enabled to identify and respond effectively to domestic abuse, particularly amid concerns that there was not enough awareness of coercive control and/or that abusive relationships were normalised in some families. Cabinet noted the second priority also, which was the impact of domestic abuse upon children and young people, and how professionals who work with families can be supported, particularly in schools, to put effective support in place.

Cabinet were advised that, subject to approval, the funding would be used to build capacity, train, and equip staff and communities to recognise the signs of domestic abuse and make links to local support networks to help mitigate the impact of domestic abuse.

RESOLVED - 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.

381 Dewsbury Market

Cabinet received a report which sought approval of the Dewsbury Market project, including approval of capital funds of £8.4 million, proposals for decanting traders while the works were carried out; public consultation on the detailed plans for the new market and other actions necessary to implement the project.

Cabinet noted that the Council had renegotiated all the market traders' leases, including a rent reduction and that new temporary leases gave the Council greater control over moving tenants and ending leases, where appropriate, which would be critical to the effective delivery of the project.

The report advised that the proposal, subject to approval, would see the transformation of the current 400 stall market into a new consolidated market of approximately 200 stalls which would be transformed into a flexible space for both shopping and leisure use. The investment would halt the decline of the market and build a sustainable future for the market, bringing with it a positive impact on the town along with an increase in footfall.

RESOLVED -

- 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.

382 Corporate Financial Monitoring Quarter 3, 2020-2021

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

Cabinet considered the Corporate Financial Monitoring Report which set out financial monitoring information for General Fund Revenue, Housing Revenue Account and Capital Plan for Quarter 3, 2021/2022, and also sought approval for (i) expenditure in relation to specific schemes, and (ii) the mitigation of PFI affordability double count relating to schools, further details of which were set out at para. 1.12 of the considered report.

The report advised that, in terms of the revised General Revenue Fund, the controllable (net) revenue budget for 2020/2021 was £306.2m, which included planned (net) revenue savings in-year of £2.8m. It indicated that the revised budget included a number of planned transfers from reserves during the year, the most significant being £1.5m from the Revenue Grants Reserve, £0.9m from the Strategic Investment Support reserve, £0.8m from the Public Health reserve, and £0.4m from the Rollover Reserve. Cabinet noted that there was a forecast overspend of £1.9m against the £306.2m revised budget at Quarter 3, equivalent to 0.6%. Appendix 1 to the report set out the forecast revenue outturn position, including estimated Covid-19 impacts.

Cabinet noted the detail of the Covid-19 impact, as detailed at para 1.2 of the report, and an overview of the impacts upon individual directorates. The report also provided information in regards to (i) General Fund Reserves (ii) the Collection Fund (iii) the North West Yorkshire Business Rates Pool (iv) the Housing Revenue Account and (v) the Capital Budget.

RESOLVED -

- 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.

383 Year of Music 2023

Cabinet considered a report which sought approval of investment in the development of Year of Music 2023 programme which would provide a celebratory year based upon cultural identity and heritage and would bring together communities.

The report explained that the Year of Music would also play a role in supporting the economic and cultural recovery from COVID-19, by providing an activity and opportunities for a positive and ambitious district and facilitating a yearlong initiative as a vehicle to support organisations and communities to rebuild and recover.

It was noted that funding of £239,687 would ensure that the sector received investment and was supported in delivering the year of music, whilst also undergoing a transformation process to become more resilient for the future and Cabinet were advised that approval was also sought for the underwriting of costs for

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2022/23 and 2023/24 in case the funding, sponsorship and sales targets were not reached.

Cabinet noted that a Music Partnership Board was being established to oversee the event and that the Cabinet Member (Culture and Greener Kirklees) was a Board Member.

RESOLVED -

- 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.

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

Cabinet gave consideration to a report which outlined a change to the way top-up funding allocations were made to support children in mainstream schools with an Education Health & Care Plan (EHCP). The report highlighted that over recent years, like many other authorities, Kirklees Council had seen rising numbers of children with SEND who needed additional support.

Cabinet were advised that current trajectories in terms of expenditure were unsustainable in the medium to longer term and that the aim was to pivot to a situation of sustainable cost provision with high outcomes by realigning the spend proportionately away from high cost specialist provision to earlier intervention and mainstream provision.

The report advised of the aim to maximise inclusivity and have more children who would be educated with their peers in mainstream schools whilst receiving the appropriate support to progress and develop. Cabinet noted that this would be achieved by ensuring the funding model was fit for purpose to enable schools to do this as well as supporting a wider range of need.

Para. 2.4 of the report set out details of two proposed models, one which linked the top ups to the level of support required to make the provision within the EHCP and one which linked the top ups to the level of support required to make the provision

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within the EHCP and delegate up to 50% support. Cabinet were asked to approve the latter model as it was better aligned with the wider transformation programme and would create maximum opportunities for needs to be met at the earliest opportunity.

It was also noted that this model would (i) sufficiently fund the provision as detailed within the pupil's EHCP in order to meet need (ii) align with the principles of the SEND Code of Practice 2015, and related legislation regulations (iii) promote a graduated approach and build capacity to meet needs of pupils at SEN support if appropriate (iv) have safeguards in place to protect the school's notional SEN budget when EHCP numbers are disproportionately high and (v) enable transparent financial administration.

RESOLVED -

- 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.

385 Procuring an External Business Partner - SEND

Cabinet received a report which sought approval to use the funding within the transformation reserves to support the procurement of an external business partner to support key strands of SEND transformation in Children's and Adult Services.

The report advised how the work in improving the early identification of understanding of SEND for children with special education needs and disabilities would support the ability of mainstream schools to provide appropriate settings for a larger number of children with Education Health and Care Plans (EHCPs) with the objectives of improving the outcomes and attainment for these children and providing a sustainable financial model for SEND expenditure.

The report proposed that Cabinet support the funding of an external improvement partner to work in partnership with Kirklees during the next phase of SEND transformation. Cabinet was advised that £1,000,000 had been identified to support the SEND Transformation programme and a proportion of this was proposed to be used to fund the contract with an external delivery partner, initially for a 12 month period.

RESOLVED -

- 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.

386 Leeds City Region Business Rates Pool Arrangements 2021/22

Cabinet considered a report which sought to ratify the Council's membership, and arrangements for the operation and governance of the Leeds City Region (LCR) Business Rates Pool for 2021/22.

The report highlighted that regional Pools from 2013/14 onwards had benefited Pool members including this Council through annually retained levy contributions into the Pool, ranging between £10m and £29m annually; subsequently invested in a range of regional initiatives, and in some years, including individual payments back to Pool members. The report advised that despite the current underlying difficult economic circumstances due to COVID's impact on national, regional, and local economies, it was anticipated that none of the Pool Members were likely to fall below their Business Rates safety net thresholds for 2021/22.

Cabinet were advised that current modelled financial forecasts suggested the potential for the LCR Pool to generate up to £5m from retained levies in 2021/2022, which while significantly less than previous annual contributions, justified the establishment of the Pool for 2021/2022, in conjunction with the safety net risk assessment undertaken by all prospective Pool Members.

Cabinet noted that specific proposals for the allocation of any retained levies would be considered by the LCR Business Rates Committee, the draft Terms of Reference for which were attached as appendices to the report, along with the draft Memorandum of Understanding (Governance) Agreement for the operation of the Pool in 2021/2020.

RESOLVED -

- 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.

387 Kirklees Stadium Development Limited - Future Options

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

Cabinet received a report which requested that it review current arrangements for the standalone stadium management and development business, Kirklees Stadium Development Limited (KSDL), that manages Kirklees Stadium for the benefit of the two professional sports clubs and the wider community.

Cabinet were advised that, whilst the arrangement had enabled the operation of the stadium for more than 25 years, the opportunity now existed to make changes to future arrangements which would meet a series of shared objectives. It was noted that the Council held a 40% shareholding, with Huddersfield Town AFC also holding 40% and Huddersfield Giants holding 20%.

The report advised that the 25-year stadium asset life cycle meant that significant capital investment was required over the next 10 years to address a backlog of maintenance issues and to renew key structures and mechanical and electrical systems of the stadium to extend the asset life to circa 2050. The report advised that the anticipated cost was up to £9m over a 10-year period.

The report sought approval from Cabinet to endorse a Community Trust operating model (details of which were set out at para 2.10 of the report) which was considered most suitable option for the delivery of shared objectives, including a fully redeemable Council loan to the Community Trust that would ensure the stadium's long term operational viability. Cabinet were also asked to consider a complimentary regeneration opportunity relating to the Gasworks Street site and the potential that could be achieved in the Council acquiring the site to support the emerging strategy for the Huddersfield Station to Stadium Corridor.

(Cabinet gave consideration to the exempt information at Agenda Item 20 (Minute No. 389 refers) prior to the determination of this agenda item).

RESOLVED -

- 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.

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- 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.

388 Exclusion of the Public

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

389 Kirklees Stadium Development Limited - Future Options (Exempt Appendix)

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely Information relating to the financial or business affairs of any particular person (including the authority holding that information) and it is considered that the disclosure of the information would adversely affect a third party, therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Council, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 18 (Minute No. 387 refers).

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 13th April 2021

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

In attendance: Councillor Aafaq Butt
Councillor Steve Hall
Councillor Fazila Loonat
Councillor Gwen Lowe
Councillor Yusra Hussain
Councillor Habiban Zaman

390 Membership of Cabinet

All Cabinet Members were present.

391 Minutes of Previous Meeting

RESOLVED - That the Minutes of the Meeting of the Cabinet held on 16 February 2021 be approved as a correct record.

392 Admission of the Public

It was noted that the information contained at Agenda Item 12 was exempt from publication.

393 Declarations of Interest

No interests were declared.

394 Deputations/Petitions

Cabinet received a deputation from Victoria Harrington which requested that the Council commence the compulsory purchase of the section of land in private ownership, between the Walkley Lane and Brunswick Street railway bridges, Heckmondwike, to support public use of the land.

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

395 Questions by Elected Members (Oral Questions)

Question from Councillor Steve Hall

“As a ward Councillor in Heckmondwike, we have got the Spen Ringway and the Spen Greenway. We are a small ward, but we have a very high density of people, so in times like we are having now, to get out an exercise is extremely important. These two areas are vital for the people of Heckmondwike and Spen Valley to get out and walk on. I’d just like to ask Cabinet how important do they feel that having areas like this are, and how much would they like to preserve these areas and enhance them.”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride).

Question from Councillor Gwen Lowe

“Kirklees Council announced earlier the start of a brand new on-line festival that aims to give young people across the borough a voice in their climate emergency response with the wonderful young people’s climate festival. This was taking place in March over a couple of days. This sounded really exciting when I read about it, and with children and young people being able to enter a series of virtual rooms where they could engage in discussions and activities and talk with contributors from a range of environmental organisations. It sounded a fantastic event. Please could you provide me with an update?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Paul Davies).

Question from Councillor Yusra Hussain

“My question is around support for businesses. I know that we have supported a lot of businesses during this Covid lockdown but I would be keen to know how the Council is providing support to businesses to help them out of lockdown?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Paul Davies).

Question from Councillor Fazila Loonat

“Although we are thankful for the recent highways funding that came in for the unadopted roads and highways, sadly my ward and I’m guessing other wards as well, it’s not gone far enough. We understand that the reason behind it is that we’ve not had enough money from the Government, but it’s left our ward crippling. We have a rather long road, Warwick Road, which has been recognised as a road that’s needing a full resurface. Because of the size of this particular road the cost of resurfacing is over £600,000, recognising that it needs footways and curbing to be done. We don’t have the money to do this. It’s not been fair on the residents, the local road users or the residents that live on that particular street to have to endure the road itself. I am asking for some kind of assistance to see if you can commit to

helping us find a solution because we have been doing patch work for the last year or so, so a commitment or some help to get a solution for this road would be really appreciated.”

A response was provided by the Leader of the Council (Councillor Pandor).

Question from Councillor Zaman

“The residents are feeling quite neglected with Warwick Road not getting resurfaced in the coming years. We are mindful that it is a main route between Bradford Road and Town Street, Taylor Street, and many HGVs are travelling along this area on a daily basis. More recently a number of small businesses have sprung up and we are getting complaints from businesses about heavy vehicles travelling on that road, that’s a school on that road too, it is being heavily overused and so I would appreciate it if anything could be done so that the resurfacing isn’t more than a three year wait.”

A response was provided by the Leader of the Council (Councillor Pandor)

Question from Councillor Butt

“Looking at access to outdoors and sustainable travel, especially as it has been highlighted during covid lockdown as to how valuable health and wellbeing is of our local population.”

A response was provided by the Cabinet Member for Health and social Care (Councillor Khan).

396 Community Asset Transfer of Manor Gardens, off Manor Way, Staincliffe, Batley

(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Lowe, Y Hussain and Zaman).

Cabinet gave consideration to a report which sought approval for the Community Asset Transfer of Manor Gardens, Staincliffe, Batley, to the Hamm Damm Foundation. The report advised that the Foundation was a Charitable Incorporated Organisation that had leased the site from the Council since 2016, and had now put forward proposals for the asset transfer of the site, on a 125 year lease.

Cabinet were advised that the Hamm Damm Foundation had submitted a business plan which set out the proposals for the site, including the immediate and medium term priorities which included an expansion of activities and support to the community. The report indicated that the Foundation had worked closely with the community and partner organisations to meet the needs of the community and provide activities to support local schools, youth organisations and faith groups, and had secured funding in excess of £106k to date.

The report advised that, subject to approval, Officers would complete negotiations, agree terms and execute the transfer.

RESOLVED –

- 1) That authority be delegated to the Director of Development to negotiate and agree terms for the grant of a 125 year lease of land at Manor Gardens, off Manor Way, Staincliffe, Batley, to Hamm Damm Foundation Charitable Incorporated Organisation.
- 2) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute all necessary documentation in connection with the grant of a 125 year lease of the land at Manor Gardens, off Manor Way, Staincliffe, Batley, to Hamm Damm Foundation CIO.

397 2021/22 Council Capital Plan - Proposed Allocation of 2021/22 Capital Funding from the Directorate for Children's Achieve & Aspire Baseline Section of the Capital Plan

Cabinet gave consideration to a report which set out potential projects identified to address urgent condition related needs in maintained schools, to be funded from the 2021/2022 Achieve and Aspire Capital Maintenance allocation of the Capital Plan, as approved by Council on 10 February 2021. Approval was also sought for the delegation of authority to enable Officers to allocate funding from the Basic Need and SEND baselines to individual scheme level as the programmes develop.

Appendix A to the report set out a business case which outlined the process for identifying the condition needs of individual schools, the prioritisation for the backlog of repairs and the proposals for the design, procurement and implementation of the programme. Appendix B set out a prioritised list of urgent condition works to be undertaken in schools during the 2021/2022 financial year.

Cabinet were advised that the proposed programme of works primarily consisted of replacement of obsolete boilers and heating systems, urgent health and safety works including fire safety improvements, whole or partial rewires and replacement of life expired flat and pitched roofs. Additionally the following activities were also proposed from the capital grant (i) £100k to cover survey and preparation costs for the 2021/2022 programme, along with advance feasibility and design costs for the 2022/2023 programme and (ii) £176k for a risk pot for items such as emergency in year additions to the programme, higher than anticipated tenders and unexpected asbestos that may be discovered once works are under way.

RESOLVED –

- 1) That approval be given to the business case, as attached at Appendix A of the considered report, which outlines the rationale for the schools' condition works programme, the availability of funding, the selection process and the main categories of work, thereby enabling the projects to be designed, procured and implemented.
- 2) That approval be given to the detailed list of proposed works for schools in 2021/2022, as attached at Appendix B.
- 3) That authorisation be given to (i) the allocation of additional High Needs Provisional Grant to Southgate, Honley High and Ravenshall Schools and (ii) the use of delegated authority to align any unallocated funding from the grant to project level.

- 4) That authorisation be given to the allocation of the annual £500k Basic Need baseline grant funding for 2021/2022 to named projects, yet to be determined for the secondary school place need.
- 5) That approval be given to the delegated powers as set out at paragraphs 2.22-2.24 of the considered report.

398 Proposal for a Place Based Integrated Early Support Offer for Children Young People and Families (Family Hubs)

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

Cabinet received a report which set out findings of the family hub engagement activity that had taken place between 4 January and 26 February 2021 and highlighted key themes and recommendations for the final proposals of an integrated 0-19 (25) model of delivery for Early Support across Kirklees (Family Hubs). The report advised that there had been 166 responses to an online survey and that 250 stakeholders had engaged through virtual online sessions.

Para. 3 of the report provided an overview of the findings and key emerging themes, which had informed the development of the proposed offer and the establishment of local area 'family hub partnership boards' in four areas. It was noted that the boards would consider local knowledge and area priorities and would build upon the successful approach of the Community Hubs which had coordinated services responsive to local needs since 2017. The proposed 'family hub' principles were set out within the report and included being accessible, safe, and outcome focussed.

RESOLVED – That approval be given to the Integrated Early Support Proposals, 'Family Hubs', and that progress to the implementation phase of the model be agreed.

399 Red House Investment Proposal

Cabinet received a report which sought approval for proposals for investment and the reconfiguration and refurbishment of Red House Museum, Gomersal, to enable the property to be used for short term holiday letting and to sustain community access via managed community open days and weekends. The report requested that Cabinet endorse (i) the proposal for the scheme and associated business plan (ii) authorisation to prepare and submit a planning application and (iii) the allocation of capital funds to the delivery of the scheme.

Cabinet were provided with a business plan (at Agenda Item 13), which set out a commercial position designed to cover operating costs in order to facilitate a managed community access. It was noted that extensive discussions had taken place with partners to ensure that the proposal was appropriate for the site, deliverable and affordable.

(Cabinet gave consideration to the exempt information at Agenda Item 13 (Minute No. 401 refers) prior to the determination of this item.

RESOLVED –

- 1) That the business plan, as set out at the exempt appendix to the report, be endorsed and that the commercial proposition be designed to cover operating costs in order to facilitate managed community access, rather than profit.
- 2) That approval be given to the allocation of £600k from the One Venue Development Capital Baseline to fund the project, and reprofile the expenditure into the 2021/2022 financial year.
- 3) That the frontline building recharge budget, currently funding Red House whilst it is held in the Land Bank, be made available to the project rather than the project funding costs through additional rent income.

400 Exclusion of the Public

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

401 Red House Investment Proposal (Exempt Appendix)

(Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person. It was considered that the disclosure of the information would be contrary to confidential terms and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 11 (Minute No. 399 refers).

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 1st June 2021

Present: Councillor Shabir Pandor (Chair)
Councillor Paul Davies
Councillor Viv Kendrick
Councillor Musarrat Khan
Councillor Carole Pattison
Councillor Peter McBride
Councillor Viv Kendrick
Councillor Naheed Mather
Councillor Will Simpson
Councillor Musarrat Khan
Councillor Paul Davies

Apologies: Councillor Cathy Scott

- 1 Membership of Cabinet**
Apologies for absence were received from Councillor Scott.
- 2 Minutes of Previous Meeting**
RESOLVED – That the Minutes of the Meeting held on 16 March 2021 be approved as a correct record.
- 3 Admission of the Public**
It was noted that no agenda items would be considered in exempt session.
- 4 Deputations/Petitions**
No deputations or petitions were received.
- 5 Questions by Members of the Public**
No questions were asked.
- 6 Questions by Elected Members**
No questions were asked.
- 7 Declarations of Interest**
No interests were declared.
- 8 2 Year Highways Capital Plan 2021/22 and 2022/23**
Cabinet gave consideration to the Highways Capital Plan 2021/2022, which set out a detailed programme of works to be implemented over the next two year period. The report advised that, on 13 February 2019, Council had approved a 6 year Capital Investment Plan (2018/2019 –

Cabinet - 1 June 2021

2013/2024), which included £12,351,000 for the Highways Service in 2021/22, and which had increased to £22,984,237 due to an increase in Local Transport Plan Funding and various grants, approval of £15m unclassified roads budget in 2020-2023 and the reprofiling of schemes due to the pandemic, and resourcing issues which had impacted upon the delivery of several schemes in 2020/2021.

Appendix 1 to the report reflected the highway maintenance and local transport plan grant allocations for 2021/2022. Cabinet were advised that the maintenance programmes for highways assets had been determined in line with the highway asset management strategy which demanded a lifecycle planning approach, and that the schemes had been identified under the locality based unclassified road improvements as approved by Cabinet on 19 January 2021.

RESOLVED –

- 1) That approval be given to the detailed Capital Plan 2021-2022 and 2022-2023 in the sum of £22,984,237 and £18,508,325 respectively, as set out at Appendix 1 of the considered report, in order to enable spend on schemes identified to improve the highway network whilst increasing road safety, improving air quality and saving energy.
- 2) That authority be delegated to the Service Director (Highways and Streetscene), in consultation with the Cabinet Member (Environment), to enable amendments to identified schemes and funding allocation for the schemes, in accordance with financial regulations for the purposes of expediting efficient delivery of the programme.

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES

Tuesday 15th December 2020

Present:

Councillor Peter McBride
Councillor Naheed Mather
Councillor Graham Turner

In attendance:

Ken Major, Principal Engineer
Councillor Nigel Patrick

- 1 Membership of the Committee**
All Committee members were present.
- 2 Minutes of Previous Meeting**
That the minutes of the meeting held on the 12 October 2020 be approved as a correct record.
- 3 Interests**
No interests were declared.
- 4 Admission of the Public**
All agenda items were considered in public session.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Questions by members of the Public (Written Questions)**
No written questions were received.
- 7 Member Question Time**
No member questions were asked.
- 8 Objection to Traffic Regulation Orders for Hightown Lane, Holmfirth**
The Committee considered a report that outlined an objection received to Traffic Regulation Orders for Hightown Lane, Holmfirth.

The Committee was informed that the residents of Hightown Lane, an unadopted road in Holmfirth, approached Kirklees Council as a group and asked if the Council could help them in dealing with a regular problem of people parking in Hightown Lane in order to attend to daily activities in Holmfirth.

Cabinet Committee - Local Issues - 15 December 2020

This ranged from local shop staff parking for the length of their shift to visitors parking in the road while going around Holmfirth. This was having a significant impact on the residents' day to day lives and meant they were usually unable to park near their property when they returned during the day.

In June 2011, Cabinet approved a "Permit Parking Policy" which could be applied under certain circumstances and it was considered that this request had met the criteria. This would allow the development of a traffic regulation order for Hightown Lane and two adjacent roads namely, Town Hall Street and part of Wood Lane.

The traffic regulation order was advertised between 21 August 2020 and 21 September 2020 and during that time one objection was received. The Committee noted the concerns raised by the objector and the response given.

Officers were recommending that the objection be overruled on the basis that Hightown Lane is a private street and parking should be limited to residents

Cllr Nigel Patrick local ward councillor made representations in support of the officer recommendations.

RESOLVED

That the Objection to Traffic Regulation order for Hightown Lane, Holmfirth be overruled.

9 Objections to Traffic Regulation Orders for New Road, Netherthong

The Committee considered a report which outlined objections received to Traffic Regulation Orders for New Road, Netherthong.

The Committee was informed that in March 2017, planning permission was granted for the erection of two detached dwellings (within a Conservation Area) adjacent to 141, Church Street, Netherthong, Holmfirth.

The planning condition stipulated that *"the development shall not commence until a scheme detailing measures to manage parking on Church Street from its junction with New Road to the full frontage of the application site and all associated works, together with appropriate Safety Audits has been submitted to and approved in writing by The Local Planning Authority. Unless otherwise agreed in writing no part of the development shall be brought into use until the approved scheme has been implemented."*

To ensure the safety of vehicles emerging from this access, waiting restrictions were proposed to that ensure the required visibility splays, coming out of this new access were free from parked cars, and a Traffic Regulation Order has been promoted to implement these restrictions.

The Traffic Regulation Order was advertised between 21 August 2020 to 21 September 2020 and during that time four objections were received.

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The Committee considered the representations made by the objectors and noted the response provided.

Cllr Nigel Patrick, local ward councillor advised the Committee that while he is in support of the officer recommendations, he stated that there are issues in the area, particularly the old part of the centre of Netherthong and asked that the highways department look at how the wider area can be improved.

RESOLVED

That objections to the proposed waiting restriction for New Road, Netherthong, be overruled and the Traffic Regulation Order be implemented as advertised.

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Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES

Wednesday 24th March 2021

Present: Councillor Peter McBride (Chair)
Councillor Naheed Mather

In attendance: Karen North, Senior Technical Officer

Apologies: Councillor Graham Turner

1 Membership of the Committee

Cllr Cathy Scott attended as sub for Cllr Graham Turner

2 Minutes of Previous Meeting

That the minutes of the meeting held on the 15th December 2020 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Questions by members of the Public (Written Questions)

No written questions were received.

7 Member Question Time

No member questions were asked.

8 Objection to Traffic Regulation No 30 Order 2020, Proposed "School Keep Clear" markings, South Parade, Cleckheaton

The Committee considered a report which outlined an Objection to Traffic Regulation No 30 Order 2020, Proposed "School Keep Clear" markings, South Parade, Cleckheaton.

Karen North, Senior Technical Officer, advised the Committee that South Parade is a residential distributor road in Cleckheaton, with residential properties, to both sides, for the majority of its length. Most of the properties in this area do not have off street parking facilities and residents park on the road. Heaton Primary school is

Cabinet Committee - Local Issues - 24 March 2021

located on the middle of South Parade, with industrial premises on the opposite side of the road.

The Committee was informed that as parking is at a premium in this area, there are currently "School Keep Clear" markings in operation, governed by an existing Traffic Regulation Order, which restricts parking on the school side of South Parade, and on Highfields Road 8 am 9:30 am and 2:30 - 4 pm to reduce the risk, from parked cars, for children walking to school.

To try to improve visibility and access for both pedestrians and drivers, particularly at school opening and closing times, a section of informal "Keep Clear" markings were put down; however, this has had little impact. The proposed "School Keep Clears" have been kept to a minimum, to reduce the impact on the surrounding roads, but maximise safety. The proposed length covers the footpath link from Heaton Ave, to a safe distance beyond the concealed entrance, to maintain visibility when vehicles are emerging.

The Traffic Regulation Order for the installation of these markings was advertised between 26 November 2020 to 28 December 2020 and during that time one objection was received.

The objector believes that the proposals would displace more parking along Highfield Terrace and further inconvenience the residents around the school.

In response to the objection, the Committee was advised that the proposed "School Keep Clear" markings at this location are aimed at helping to improve visibility and safety for all road users and in particular, young pedestrians. For these reasons, the Officer recommendation is that the objections to the proposed restrictions be overruled and the Traffic Regulation Order be implemented as advertised, to allow the road safety expected benefits to be realised.

The Committee considered all the information received both verbally and in writing and;

RESOLVED

That the Objection to Traffic Regulation No 30 order 2020, proposed "School Keep Clear" markings, South Parade, Cleckheaton be overruled, and the Traffic Regulation Order be implemented as advertised.

Contact Officer: Leigh Webb

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Tuesday 24 November 2020

Present: Councillor Will Simpson (Chair)
Councillor Donald Firth
Councillor Kath Pinnock
Councillor Steve Hall
Councillor John Taylor
Councillor Susan Lee-Richards
Councillor Paola Davies

Observers: Councillor Graham Turner
Councillor Paul Davies

Apologies: Councillor Elizabeth Smaje

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor Elizabeth Smaje.

2 Minutes of Previous Meeting

That the Minutes of the previous meeting, held on 2 2020, be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

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

5 Deputations/Petitions

None received.

6 Public Question Time

No questions were asked.

7 Half Yearly Monitoring on Treasury Management Activities

The Committee received a report providing assurance the Council's treasury management function is being managed prudently and pro-actively. External investments, including £10.0 million invested in the Local Authorities Pooled

Corporate Governance and Audit Committee – 5 July 2019

Investment Fund (LAPF), averaged £53.4 million during the period at an average rate of 0.41%. Investments have ranged from a peak of £144.1 million in April and a low of £15.0 million in June. The high investment balance in April was due to receiving Covid19 support grant of £12.2 million and Business Rates relief grant for 2020/21 of £11.7 million from Central Government on 27 March 2020 and Business grants on 1 April 2020 of £113.7 million. The Business grants did not start to be paid out to local businesses until mid-April.

It was reported that balances were invested in line with the approved treasury management strategy, details of which were appended to the report, in instant access accounts or short-term deposits.

The treasury management revenue budget is £22.1 million. The change in Minimum Revenue Provision (MRP) policy allowed for a planned release of £9.1 million MRP budget over-provision in 2020/21. As part of the Council approved budget strategy update report 2021/22, it now due to increase to £13.7 million with the additional £4.6 million to move to reserves to support 2021/22 year's budget gap. The revised MRP policy is to provide for MRP on the basis of the asset life to which external borrowing is incurred rather than the older version of a 4% reducing balance of the Capital Financing Requirement (CFR).

It was reported that in-year treasury management performance is in line with the treasury management prudential indicators set for the year and details were appended to the report.

RESOLVED – That the Committee notes the half-year treasury management performance in 2020/21 as set out in the report.

8 Information Governance Annual Report 2019/20

The Committee received a report providing an update on the main information governance events and activities to the year 2019/20, which included details of the following:

- Information Governance matters, particularly the implementation and impact
- of the new General Data Protection Regulation
- Information access requests under the Freedom of Information Act 2000,
- Environmental Information Regulations 2004 and Data Protection Act 2018 confirmation of the council's compliance with the NHS Data Security and
- Protection Toolkit Accreditation
- The Information Security and Cyber Security improvements and activities
- An outline of the improvements and developments planned for 2020/21

RESOLVED –

1. That the Information Governance Annual report for 2019/20 be noted.
2. That a 6 monthly report be submitted to a future meeting of this committee setting out an update of progress of the Information Governance response to the pandemic.

9 Annual Governance Statement 2019/20

The Committee received a report seeking the approval of the 2019/20 Annual Governance Statement prior to it being signed off by the Chief Executive and

Corporate Governance and Audit Committee – 5 July 2019

Leader of the Council. The Statement covers 2019/20 and up to the date at which the Annual Statement of Accounts is approved. The Statement concluded that overall the governance arrangements remain fit for purpose. It was reported that the draft Statement had been noted at the July meeting of this Committee and had remained largely unchanged, as Executive Team are of the view that it is still too soon to determine the full impact and consequences of the coronavirus pandemic on the Council and its key objectives.

It was explained that the Statement has been compiled following the annual review of the effectiveness of the overall internal control and governance arrangements. The Statement highlighted a number of what are termed 'Significant Governance Issues, some of which were brought forward from the 2018/19 Statement. It was reported that a number of new issues had been identified and that half of the issues identified in the 2018/19 Statement had been addressed entirely or sufficiently so as not to merit inclusion again.

The actions and controls the Council is taking are contained within an Action Plan that underpins the Statement. It was reported that the Action Plan will be the subject of internal monitoring, with reporting back to Executive Team and this Committee covering quarters 3 and 4 for 2020/21.

RESOLVED - That the Annual Governance Statement 2019/20 be approved.

10 External Audit Update

The Committee received the External Audit Finding Report, for year end 31 March 2020, as submitted by Grant Thornton.

It was reported that Grant Thornton's audit work was completed remotely during September to November 2020 and the findings were summarised within the report. It was stated that it is anticipated that the extended audit report opinion will be unqualified, although highlighting the material uncertainty that exists regarding the valuation of land, building and investment property, and the material uncertainty regarding the valuation of underlying pension fund assets that make up the pension fund net liability. These uncertainties reflect the market uncertainty arising from the Covid-19 pandemic.

It was reported that work is substantially complete and there are no matters that would require modification of the audit opinion.

RESOLVED - That the External Audit Findings Report be received and noted.

11 Approval of the Council's Final Accounts for 2019/20

The Committee received a report on the final accounts and audit processes for 2019/20 which sought Committee approval of the Council's Statement of Accounts for 2019/20 and a final version of the Annual Governance Statement.

The preparation of the Statement of Accounts is a statutory requirement and local authorities are normally required to have them signed by the section 151 Officer by 31 May and published with an Audit Certificate by 31 July, following

Corporate Governance and Audit Committee – 5 July 2019

the end of the financial year. However, following a sector-wide response to the consequences of the COVID-19 pandemic, CIPFA amended the statutory deadline for the production of the Unaudited Statement of Accounts for 2019-20. For the Council the revised deadline was 31 August 2020. The accompanying deadline for the completion of the audit was also amended to 30 November 2020.

It was reported that there were no queries or objections raised in the six week public inspection period and that the audit of the 2019/20 Statement of Accounts is substantially complete.

RESOLVED – That the Committee approves:

(i) The Statement of Accounts 2019/20 incorporating the Annual Governance Statement (Appendix A), with the Chair certifying the Statement of Responsibilities on page 20 upon completion of the audit.

(ii) The Letter of Representation (Appendix B), with the Chair signing it on behalf of the Committee upon completion of the audit.

12 Appointment of a Trustee for Joshua Wood Charity

The Committee received a report seeking the Corporate Governance and Audit Committee's endorsement of the nomination of the Council's Trustee of the Joshua Wood Charity.

RESOLVED – That the Corporate Governance & Audit Committee are asked to note and endorse the nomination of Councillor Steve Hall as Trustee of the Joshua Wood Trust for the duration of the nomination.

13 Quarterly Report of Internal Audit 2020/21 - Quarter 2

The Committee received the Internal Audit Quarterly Report, Quarter 1, which set out an overview of internal audit activity for the period July 2020 - September 2020.

The report highlighted that as a result of the coronavirus a reduced level of routine work has been completed during the period. The work has included an investigation into issues raised at a housing provider, and assessment of coronavirus arrangements in a part of the council's operations, a review of direct debit arrangements, the arrangements relating to "deprivation of liberty", rent debt write offs, and the council's emergency duty arrangements in children's services.

RESOLVED - That the Internal Audit Quarterly Report 2020/2021 (Quarter 1) be received and noted.

14 Exclusion of the Public

RESOLVED – That acting under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

Corporate Governance and Audit Committee – 5 July 2019

- 15 **Quarterly Report of Internal Audit 2020/21 - Quarter 2**
(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

The Committee received the Internal Audit Quarterly Report, Quarter 2, which set out an overview of internal audit activity in the second quarter of 2020/2021.

RESOLVED - That the Internal Audit Quarterly Report 2020/2021 (Quarter 2) be received and noted.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Wednesday 20th January 2021

Present: Councillor Will Simpson (Chair)
Councillor Donald Firth
Councillor Kath Pinnock
Councillor Steve Hall
Councillor John Taylor
Councillor Susan Lee-Richards

Observers: Councillor Graham Turner (Ex Officio)

Apologies: Councillor Paola Antonia Davies

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor P A Davies.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 24 November 2020 be approved as a correct record subject to the amendment of Minute No. 11 to reflect that authority is delegated to the Chair of the Committee and the Service Director (Finance) to sign off the final accounts.

3 Declarations of Interest

No interests were declared.

4 Admission of the Public

It was noted that Agenda Items 13 and 14 would be considered in private session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Questions by Members of the Public

No questions were asked.

7 Business Continuity Assurance

The Committee received an update on the Council's business continuity in terms of (i) the business continuity assurance report and (ii) the Council's response to and recovery from the pandemic.

The Business Continuity Assurance Report summarised the findings of the annual business continuity assurance survey, and provided an indication of business continuity preparedness across the organisation. The Committee noted that the results of the survey had reflected high compliance scores in areas including risk

assessment, business impact analysis, maintenance and review of business continuity plans, identification of critical and non-critical activities and content of business continuity plans. The report highlighted the areas where low compliance scores had been achieved where further work would be undertaken. In terms of the Council's response to and recovery from the pandemic, it was noted that the Corporate Business Continuity Framework had been activated, and that a Corporate Business Continuity Team had been formed with the aim of ensuring that the Council could continue to deliver its most critical services.

The report set out a summary of successful outcomes that had been achieved and learning points that had been identified. The Committee noted and discussed the content of the report, and requested that its thanks to the Business Continuity Team, along with the wider Council workforce, for its operational response to the pandemic, be recorded. It was agreed that a further report would be submitted to a future meeting regarding a progress update and an overview on how the learning points arising from the pandemic are being applied in business continuity.

RESOLVED – That the Business Continuity Assurance Report and the Council's Business Continuity Response to the pandemic be noted.

8 Treasury Management Strategy 2021/2022

The Committee received the Treasury Management Strategy 2021/2022, in accordance with the CIPFA Code of Practice on treasury management. The report provided information regarding (i) the outlook for interest rates and credit risk, and a recommended investment strategy (ii) the current and estimated future levels of Council borrowing (internal and external) and a recommended borrowing strategy (iii) methodologies adopted for providing for the repayment of debt and a recommended policy for calculating minimum revenue provision (iv) other treasury management matters including the policy on the use of financial derivatives, prudential indicators, the use of consultants and the policy on charging interest to the housing revenue account and (v) a recommended an annual investment strategy in line with MHCLG guidance.

It was noted that an amendment was required at paragraph 2.38 to read that 'the Officer recommendation is to maximise the remaining balance of MRP unwind of £49.5m, over the 2020-2024 period to support the Council's medium term budget strategy'.

The Committee were advised that the report would be submitted to the meeting of Council (Budget) on 10 February 2021.

RESOLVED – That the Treasury Management Strategy 2021/22 be noted and referred to the meeting of Council on 10 February 2021.

9 External Audit Update

The Committee received the External Audit Findings Report (Year Ended 31 March 2020) from Grant Thornton External Audit.

The report set out an update on headlines regarding (i) the impact and challenges of Covid-19 (ii) financial statement reporting, including current outstanding matters and

(iii) value for money arrangements. It also set out an overview of the scope of the audit approach, significant identified audit risks and new risks and issues that were identified during the course of the audit that had not previously been communicated, key estimates and judgements, and ongoing concerns.

RESOLVED – That the External Audit update report be received and noted.

10 Risk Management Update

The Committee gave consideration to a report which provided an update on the Council's Risk Management Statement and arrangements for Corporate Risk Management.

The report advised that the Corporate Risk Matrix identified ongoing risks and issues, many of which had been affected by Brexit and the ongoing pandemic. The latest version, which was attached as an appendix to the report, had been updated in December to reflect changes regarding EU relations.

The Committee noted the information detailed within the corporate risk register and risk management action plan (appendix 1) and also the exempt information at Agenda Item 13 (Minute No. 13 refers).

RESOLVED – That the Risk Management Update report be noted.

11 Quarterly Report of Internal Audit Q3 2020/2021

The Committee received a report which set out the activities of Internal Audit in Quarter 3, 2020/2021. The Committee noted that much of the work undertaken had been unplanned rather than routine due to the ongoing pandemic but that planned audits including housing rents and service charges, business centre income, grounds maintenance income collection, vehicles maintenance and taxi licensing had been completed.

The report advised that a substantial amount of work had been undertaken in regards to supporting the implementation of the statutory and local discretionary business grant schemes, particularly in terms of control arrangements and the prevention and investigation of fraud.

The Committee noted that there had been no activity in relation to the Regulation of Investigatory Powers Act during the quarter. Exempt information was provided at Agenda Item 14 (Minute No. 14 refers) as to work undertaken and the assurance opinions provided.

RESOLVED – That the Quarterly Report of Internal Audit (Q3) 2020/2021 be noted.

12 Exclusion of the Public

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

13 Risk Management Update

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

The Committee noted the exempt information, which was an appendix to Agenda Item 10.

14 Quarterly Report of Internal Audit Q3 2020/2021

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

The Committee noted the exempt information, which was an appendix to Agenda Item 11.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Tuesday 9th March 2021

Present: Councillor Will Simpson (Chair)
Councillor Kath Pinnock
Councillor Steve Hall
Councillor John Taylor
Councillor Paola Antonia Davies
Councillor Susan Lee-Richards
Councillor Donald Firth

In attendance: Councillor Eric Firth (Ex Officio) – Chair of Standards Committee
Councillor Elizabeth Smaje (Ex Officio) – Chair of Overview and Scrutiny Committee
Councillor Graham Turner (Ex Officio) – Cabinet Member (Resources)

1 Membership of the Committee

All Members of the Committee were present.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 20 January 2021 be approved as a correct record.

3 Declarations of Interest

There were no declarations of interest.

4 Admission of the Public

It was noted that there were no matters listed for consideration in exempt session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time (Written Questions)

No questions were received.

7 Report of the Members' Allowances Independent Review Panel (MAIRP) 2021/22 (Reference to Council)

The Committee received the report of the Members Allowances Independent Review Panel, which set out recommendations proposed for the 2021/2022 municipal year. It was noted that the Panel met on an annual basis to consider and recommend a scheme, having regard to evidence received.

Corporate Governance and Audit Committee - 9 March 2021

The report of the Members Allowances Independent Review Panel was attached at Appendix A of the considered report, and recommended that;

- (i) The current basic allowance be increased in line with the amount awarded to Kirklees Council Officers (to be determined) with effect from 1 April 2021.
- (ii) Special Responsibility Allowances remain at the 2020 rate pending a root and branch review of the Members' Allowances Scheme due to take place in summer 2021, and that any increase to Special Responsibility Allowances arising as an outcome of the review, be backdated to 1 April 2021.
- (iii) Should the amount awarded to Kirklees Council Officers not be agreed by 1 April 2021, any increase to the basic allowance be backdated to 1 April 2021.

The draft scheme for 2021, taking account of the recommendations, was attached at Appendix B.

In considering the report, the Committee conveyed thanks to the Panel for the work that had been undertaken, but were of the view that the basic allowance should not be increased with effect from 1 April 2021, and that a report be submitted to the meeting of Council on 17 March 2021 with a recommendation that an increase to the basic allowance not be applied for the 2021/2022 municipal year.

RESOLVED – That the report be submitted to the meeting of Council on 17 March 2021 with a recommendation;

- (i) That Council conveys thanks to the Members Allowances Independent Review Panel for their work and notes the outcomes of the Panel, as attached at Appendix A of the report.
- (ii) That Council resolve not to apply an increase to the Members Basic Allowance for the 2021/2022 municipal year.
- (iii) That it be noted that, should changes subsequently be applied to Special Responsibility Allowances, following the review of Members Allowances Scheme scheduled to take place in summer 2021, the Panel had recommended that any such adjustments to payments be backdated if applicable.
- (iv) That it be noted that the outcome of the review of the Members Allowances Scheme, scheduled to take place in summer 2021, will be considered by Corporate Governance and Audit Committee before any further recommendations are made to Council regarding any proposed changes to Member Special Responsibility Allowances.

8 **Mayoral Accountability (Reference to Cabinet)**

The Committee received a report which set out proposals with regards to mayoral accountability and requested that the Committee give consideration to potential recommendations for holding the Elected Mayor to account.

Corporate Governance and Audit Committee - 9 March 2021

The report provided an overview of concurrent powers and Appendix 1 set out a table of functions which would be conferred upon the Mayoral Combined Authority. Appendix 2 to the report summarised the suggestions which had been made at a workshop held on 14 January 2021 and which had been attended by Members of the Committee, along with Chairs of Scrutiny Panels, and representatives from Groups not otherwise represented on Committees party to the discussions.

In considering the report, the Committee raised several matters in terms of both mayoral accountability, and to inform a separate independent submission to be sent from the Chair of the Committee to the West Yorkshire Combined Authority (WYCA). The issues discussed by the Committee included (i) the need to strengthen the relationship between WYCA and constituent Councils (ii) the need to create a model of operation fit for all constituent authorities and across the West Yorkshire area (iii) creating arrangements for the Elected Mayor to attend a meeting of Council, at least annually (iv) improve engagement and transparency by allowing Deputation and Public Questions at WYCA Meetings, enabling representations at meetings including Scrutiny (v) enabling attendance at meetings via the use of a Substitutes Panel (vi) encouraging changes to improve local democracy, and to implement changes as soon as is possible (vii) the need for clarity with regards to operational scrutiny arrangements (viii) considering attendance arrangements at local WYCA scrutiny meetings and developing better joined up working and (ix) enabling annual accountability of the mayoral programme and their achievements.

The Committee also requested that recommendation 6.3 in the report be amended to reflect that consultation be with Group Leaders, and not solely the Leader of the Council.

RESOLVED –

- 1) That the report, and the suggestions presented at the workshop, held on 4 January 2021, and set out at Appendix 2, be noted.
- 2) That authority be delegated to the Chair of the Committee to submit an independent representation to the West Yorkshire Combined Authority, setting out recommendations for mayoral accountability.
- 3) That the report be submitted to the meeting of Cabinet on 16 March 2021 with the recommendation that (i) Cabinet adopt the draft protocol on concurrent functions and associated statutory consents, as attached at Appendix 1 to the report, to further document the basis on which the Council, along with other West Yorkshire Councils and the Mayoral Combined Authority, work together and (ii) authority be delegated to the Chief Executive, in consultation with Group Leaders, to agree any subsequent changes to the protocol.

9 Dates of Council Meetings 2021/2022 (Reference to Council)

The Committee received a report which set out a provisional schedule of Council meeting dates for the 2021/2022 municipal year. The report sought endorsement of the schedule for submission to the meeting of Annual Council on 19 May 2021.

The Committee noted the schedule and discussion took place regarding the format of Key Discussion meetings, specifically regarding the selection of discussion topics

Corporate Governance and Audit Committee - 9 March 2021

and the need for members to engage in valuable discussions, by being informed by presentation documents or reports in advance of the meeting were possible. The Committee also noted the need to give consideration at a later stage to scheduling the attendance of the Elected Mayor so that discussions could take place at a full Council meeting as to their ambitions for the area.

RESOLVED – That the schedule of Council meetings for the 2021-2022 municipal year be submitted to the meeting of Annual Council on 19 May 2021 with a recommendation of approval.

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Thursday 22nd April 2021

- Present: Councillor Will Simpson (Chair)
Councillor Steve Hall
Councillor John Taylor
Councillor Paola Antonia Davies
- Observers: Councillor Eric Firth (Ex Officio) – Chair of Standards Committee
Councillor Elizabeth Smaje (Ex Officio) – Chair of Overview and Scrutiny Committee
- Apologies: Councillor Susan Lee-Richards
Councillor Donald Firth

- 1 Membership of the Committee**
Apologies for absence were received from Councillor Donald Firth.
- 2 Minutes of Previous Meeting**
RESOLVED – That the minutes of the Meeting held on 9 March 2021 be approved as a correct record.
- 3 Declarations of Interest**
There were no declarations of interest.
- 4 Admission of the Public**
It was noted that Agenda Item 17 would be considered in private session.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Proposed Revisions to Contract Procedure Rules (Reference to Annual Council)**
The Committee received a report on the proposed changes to Contract Procedure Rules (CPR) for the municipal year 2021/22. The areas proposed for amendment related to; decision making, clarity around when bonds were required, a new appendix in relation to grants, considering and encouraging social value in procurement, encouraging local suppliers to bid for contracts, an updated section on use of presentations and interviews, demonstrating value for money when undertaking a direct award, and updated procurement thresholds.

Corporate Governance and Audit Committee - 22 April 2021

The report outlined that the main change to the CPR's was the amendment to reflect the changes to procurement following the UK's departure from the EU. The Committee noted that there would be a more fundamental review of the CPR's in line with legislative requirements arising from the Government Green Paper - Transforming Public Procurement.

The Committee were advised that there were several smaller changes and additions to simplify and improve clarity of existing arrangements. The other main change was the addition of a new section relating to the recording of decisions.

RESOLVED –

1. That the proposed amendments to Contract Procedure Rules, as summarised in Appendix 1, be endorsed and referred to the meeting of Annual Council on 19 May 2021 with a recommendation of approval.
2. That the Committee receive a further report to a future meeting to outline what constitutes a significant officer decision, and confirmation as to whether the standing lists were reviewed on a regular basis.

7 Proposed Revisions to Financial Procedure Rules (Reference to Annual Council)

The Committee received a report regarding proposed changes to Financial Procedure Rules (FPR) for the municipal year 2021/22. The areas proposed for amendment related principally to a consolidation of the currently separate parts (in the 2019 version of FPRs) that related to grants receivable and payable, into a new combined section, and other changes regarding capital budget management, internal audit, and debt collection.

The report advised the Committee that the Director of Finance and Head of Risk were reviewing the concepts of controls required and achieved through FPR 2 (Revenue Budget Preparation and Management) and FPR 3 (Capital Investment Plan Preparation and Management) and a further report would be provided to the Committee later in the next municipal year.

The Committee noted that there were some other wording changes to clarify responsibilities and requirements, in relation to matters such as internal audit, payments and debt collection.

RESOLVED – That the proposed changes to Financial Procedure Rules be endorsed and referred to the meeting of Council on 19 May 2021 with a recommendation of approval, subject to further clarification being included within the FPR's regarding 'financial betterment'.

8 Proposed revisions to the Terms of Reference for the Health & Wellbeing Board (Reference to Annual Council)

The Committee received a report to consider and agree a proposed revision to the Terms of Reference for 2021-22. The Committee noted that the changes to membership reflected the shift to a much more collaborative culture which was at the core of both the Kirklees Health and Wellbeing Plan and the NHS Long Term Plan. The recommended changes were:

Corporate Governance and Audit Committee - 22 April 2021

- Amending the membership of the Board to (i) reflect the creation of a single CCG for Kirklees. The 3 representatives in 2021/22 will be the Clinical Chair, Accountable Officer, and the Lay Member: Patient & Public Involvement (ii) include a nominated representative of the Kirklees Integrated Health and Care Leadership Board to replace the representative from the now defunct Integrated Provider Board
- Include representation of the Primary Care Networks in recognition of their role in establishing the new model of integrated care and as system and clinical leaders
- Reflecting the Board's role in providing oversight of the Children and Young People's Partnership and the Children and Young People's Plan and recognising the Director of Children's Services role as including representing the Children & Young Peoples Partnership.

The report highlighted that the Government had published the White Paper 'Working Together to Improve Health and Social Care for all' which would legislate to create a statutory basis for the Integrated Care System (ICS), including an ICS Health and Care Partnership and an ICS NHS Body. The Health and Wellbeing Board would remain in place and would continue to have an important responsibility at a local/place-based level to bring local partners together.

RESOLVED – That the revised Terms of Reference for Health and Wellbeing Board be endorsed and referred to the meeting of Annual Council on 19 May 2021 with a recommendation of approval.

9 Letter to and response from WYCA

The Committee received a letter sent to the West Yorkshire Combined Authority (WYCA) outlining the impact of the new Mayoral Combined Authority (MCA) arrangement on various governance matters, including scrutiny and the Concurrent Powers Protocol. A response to the letter was received on 31 March 2021.

The Committee acknowledged that WYCA would be able to provide clearer guidance on the arrangements once a Mayor had been appointed to the role and felt that engagement with them following the appointment would be more appropriate.

RESOLVED – That the Committee note the letter and response from WYCA, and that further dialogue should continue with the Mayor and other LA's within the combined authority area once the Mayor was appointed.

10 Changes to the Council's Constitution (Reference to Annual Council)

The Committee received a report setting out proposed changes to the Council's constitution as detailed in the Appendices. The report also provided a summary of changes to the Constitution made by the Monitoring Officer using delegated powers.

The Committee noted that it was essential the Council's Constitution be regularly reviewed and updated to ensure that it remained fit for purpose and enabled Council meetings to be conducted in a fair, business like and effective manner. It was also essential that the Constitution complied with current legislation. Failure to do so could lead to challenges, unnecessary procedural delays, and less transparency in the Council's democratic process.

Corporate Governance and Audit Committee - 22 April 2021

The report advised the Committee that there were several pieces of work ongoing which when concluded may impact upon parts of the Constitution. The outcome of those would be the subject of a further report(s) to this Committee and Council as appropriate.

RESOLVED –

1. That the Committee notes the changes made to the Constitution in 2019-2021 listed in Appendix 1.
2. That the Committee approve the proposed changes to the Councils constitution as set out in paragraphs 2.11, 2.12, 2.13, 2.14 and 2.16 and the accompanying relevant Appendices.
3. That the proposed changes, as considered at (1 and 2) above, be endorsed and referred to the meeting of Annual Council on 19 May 2021 with a recommendation of approval subject to further clarification being included regarding West Yorkshire Mayoral attendance at Council meetings.

11 Informing the Audit Risk Assessment for Kirklees Metropolitan Council

The Committee considered a report which updated members on the final accounts and audit processes for 202/21. The Council's external auditor, Grant Thornton, had asked that council officers complete 'Informing the Audit Risk Assessment for Kirklees Council 2020/21' which was attached to the report at Appendix A. Grant Thornton had also requested that officers complete the 'Accounting Estimate Management Summary Letter' (Appendix B). This covered the use of accounting estimates across key accounting areas.

The Committee noted that the external auditor External Audit would use the assurance letters to support their overall opinion on the Audited Statement of Accounts and Annual Governance Statement which would be presented to a later meeting of this Committee for approval.

RESOLVED – That the Committee received and noted the report and appendices, was satisfied the assertions to be true (or had no reason to believe they were untrue) and agree to submit the risk assessment document to the external auditors.

12 Quarterly Report of Internal Audit Q4 2020/21 January 2021 to March 2021

The Committee received a report which set out the activities of the Internal Audit in the final quarter of 2020/21. This included work in both Kirklees Council and its controlled subsidiary Kirklees Neighbourhood Housing Ltd.

The Committee noted that Internal Audit staff had continued to work throughout the pandemic, but much of the work undertaken had been unplanned rather than routine, planned work. In quarter 4 a large amount of time was spent in supporting the implementation of the statutory and local discretionary business grant schemes - which included an obligation to carry out additional checking prior to payment. The investigation of suspected fraud in respect of the original scheme continued. The Committee acknowledged that there had been no Regulation of Investigatory Powers Act activity during the period quarter 4 2020/21.

RESOLVED – That the Q4 Internal Audit Report 2019/20 be noted.

13 Annual Report of Internal Audit 2020/21 and Issues for 2021/22

The Committee received a report which provided information about Internal Audit activity and the effectiveness of the system of internal control, and conclusions on the control environment and assurance provided in 2020/21, and on matters that relate to Internal Audit activity in 2021/22. The panel noted that the extent of “routine” internal audit assurance work was significantly curtailed during the pandemic.

The Committee acknowledged that audit activity in 2021/22 would need to concentrate on major areas of risk and control, based on a prioritised risk assessment. Resources would remain available to investigate significant areas of concern on a reactive basis.

RESOLVED –

1. That the 2021/22 Internal Audit Strategy and Charter be approved.
2. That the Committee notes that it is content with (i) the effectiveness of the internal audit function and its conformance with Public Sector Internal Audit Standards and Code of Ethics (ii) the effectiveness of the Council’s overall system of internal control (iii) the effectiveness of the broader control environment, risk management and governance arrangements of the Council and (iv) proposed audit plans.
3. That the internal audit plan for 2021/22 be approved and that the Committee give authority to the Head of Internal Audit to vary the proposed audit plan as considered necessary, subject to reporting back as part of the quarterly review process.

14 External Audit Letter 2019-20

The Committee received a report (Letter) which summarised the key findings which arose from the work that the external auditors carried out for the year ended 31 March 2020. The key responsibilities were to give an opinion on the Council and group's financial statements and assess the Council's arrangements for securing economy, efficiency, and effectiveness in its use of resources (the value for money conclusion).

The Committee noted that the external auditors were satisfied that the Council had put in place proper arrangements to ensure economy, efficiency, and effectiveness in its use of resources.

RESOLVED - That the External Audit Letter 2019-20 be noted.

15 External Progress Report - April 2021

The Committee received the Audit Progress report for Year ending 31 March 2021 from the External Auditors. The report included a summary of emerging national issues and developments that may be relevant to the council and included several ‘challenge questions’ in respect of these emerging issues.

The Committee noted that the detailed 2020/21 Audit plan, setting out the proposed approach to the audit of the Council 2020/21 financial statements would be brought to a further meeting of this Committee.

RESOLVED – That the External Progress Report April 2021 be noted.

16 Exclusion of the Public

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

17 Quarterly Report of Internal Audit Q4 2020/21 January 2021 to March 2021

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

The Committee noted the exempt information, which was an appendix to Agenda Item 12 (Minute No 12 refers).

Contact Officer: Leigh Webb

KIRKLEES COUNCIL

CORPORATE PARENTING BOARD

Tuesday 3 November 2020

Present: Councillor Viv Kendrick (Chair)
Councillor John Lawson
Councillor Carole Pattison
Councillor Richard Smith
Councillor Andrew Marchington (Ex-Officio)
Julie Bragg, Head of Corporate Parenting
Tom Brailsford, Service Director (Resource, Improvement and Partnerships)
Stewart Horn, Head of Joint Commissioning - Children and Families
Barry Lockwood, Kirklees Fostering Network
Janet Tolley, Virtual School Head Teacher

In attendance: Anna Gledhill, Service Manager Quality Assurance & Social Work Practice Lead
Mel Tiernan, Team Manager – Kirklees Looked After Children Independent Service

Apologies: Councillor Karen Allison

Gill Addy
Sara Miles
Ophelia Rix
Jo-Anne Sanders
Coleen Kenworthy
Christine Carmichael

1 **Membership of the Board/Apologies**

The Chair welcomed Board Members. Apologies had been received from Councillor Karen Allison, Gill Addy, Sara Miles, Ophelia Rix, Jo-Anne Sanders, Coleen Kenworthy and Christine Carmichael.

2 **Interests**

No interests were declared.

3 **Minutes**

RESOLVED-

That the minutes of the last meeting, held on 30 September 2020 be approved as a correct record.

4 Admission of the Public

It was agreed that all agenda items would be held in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions from the public were received.

7 Children's Services Highlight Report

The Board considered a report giving key highlights on Performance Monitoring data for the Children's Service up to October 2020 presented by Julie Bragg, Head of Corporate Parenting.

The report outlined performance data relating to children entering care, children in care and placement stability, looked after children reviews, visiting and missing.

It was reported that there had been an increasing trend in the number and rate of children in care from 64.0 (641 children) in Oct 19 to 68.6 (687 children) in Sep 20, albeit with a small reduction in Sep 20. The current 12-month average for Kirklees is 67.3 (674 children), above our 31 March 2019 published rate of 62.0 and the England 2019 rate of 65.0, but below our Statistical Neighbours 2019 rate of 91.6.

In response to a question from Barry Lockwood concerning dentistry, Stewart Horn gave an undertaking to look at the possibility of potentially commissioning dental services through the Clinical Commissioning Group

RESOLVED – That the report be noted.

8 Virtual School Headteacher Report 2019-20

Janet Tolley, Virtual School Head Teacher submitted a report briefing the Panel on how the Virtual School has been working during the Covid-19 pandemic

Moving forward, it was reported that the key aims and priorities of the Virtual School were as follows:

- Ensuring all children and young people in care are in an education provision that is right for them
- Ensuring all children and young people in care have a high-quality PEP, completed within timescales, that meets their needs

RESOLVED - That the report be noted

9 Kirklees Looked After Children Service – Annual Report

Corporate Parenting Board – 4 March 2020

The Board considered an Annual Report from the Looked After Children (Children's Rights Team) setting out details of the services delivered by the Children's Rights Team during the period of 01 April 2019 to 31 March 2020.

The report included statistics showing how many children and young people have had involvement with the Children's Rights team during the reporting period; these continues to evidence an increase year on year.

RESOLVED –

The Board noted the Annual Report.

10 Kirklees Looked After Children – Six Monthly Update Report

The Board considered six monthly update report on the services delivered by the Kirklees Looked After Children (Children's Rights Team).

The report covered all functions undertaken by the Children's Right's team in the period between 01 April 2020 and 30 September 2020. The report highlighted the challenges /opportunities and good practice which the service has navigated due to the unprecedented Covid-19 pandemic. This included how service delivery has continued using modern technology and the positive / negatives of this for children and young people.

It was reported that the priorities for the next six months will be to:

- Develop the virtual offer for the Children in Care Council and the Care Leavers Forum groups, with a view to reinstating in person meetings when it is safe to do so.
- Explore establishing a virtual Children in Care Council and the Care Leavers Forum group for children and young people who live outside of the Kirklees district
- Work with the Child Protection and Review Unit to develop how the voice of the child is captured within the Child Protection process.
- Update literature (My Review pack) which is given to children and young people when they first come into care.
- Re-introduce the 'Rate My Review' card for children and young people to support them to provide feedback about their Looked After reviews; to assist with developing child friendly review meetings.
- To develop the current service offer to enable an Advocate to be with a child or young person when they are attending a virtual review.

RESOLVED – That the report be noted.

11 Independent Visitor Scheme – 6 Monthly Report

A report was submitted informing the Corporate Parenting Board about the work of the Independent Visitors Scheme during the first six months of the financial year 2019 to 2020 (April to September 2019) and plans for development of the scheme.

It was reported that At the end of September 2020, there were 34 young people who had an Independent Visitor. 23 were living in Kirklees and 11 were living in a host local authority area. There were 14 young people waiting to be matched with an Independent Visitor, of these 8 were living in host Local Authority areas.

Corporate Parenting Board – 4 March 2020

During the past six months the Covid-19 Pandemic has affected the ability of Independent Visitor's to engage with young people as previously; however virtual methods have been utilised, together with other methods, such as volunteers sending, cards and letters, books, craft activities etc to young people. During discussion of this item, Board Members suggested that a blended approach to meetings, offering remote or safely held in person meetings was a good way of meeting preferences.

RESOLVED -

1. The Board noted the Annual report on the Statement of Purpose for Registered Children's Homes and thanked Tom Brailsford and Laura Counce for their contributions.
2. That an updated Statement of Purpose be submitted to a future meeting as a result of the upcoming changes referred to above.

12 Children's Services Annual Complaints Report

The Board considered a report setting out compliments and complaints regarding children's social care during the period 01 April 2019 to 31 March 2020.

With regard to compliments it was reported that there had been a 50% increase in the number of compliments registered compared to the previous year. Most compliments received were regarding the Assessment and Intervention service, which received over a 100% increase from the number of compliments received last year. However, it was reported that it is difficult to accurately determine the actual number of compliments received about Children's Social Care, because many compliments are received directly by front line staff and managers, and these are not always forwarded to the Complaints Unit for registration.

With regard to complaints, of the 328 contacts the Complaints Unit received in 2019/2020, 157 of these contacts did not proceed to the formal complaints process and were dealt with under the Early Resolution procedure. When matters are resolved in this way, the Complaints Unit agrees with the person raising the concern /complaint that informal resolution is appropriate without denying the complainant's right to use the complaints procedure.

RESOLVED – That the report be noted.

13 Ofsted and Improvement Board Update

Tom Brailsford provided a verbal update to the board and explained that steps were underway to broaden the remit of the Board to include representation from SEND, Social Care and Learning Performance. It was reported that new membership and terms of reference had been drafted and that an additional conversation with Ofsted was scheduled for 4 December

RESOLVED- That the Update be noted.

15 Corporate Parenting Board Agenda Plan 2020/21

The Board considered the agenda plan of the Corporate Parenting Board for 2020/21.

RESOLVED-

That the agenda plan be noted

16 Dates of Future Meetings

RESOLVED -

The Board noted the future meeting dates:

- 13th Jan 21, 10am
- 23rd Feb 21, 10am
- 23rd March 21, 10am

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Contact Officer: Jodie Harris

KIRKLEES COUNCIL

CORPORATE PARENTING BOARD

Wednesday 13 January 2021

Present:

- Councillor Viv Kendrick (Chair)
- Councillor Carole Pattison
- Councillor Richard Smith
- Councillor Karen Allison
- Tom Brailsford, Service Director (Resources, Improvement and Partnerships)
- Stewart Horn, Head of Joint Commissioning - Children and Families
- Barry Lockwood, Kirklees Fostering Network
- Keith Fielding, Kirklees Fostering Network
- Janet Tolley, Virtual School Head Teacher
- Sara Miles, Interim Head of Service – Family Support and Child Protection
- Elaine McShane, Service Director - Family Support and Child Protection
- Sanna Mahmood, Care Leavers Advocate – Family Support and Child Protection

In attendance:

- Richard Parry, Strategic Director for Adults and Health
- Suzanne Whiteley, One Adoption West Yorkshire

Apologies:

- Cllr Andrew Marchington
- Cllr John Lawson
- Gill Addy, Designated Nurse Looked After Children
- Jo-Anne Sanders, Service Director, Learning and Early Support - Learning and Skills
- Julie Bragg , Head of Corporate Parenting (Children and Care Leavers)
- Anna Gledhill, Service Manager Quality Assurance and Social Work Practice Lead – Children and Families
- Colleen Kenworthy
- Christine Carmichael
- Ophelia Rix, Principal Social Worker

1 Membership of the Board/Apologies

The Chair welcomed Board Members. Apologies had been received from Cllr Andrew Marchington, Cllr John Lawson, Gill Addy, Jo-Anne Sanders, Julie Bragg, Anna Gledhill, Colleen Kenworthy, Christine Carmichael and Ophelia Rix.

2 Interests

No interests were declared.

3 Minutes

The Board considered the minutes of the last meeting held on the 3rd November 2020 and noted that Councillor Karen Allison's apologies had not been noted.

The Chair requested that Gill Addy be removed from the attendance list of the previous meeting as she had sent apologies.

RESOLVED-

That the minutes of the last meeting, held on 3 November 2020, be approved as a correct record to include the above amendments agreed by the Board.

4 Admission of the Public

It was agreed that all agenda items would be held in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions from the public were received.

7. Role of the Corporate Parent

The Board considered a verbal update on the role of the Corporate Parent from Richard Parry, Strategic Director for Adults and Health.

The Board were provided with an overview of the range of services within the Adults and Health Directorate. It was noted that within Adults Social Services there was a significant focus on maximising the independence of residents in Kirklees by:

- Working in close partnership with the NHS to support individuals from hospital discharge, within their homes and communities;
- Using assistive technology to help local residents to be more independent and safer within their homes;
- Enabling access to employment by providing learning and skill building opportunities such as 'Real Employment' and supporting Mid-Yorkshire Hospital Trust to develop 'Project Search';
- Increasing community capacity through the work undertaken by the Community Plus and Local Area Co-ordinators teams.

The Board were further advised of recent work undertaken in response to the Covid-19 Pandemic. This included:

- The Kirklees Libraries Service which had undertaken some work focused on reducing social isolation and provided virtual workshops to support children with reading and other educational activities.
- The Customer Services Centres in both Huddersfield and Dewsbury had continued to deliver some face to face support throughout the pandemic but this was limited by the Covid-19 restrictions.
- The Contact Centres had adapted to deliver most services by phone to support to Kirklees residents.
- Working closely with local GP's was to continue during the Covid-19 vaccine rollout to support vulnerable individuals to access the vaccination offer safely;

Richard Parry described the work that was being carried out to support the transition period from 'child' to 'adult' for individuals with a disability.

The Board noted that, services within the Children's and Young People Directorate worked closely with a range of groups and organisations to help support young people in Kirklees and asked how collaborative working was being used to support this area of work.

Richard Parry advised the Board that the services within the Adults and Children's Directorates were working collaboratively to manage the transition period. This included regular engagement with Parent Advocate Groups, who worked closely with teams in Children's services, to support the Transition Programme.

The Board highlighted that it had been recommended that Child and Adolescent Mental Health Services for Care Leavers were offered to 18- 25-year olds and agreed to examine the work of external services to determine where workstreams could be linked.

RESOLVED –

- 1- The Board noted the update on the role of the Corporate Parent and thanked Richard Parry for his contributions.
- 2- That the Board would consider an update on the continued progression of the Transition Programme at a future meeting.
- 3- That the Board consider an update on the approach to commissioning across Adults and Health, Children's Services, and the Clinical Commissioning Groups (CCG's) at a future meeting.
- 4- That the Board examine the work of external child and adolescent mental health services at a future meeting.

8 One Adoption West Yorkshire – 6 Monthly Report

The Board considered the half yearly Adoption Agency report from One Adoption West Yorkshire (OAWY) presented by Suzanne Whiteley.

Suzanne Whitely highlighted the key issues from the report which set out the work and developments within OAWY between April 2020 and September 2020 and advised the Board that:

- There had been some challenges to staff morale as a result of the Covid-19 pandemic, but managers had worked hard to support their teams;
- Most of the vacant positions within OAWY had now been filled, and interviews were scheduled to recruit to any remaining vacant posts;
- Letterbox work had been redirected to the Leeds office as an interim measure whilst accommodation in Kirklees and Calderdale was refurbished;
- This created some delays as staff had to travel from Huddersfield to Leeds to access files and process file work;
- A reduction in income from the Adoption Support Fund (ASF) ,as a result of the pandemic, had put pressures on the budget but a plan had been actioned to address this;
- The 'Duty and Advice' service was running remotely and a telephone choice system had been implemented to efficiently direct incoming calls;
- The Operational Leads group had met to discuss aligning adoption payments and joint audit work was agreed;
- The Centre of Excellence project had progressed but due to increased costs the final model was amended to remove the post of the Assistant Psychologist;
- A medical advisor protocol has been agreed and 'Peer Supports' and audits had taken place across the region to support the improvement of medial information provided to adoptive families;
- Work with Virtual School Heads across the region continued progress and the educational helpline was well used;
- Virtual training sessions with schools, and workshops with doctors, to increase awareness around 'Attachments and Trauma' had been delivered and were well received;
- The Special Guardianship (SG) support plan was being tested by the kinship teams across the five local authorities (LA's) in West Yorkshire;
- A therapeutic parenting programme for SG's had been commissioned and a group application for funding on behalf of the region was to be made;
- The Grandparents Plus project was progressing well with the further support provided from the ASF Covid-19 funds;
- Training in 'Non-Violent Resistance' had been commissioned for the kinship teams across the five LA's;
- The OAWY's website had been resigned and was now live;
- There was a significant increase in families interested in becoming adopters during the first half of the year;
- OAWY had undertaken a review of perspective adopters and the decision was made to temporarily hold applications for young children;
- Technology had been used to continue to deliver the work of OAWY virtually throughout the pandemic and training workshops and 'profiling events were well received;
- OAWY (after adopting the University of East Anglia's model) used virtual technology to increase the 'getting to know you' phase which helped build relationships between children and adoptive families;

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- Meetings of Virtual Adoption Panels were being held more frequently (7 or 8 times per month) and the feedback on the virtual arrangements from social workers was positive;
- Reports presented to panels were given 'good' or 'excellent' feedback which was reflective of the continued hard work of social workers;

Suzanne Whiteley further highlighted the key statistics within the Performance Reports (appendix 2) noting that in the first 6 months of 2020/21:

- 61 adoptive families were approved by OAWY across the region;
- 52 families had been matched with children from West Yorkshire which was an increase when compared to the same timeframe in the previous year;
- Within the 61 approved households 12 individuals (11%) of the children matched had a BAME backgrounds, 9 households (15%) were approved for sibling groups and 16 households (25%) were open to an Early Permanence Placement.

In response to a question from the Board regarding the budget, Suzanne Whiteley explained that OAWY had undertaken work to address pressures, such as examining the interagency budget and vacancy monitoring.

In response to a question from the Board regarding the outcomes of the discussions with CCG's in relation to the Centre of Excellence project, Suzanne Whitley advised that there was an agreement across the region to fund the Centre of Excellence, but an amendment had been made to the final staffing model as there had been an increase in the cost of commissioning of the Assistant Psychologist post. The amendment removed the post to ensure costs were within the budget.

The Board then enquired about the plans to track the outcomes and impact of the Centre of Excellence project and Suzanne Whitley explained that OAWY had implemented measures such as 'goal-based outcomes' to monitor and evaluate outcomes. A Project manager was also supporting the evaluation work in the interim in the absence of an Assistant Psychologist.

In response to a question from the Board concerning the position of letterbox work, Suzanne Whitley confirmed that post was still being directed to Leeds, but accommodation had now been secured Kirklees.

The Board asked what impact the pandemic had on Court proceedings. Suzanne Whitley explained that there had been some delays in terms of initial care proceedings and adoption order applications, but these were managed more efficiently as the pandemic has progressed.

Clarity was requested on the reasons why adoptive families for younger children who were put on hold. Suzanne Whitley explained that this was because there was a high number of families who were seeking approval for the younger age range of children. The decision was taken to prioritise families who were open to taking children from groups who were considered more difficult to place. This had been a temporary position and OAWY had ensured transparency when communicating with the families involved.

RESOLVED –

1. That the Board noted the OAWY 6 Monthly report and thanked Suzanne Whiteley for her contributions.
2. That figures be provided to the Board on the number of staff from Kirklees who had attended the Non-Violent Resistance Training.

9. Children's Performance Highlight Report

The Board considered the Children's Performance Highlights Report presented by Elaine McShane, Service Director for Family Support and Child Protection, Janet Tolley, Virtual School Head Teacher and Stewart Horn, Head of Joint Commissioning, Children and Families.

Elaine McShane presented the performance data relating to children entering care, children in care and placement stability, looked after children (LAC) reviews, visiting, and missing.

The Board were advised that:

- There had been an increasing trend in the number and rate of children in care from 65.8 (659 children) in December 2019 to 68.7 (688 children) in November 2020.
- The increase had now stabilised and the number and rate of children in care had not increased to the figure projected.
- This was partly attributed to the work of the Community Plus Service, Third Sector groups and their role in supporting families.
- Of the 80 children placed outside of Kirklees, or more than 20 miles from their home address, the large majority were placed in a fostering placement and some of these placements now had a permanency decision.
- 15 requests for Initial Review forms were received by the Child Protection and Review unit in November 2020 relating to 23 children in total.
- For all referrals received in November all children and young people were allocated an Independent Reviewing Officer (IRO) within 24 hours and Initial Child Looked After Reviews were arranged for all but 1 child within 4 weeks of them becoming Looked After.
- In November 2020, the Child Protection and Review Unit held 177 Looked After Review Meetings, with 98.2 % of these were held within timescales.
- A virtual approach to reviews had been taken as a result of the COVID-19 pandemic but it had been taken into account that some children preferred face to face reviews.
- Independent Reviewing Officers were closely monitoring Child Looked After Review timescales to ensure that this high percentage was maintained and improved upon.
- Where there were circumstances where a child's review meeting was not held within the statutory timescales a clear rational was recorded on the child's record.
- Mid-way reviews were embedded into practice and continued to demonstrate evidence of improved oversight of children's files and planning for children by Independent Reviewing Officers.

The Board were informed that key areas to improve were placement stability, allocated social worker stability and reducing the number of children placed more than 20 miles outside of their home address.

It was also noted that the reporting strategies for when LAC go missing were also being reviewed and a priority was to use return interviews to identify why (Looked After Children) LAC choose to go missing.

Janet Tolley presented the update on Looked After Children Education Outcomes and highlighted that:

- The initial focus was the transition back into education school closures with a continued focus on supporting young people who were learning from home.
- 100% of Personal Education Plans (PEPs) were completed within the Summer Term which were all being held virtually.
- 87% of initial PEPs had been completed within 10 school days of a child coming into care since September 2020.
- Work was ongoing with social work teams to improve both PEP and initial PEP completion and the quality assurance of PEPs.
- 85% of school moves were planned across the service to ensure a smooth transition with no break in provision.
- 92.5% of moves took place within the statutory timescale of 20 working days;
- It was a priority to reduce the number of school moves and any breaks in education where possible.
- Attendance and Persistent Absence (PA) remained a high priority.
- The Covid -19 pandemic made it difficult to compare absence data with the data from the previous year due to illness school bubble closures.
- It was important to consider the emotional impact the pandemic was having on children when addressing attendance.

The Board was concerned that Foster Carers would be unable to grant permission for LAC to receive Covid-19 testing in Schools. In response Elaine McShane agreed that it was important to make sure provision and guidance was in place before lateral testing was implemented in schools.

Stewart Horn, representing Gill Addy, presented the Looked after Health update and it was noted that:

- Kirklees Local Authority's 12-month data showed that that 93.8% and 90.5% of the 'Developmental' assessments (for under 5-year olds) and 'Annual' assessments (for over 5-year olds) were completed within statutory timescales;
- Monthly Locala data for November showed that 100% of the 'Initial Health Assessments' were carried out within the correct timescales;
- Staff who had been redeployed were back in post and current guidance stipulated that all health staff working with Children and Young People should remain within their usual job roles;
- Dentists were only performing emergency procedures which prevented LAC from accessing routine dental checks;

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- The request to the Kirklees Dental Commissioner and NHS England for vulnerable children to receive dental checks was declined.
- This had been raised as a national issue which the Local authority was also to continue to address locally;
- There was a downward trend in under 5's registrations at Dental surgeries;
- 0.42% of looked after young people were identified at their last review health assessment as having a dependant problem with substances;

In response to a question from the Board regarding how many children had received an assessment, Stewart Horn clarified that 100% of children had an assessment but the percentage was lower as the data took into account where there was a small breach in timescale.

Elaine McShane presented the report in relation to Looked after Children Convictions and explained that it was a key objective to examine in more detail the nature of any convictions on a broader scale.

The Board discussed the Council's role, as a Corporate Parent, in supporting LAC involved in minor offences to avoid excess criminalisation and questioned who was responsible for cases involving LAC to be brought before a Court. In response, Elaine McShane confirmed that though children's homes may notify the Police of offenses involving LAC, that the decision to prosecute was taken by the Police. It was further explained that there were ongoing discussions with the Police and children's homes to avoid prosecution where possible.

Elaine McShane presented the update on Care Leavers in the report, and explained that:

- There had been an increase in the percentage of Care Leavers the Council were in contact with throughout June and July 2020 due the isolating nature of Covid-19 Restrictions;
- The Community Plus service helped to make sure that Care Leavers had the same access to community support as any other individual;
- The pandemic had a significant impact on the increasing demands for tenancies and there were still a number of young people awaiting allocation of a tenancy;
- Strong links with Kirklees Neighbourhood Housing (KNH) and the Housing Panel had been maintained to ensure that suitable accommodation is available;
- The Number 11 and 12 drop-in centres were closed due to the pandemic;
- Work was ongoing with Assets Management to be in a position to open the drop-in centres to provide a safe space for young people;
- There had been a recent review on the financial and practical offer to Care Leavers which was to be implemented following its approval.

The Board requested data showing the number of Care Leavers in education or employment after the age of 18 and a broader compassion of the numbers of Care Leavers in employment/education with peers of the same age to identify any potential inequalities gaps.

Further positive pieces of work were highlighted by the Board including the Kirklees Active Leisure placement offer to Care Leavers and the Huddersfield Town Foundation employability project.

RESOLVED –

1. That the Board noted the Children’s Performance Highlight Report and thanked Elaine McShane, Stewart Horn and Janet Tolley for their contributions.
2. That a report showing the details of fostering placements outside of Kirklees, or those placements that were more than 20 miles from the child’s home address, be presented at a future meeting of the Board.
3. That granting permission for LAC to receive lateral Covid-19 tests in schools should be discussed with the relevant teams and at a future meeting of the Fostering Network.
4. That a report detailing the nature of convictions using a broader scope be considered at a future meeting of the Board.
5. That the report on the review of the financial and practical offer to Care Leavers would be considered at a meeting following its approval.
6. A report showing the number of LAC who were in post-18 education or employment, with a comparator to children who were not looked after, be provided to a future meeting of the Board.

10 OFSTED and Improvement Board Update

The Board considered a verbal update on the OFSTED and Improvement Board presented by Tom Brailsford, Service Director for Resources, improvement and Partnerships, Children and Families.

It was explained that:

- the Board had been renamed the ‘Ambition Board’
- A new membership had been agreed to broaden the remit of the Board to include representation from SEND, Social Care and Learning Performance.

RESOLVED – That the update on OFSTED and Improvement Board was noted and Tom Brailsford was thanked for his contributions.

11 Overview of Number and Age of Children in Care

The Board considered a report on the Overview and Age of Children in Care which was presented by Elaine McShane, Service Director for Family Support and Child Protection. The purpose of the report was to provide information relating to the number and profile of children in our care, including information related to the number of Children placed outside of the District.

The Board were informed that there had been a recent increase in the number of children in care in April 2020 which coincided with the start of the Covid-19 pandemic. The increase had now stabilised, and Kirklees’s the current number of LAC was 68.6% as of November 2020 which compared with the statistical neighbour average

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(Local Authorities that the Department for Education regard as similar to Kirklees socio economically,) of 92.2% and with 67% nationally.

Elaine McShane advised that there had been some early challenges when usual support systems, such as schools, closed due to the pandemic. It was noted that removing children had a detrimental impact on both parties and that it was important to take into consideration that these were unprecedented times. Wherever possible services were creative about the package of support delivered to counteract the effects of the pandemic and to support families to stay together, but children were removed where deemed necessary.

RESOLVED - That the report on Overview and Age of Children in Care was noted and Elaine McShane was thanked for her contributions.

12 Updates from Board Members on Interaction with Services

The Board considered verbal updates from Board Members in relation to progress and key issues following interaction with Services and partners to challenge the role of the Corporate Parent.

The Chair noted that the virtual awards for Children and Care Leavers which was a positive event and that Care leavers continued to share updates on their recent achievements.

The Board were advised that the Chair continued to hold regular one to one meetings with Heads of Services, Service Directors and the Strategic Director within Children Services.

RESOLVED – That the update from Board Members on Interaction with Services was noted.

13. Corporate Parenting Board Agenda Plan 2020/21

The Board considered the agenda plan of the Corporate Parenting Board for 2020/21.

The Chair noted that there were a number of reports which had been deferred due to pressures on officers as a result of the pandemic and the recent lockdown. These items would be rescheduled for consideration at a future meeting of the Board.

RESOLVED- That the agenda plan for 2020/21 was noted and that deferred reports be rescheduled for consideration by the Board at a later date.

Contact Officer: Jodie Harris

KIRKLEES COUNCIL

CORPORATE PARENTING BOARD

Tuesday 23rd March 2021

Present:

- Councillor Viv Kendrick (Chair)
- Councillor Carole Pattison
- Councillor Richard Smith
- Councillor Karen Allison
- Councillor John Lawson
- Councillor Andrew Marchington (ex-officio)
- Stewart Horn, Head of Joint Commissioning - Children and Families
- Barry Lockwood, Kirklees Fostering Network
- Janet Tolley, Virtual School Head Teacher
- Sara Miles, Head of Service, Resources, Improvements and Partnerships
- Elaine McShane, Service Director - Family Support and Child Protection
- Sanna Mahmood, Care Leavers Advocate – Family Support and Child Protection
- Colleen Kenworthy - Kirklees Fostering Network
- Gill Addy, Designated Nurse Looked After Children
- Julie Bragg , Head of Corporate Parenting (Children and Care Leavers)
- Anna Gledhill, Service Manager Quality Assurance and Social Work Practice Lead – Children and Families
- Dale O'Neill – Children's Scrutiny Panel Co-optee

In attendance:

- Laura Counce, Head of Service, Children's Sufficiency, Resources, Improvement and Partnerships
- Hazel Adams, Information Officer
- Ian Mottershaw, Senior Manager, Transitional Safeguarding

Apologies:

- Jo-Anne Sanders, Service Director, Learning and Early Support - Learning and Skills
- Christine Carmichael - Kirklees Fostering Network
- Ophelia Rix, Principal Social Worker
- Keith Fielding, Kirklees Fostering Network
- Tom Brailsford, Service Director (Resources, Improvement and Partnerships)

1 Membership of the Board/Apologies

The Chair welcomed Board Members. Apologies had been received from Jo-Anne Sanders, Christine Carmichael, Ophelia Rix, Keith Fielding, and Tom Brailsford.

2 Interests

No interests were declared.

3 Minutes

The Board considered the minutes of the last meeting held on the 13th January 2021.

RESOLVED- That the minutes be approved as a correct record.

4 Admission of the Public

It was agreed that all agenda items would be held in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions from the public were received.

7. Review of Terms of Reference of the Board

The Board considered the frequency of meetings of the Corporate Parenting Board as proposed in a draft amendment to the Terms of Reference.

RESOLVED - It was agreed that the Board will meet for a minimum of 6 times per annum, on a bi-monthly basis and that the Terms of Reference of the Board would be amended accordingly.

8. Children's Performance Highlight Report

The Board considered a report giving key highlights on Performance Monitoring data for Children's Services.

Julie Bragg, Head of Corporate Parenting, presented the performance data relating to 'children entering care' and 'children in care and placement stability'. It was reported the data up to February 2021 showed improvements across all performance indicators, which included a slight decrease in the numbers of children coming into care, a reduction in the number of placements outside of Kirklees, fewer placement moves and a decrease in the number of changes of social workers.

In response to a question from the Board concerning data relating to stability meetings, it was agreed that the possibility of reporting this information in the Children's Performance Highlight Report would be discussed at a briefing of the relevant portfolio holder.

Sara Miles , Head of Service, Resources, Improvements and Partnerships presented the performance data relating ‘Looked After Children (LAC) Reviews, Visiting, and Missing’. It was advised that the performance indicator showed that 98% of reviews were held within the designated timescales which was an improvement on the average for the proceeding 12 month period.

Anna Gledhill, Service Manager Quality Assurance and Social Work Practice Lead, Children and Families, gave an update on children’s advocacy in relation to Looked After Reviews during the Covid-19 Pandemic. Feedback on the virtual process from those individuals who required an advocate had been mixed with some reporting that they had found it difficult to receive support virtually. It was advised that the feedback given by children and young people was to be central in developing the future approach.

In response, the Board highlighted that it was important to recognise that each child had different support requirements and suggested that multiple options were provided to ensure that individual needs were met. The Board also requested that the outcomes and decisions made in relation to this piece of work be presented at a future meeting of the Board.

Responding to a previous question asked by the Board relating to understanding missing episodes, Elaine McShane, Service Director, Family Support and Child Protection, suggested that the data relating to LAC and the different types of missing episodes be provided at a future meeting of the Board. The Board welcomed this suggestion and further requested that this information included a breakdown of the different types of placements in relation to LAC going missing.

Janet Tolley, Virtual School Head Teacher, briefed the Panel on the work of the Virtual School during the Covid-19 pandemic and the support provided to children through the transition back into education. It was noted that a blended approach going forward may be adopted and the key priorities of the Virtual School were:

- To continue the completion of termly Personal Education Plans with transition support, and support for working from home where necessary.
- Targeting Attendance/Persistent absence as a high priority whilst being sensitive to the emotional impact the pandemic will have had on young people.
- Maintaining a strong focus on pupils not in full time education provision.
- To reduce school moves and the number of young people with a break in educational provision whenever possible.

The Board noted the update and thanked Janet Tolley and the Virtual School for their work in supporting children with their education throughout the pandemic.

Gill Addy, Designated Nurse for LAC in Kirklees, presented the data relating to ‘LAC Health’. It was reported that:

- Dental registrations had begun to increase following the pause on all routine and non-essential dental work during the national lockdown.
- The Dental Commissioner for West Yorkshire was asked to circulate communications to dentists to ask them to prioritise vulnerable LAC children.

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- The data relating to Substance Abuse was collected from the ‘review health assessments,’ but it was noted that this information related mainly to high level use.
- This data provided in the report was reliant on young people reporting a substance misuse problem during the health assessments.

The Board congratulated Gill Addy for her work in supporting dental registrations for LAC and it was agreed that further discussions would take place to identify a new way of collating data relating to substance misuse and LAC.

In relation to adoption, Julie Bragg advised that a report was being prepared for presentation at the Quality Assurance Panel, which would contain more detail around adoption. The Board requested that this report be provided to a future meeting of the Board.

Laura Caunce, Head of Service, Children’s Sufficiency, Resources, Improvement and Partnerships presented the data relating to new carers approved , de-registration’s and placements.

During the discussion to follow the Board asked questions about exit interviews and what had been learnt in order to reduce de-registrations.

Laura Caunce explained that it was important to focus on a combination of strengthening the recruitment process alongside improving the support to Foster Carers. It was agreed that information relating to exit interviews, the number that had taken place and any key findings be provided to a later meeting of the Board.

The Board further asked about the progress made on ‘the mockingbird model’ (a method of supporting Foster Carers in Crisis) which was put on hold during the pandemic. Julie Bragg advised that a Hub-Carer and Liaison Officer had been successfully recruited and the aim was for this to be implemented alongside the Fostering Modernisation proposals.

RESOLVED –

1. That the Board noted the Children’s Performance Highlight Report and thanked all presenting officers for their contributions.
2. It was agreed that ‘the inclusion of data relating to stability meetings in the Children’s Performance Highlight Report’ would be discussed during a subsequent briefing of the Cabinet portfolio holder.
3. It was agreed that multiple options for the approach to Children’s advocacy and Looked after Reviews would be provided and that these options and any decisions made be presented at a future meeting of the Board.
4. It was agreed that further discussions would take place to identify a new way of collating data relating to substance misuse and LAC.
5. That data showing the different type of missing episodes and a breakdown of placements types in relation to LAC going missing be provided at a future meeting of the Board.
6. That the adoption report for the Quality Assurance Panel also be presented at a future meeting of the Board.

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7. It was agreed that information relating to exit interviews, the number that had taken place and any key findings be provided to a later meeting of the Board.

9. Overview of Number and Age of Children in Care

The Board considered the report 'Overview of Number and Age of Children in Care' which was presented by Julie Bragg, Head of Corporate Parenting. The report included information relating to the number and profile of children in care in Kirklees as well as the number of Children placed outside of the District.

RESOLVED – The Board noted the report 'Overview and Age of Children in Care' and Julie Bragg was thanked for her contributions.

10 Youth Offending Team, Annual Report

The Board considered the Annual Report from the Youth Offending Team , now known as the Youth Justice Service (YJS) relating to their work with children in care and the comparative data for 2016/17 , 2017/18 and 2018/19 which was presented by Ian Mottershaw, Senior Manager, Transitional Safeguarding.

The report set out information about the level of offending LAC and the improvements in outcomes for Children Looked After (CLA) subject to an intervention from the YJS as well as the key next steps to continue improving the relationships with young people support services and to continue to improve the access to those services for users.

Ian Mottershaw highlighted the development of the Youth Engagement Service (YES) and explained that the YES integrated several support teams within children social care, including the YJS. The YES approach went beyond statutory interventions to deliver the right support to children and young people with the aim to provide flexible and responsive services that reduce the risk of exploitation and episodes of missing from home and care.

The Board asked what the data suggested in terms of the type of placement of a LAC in relation to youth offending. Ian Mottershaw advised that the majority of cases were from a residential setting. Elaine McShane, Service Director, Family Support and Child Protection added that it was important to note that some children become looked after due to the nature of their offences.

Though the Board noted many positives to the approach it was noted that it was important make sure that the effectiveness in terms of tackling antisocial behaviour and crime was not lost. In response, Ian Mottershaw understood the Boards concerns and advised that the YJS and YES carry out their work within the statutory framework.

The Board was interested in exploring how awareness of trauma and abuse is promoted with key Council partners ,such as the police, and asked what engagement had taken place, or was planned, in respect of this issue. In his response, Ian Mottershaw confirmed that he was attending a 3 day event which was to be attended by the whole of the local partnership in respect of awareness of trauma and abuse.

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The Board welcomed this news and advocated the early intervention work and the integrated approach of the YES.

RESOLVED – The Board noted the Annual Report from the Youth Offending Team (now the Youth Justice Team) and thanked Ian Mottershaw for his contributions.

11. **Proposal for Fostering Modernisation**

The Board considered a verbal update on the Proposal for Fostering Modernisation from Elaine McShane, Service Director, Family Support and Child Protection and Laura Counce, Head of Service, Children's Sufficiency, Resources, Improvement and Partnerships.

Elaine McShane gave an overview on the focus of the proposals and the developing approach. The Board were advised that this was still a work in progress and that a full report on the Fostering Modernisation would be presented to the Board at a later date.

The Board requested more detail in relation to the 'Staying Put' policy. Elaine McShane advised that the policy was in the final stages of development alongside the financial policy for care leavers. These policies were interlinked, and the aim was for these to be completed and presented to the Board at the same time.

Laura Counce provided an overview on the planned developments to the Fostering Recruitment Process following the review, which took place in 2020, and focused on identifying where the process could be redeveloped to make services more efficient. Once this work had been concluded it was agreed that an update would be given at a future meeting of the Board.

Work had also been undertaken to improve the quality and accessibility of information on the website. As a part of this, enquiry forms had been added to the website with an auto respond feature to make sure that information about applying to be a foster carer was provided to prospective applicants quickly.

The Board emphasised the importance of timely responses to prospective Foster Carers. Laura Counce agreed with Board members and advised that a target was in place to ensure responses to enquiries were made within 24 hours of receipt. However, there were clear expectations that if the enquiry was received within the working day that it should be responded to within that day.

In the discussion to follow, issues were raised about foster carer retainment. The Board requested that the details of how many foster carers the Council were losing to other organisations was included in the next report presented to the Board.

Laura Counce advised that work was to be undertaken around the promotion of the Kirklees Fostering offer which included the formation of a marketing strategy which was in the late stages of development.

The Board felt that it was important to make sure the offer was promoted in a way that was honest but also brought into discussion the option to offer benefits to foster

carers to make the offer more attractive and suggested that research into the fostering offers of other local authorities was carried out to identify possible areas for improvement.

Laura Counce agreed to provide a report at a future meeting of the Board once the work around developments to the Fostering Recruitment Process had been concluded. This report would contain the additional information on the number of carers lost to other organisations. It was also agreed that Laura would start work on researching the fostering offers of other organisations. The Board also advised that any information on these pieces of work as they developed would be welcomed.

The Chair reiterated the issue of the recent de-registrations of Foster Carers as described by one of the Boards representatives from the Kirklees Fostering Network (KFN) under Item 8. It was requested that the matter be discussed with the relevant member of the KFN to identify the key themes and reasons behind the issue.

RESOLVED:

1. The Board noted the Proposal for Fostering Modernisation and thanked Laura Counce and Elaine McShane for their contributions.
2. It was agreed that once the work around developments to the Fostering Recruitment Process had been concluded that an update report would be provided at a future meeting of the Board.
3. The Fostering Proposals update report would also contain the additional information on the number of foster carers lost to other organisations.
4. It was agreed that research would be carried out in respect of the fostering offers of other organisations.
5. It was agreed that any information on these work streams as they developed would be provided to the Board.
6. It was agreed that the relevant member of the KFN would be identified to hold discussions around the key themes and reasons for de-registrations.

12. OFSTED and Ambition Board

Elaine McShane, Service Director for Family Support and Child Protection explained that the Ambition Board continued to receive reports around the progress in respect of the recommendations made following the last inspection.

It was suggested that it would be useful to identify which reports might be presented at both the OFSTED and Ambition Board and the Corporate Parenting Board where there were matters of joint interest.

RESOLVED:

1. The Board noted the OFSTED and Ambition Board update
2. It was agreed that a discussion would be held to decide which reports planned for presentation at the OFSTED and Ambition Board would also be presented to the Corporate Parenting Board.

13. Updates from Board Members on Interactions with Services

The Board considered verbal updates from Board Members in relation to progress and key issues following interaction with Services and Partners to challenge the role of the Corporate Parent.

A Board Member asked about the issue of settled status in relation to LAC following the UK leaving the EU. Julie Bragg, Head of Corporate Parenting, responded to advise that all the data relating to Kirklees LAC had now been submitted to the Government.

During the school half term holidays, the Chair of the Board had been invited to several virtual activities. This included virtual visits to 'Timestep studios', who provide dance and movement activities, and 'Wacky' a programme including a variety of activities such as quizzes and live virtual sessions on Microsoft Teams. Both virtual sessions were aimed at providing activity for children particularly those with complex needs during the holidays and the Chair highlighted that the virtual sessions were of great enjoyment to all who took part. The Chair also met with a representative who was researching the Council's improvement journey working alongside Leeds on behalf of the Department for Education.

A member of the Board highlighted the good work of the Mirfield Community Centre in supporting children in that area during the half term holidays. This included providing innovative and creative learning activities. Thanks, was also given to the Kirklees Fostering Network for their work in supporting carers throughout the pandemic.

RESOLVED- The updates from Board Members on interactions with Services were noted.

14. Corporate Parenting Board Work Programme and Agenda Plan for 2020/21.

The Board considered the work plan for 2020/21 and were invited to put forward suggestions for the 2021/22 period.

RESOLVED –

The Board noted the Corporate Parenting Board Work Programme and Agenda Plan for 2020/21 and the items listed for consideration by the Board for 2021/22.

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

HEALTH AND WELLBEING BOARD

Thursday 26th November 2020

- Present: Councillor Viv Kendrick (Chair)
Councillor Musarrat Khan
Councillor Carole Pattison
Councillor Kath Pinnock
Councillor Mark Thompson
Carol McKenna
Dr Khalid Naeem
Dr Steve Ollerton
Helen Hunter
- In attendance: Catherine Riley, Assistant Director of Strategic Planning
Calderdale and Huddersfield NHS Foundation Trust
Emily Parry-Harries, Consultant in Public Health, Head of
Public Health Policy, Kirklees Council
Richard Mellor, Locala
Tim Breedon, Deputy Chief Executive South West
Yorkshire Partnership NHS Foundation Trust
Matt England, Associate Director of Planning and
Partnerships Mid Yorkshire Hospitals NHS Trust
Diane McKerracher, Chair, Locala
Phil Longworth, Senior Manager, Integrated Support,
Kirklees Council
Mary White, Commissioning and Partnership Manager
Tom Brailsford, Service Director, Resources,
Improvement and Partnership
Jo-Anne Sanders, Service Director, Learning and Early
Support
- Apologies: Mel Meggs
Richard Parry
Rachel Spencer-Henshall
Karen Jackson
Jacqui Gedman
Kathryn Giles

73 Membership of the Board/Apologies

Apologies were received from the following Board members: Richard Parry, Karen Jackson, Mel Meggs, Rachel Spencer-Henshall and Jacqui Gedman.

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Richard Mellor attended as sub for Karen Jackson, Emily Parry-Harries attended as sub for Rachel Spencer-Henshall and Tom Brailsford attended as sub for Mel Megs.

74 Minutes of previous meeting

That the minutes of the meeting held on the 17 September 2020 be approved as a correct record subject to a) the correction of spelling of an attendee's name, b) that a board members apology be noted and c) a grammatical correction.

75 Interests

No interests were declared.

76 Admission of the Public

All agenda items were considered in public session.

77 Deputations/Petitions

No deputations or petitions were received.

78 Questions by members of the Public (Written Questions)

No written questions were received.

79 Covid-19 Update

The Board received an update on the current position regarding Covid-19 in Kirklees. The Board was informed that the information being presented is data up to the 24 November 2020 and, confirmed cases up to the 18 November 2020. In summary, the Board was advised that:

- Covid-19 admissions in the latest week are lower than the previous three weeks which is a positive direction of travel and this applies to both Calderdale and Huddersfield Foundation Trust (CHFT) and Mid Yorkshire NHS Hospital Trust
- The weekly cases of Covid-19 being reported have also fallen in the previous week. The week commencing 5 November there were 2,580 cases and week commencing 12 November there were 2,103
- The weekly rate in Kirklees is 478.2 per 100,00, which ranked Kirklees as fifth in the country and the highest rate per 100,00 in the West Yorkshire local authorities. The important issue to note from the rate is that it is decreasing, and the level of decrease is fairly steep
- It is highly likely that Kirklees will go into tier 3. The legislation that relates to the specific content of those tiers is being read in parliament today and the legislation will be received overnight. Tier 3 authorities will look similar to how they were prior to the national lockdown and will come into effect at midnight on the 2 December 2020

The Board was informed that in respect of the vaccination programme, the government has asked the NHS to be ready to deliver a Covid-19 vaccination programme as soon as one becomes available. In West Yorkshire, planning and delivery is being carried out by teams in Kirklees, Bradford and Craven, Calderdale,

Leeds, Wakefield and Leeds teaching hospitals NHS Trust is co-ordinating this work.

Working to the guidelines set out by the Joint Committee on Vaccinations and Immunisations, all aspects of the vaccines are being considered including, who will administer it, where it will be provided from and the logistics, how accurate and useful information will be provided to people about the vaccines that they are about to receive and how to ensure that the vaccine is accessible to everyone within local communities.

The Board was informed that while there has been a lot of speculation in the press about the vaccine becoming available, as of today, there is still not yet a confirmed vaccination, although extensive planning is underway for a number of different scenarios. The aim will be to build on the models in place for the delivery of the flu vaccine.

The current guidelines are that the first priority groups for receiving the vaccine will be care home residents and staff, health and social care staff and people over 80. The aim is to plan for this to start at the beginning of December, however it is likely that this will start during the second week of December. The vaccine will have to undergo strict clinical trials and will have to be approved for use by the independent regulator before it is rolled out.

Patients are being asked not to contact their GP practices for information about the vaccine, as GPs currently do not have any further information available and it will just block the primary care phone lines.

The Board was informed that plans are also being put in place for a population roll out of testing, using the lateral flow tests to start within the next couple of weeks. There is currently a great deal of work being undertaken.

RESOLVED

That the update on Covid-19 in Kirklees be noted.

80 Community Engagement during Covid-19

Helen Hunter, Chief Executive, Healthwatch Kirklees and Healthwatch Calderdale updated the Board on the Covid-19 engagement work that Healthwatch Kirklees has been delivering. The Board was informed that the information being presented was to, share key learning from the engagement work, talk through the next steps, and ask the Board to consider how it can make use of the engagement findings.

In summary, the Board was informed that Healthwatch Kirklees' response to the pandemic has been:

- Providing clear and up to date communications about Covid-19 and all related topics. At the start of the pandemic, Healthwatch's role was to provide clear and up to date information not only about the national messages but also about what was available to people locally. A frequently

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asked questions section was created on Healthwatch's website which was well visited.

- Involvement in the community effort and supporting local residents. Staff were involved in the community effort and volunteered in Kirklees.
- Working with the seldom heard. A telephone befriending service was started for people, particularly those with additional vulnerabilities who may have been isolated. For example, people with drug and alcohol problems and learning disabilities. The aim was to try and reduce some of their social isolation.

The core Healthwatch work is to amplify the voice of the general public, particularly focusing on those who might face the greatest inequalities, to try and influence health and care delivery. A major piece of engagement work, over a three-month period was undertaken. This was launched at the end of May and aimed to capture people's lived experience of accessing health and care services through the pandemic. The work was developed with partners in Calderdale and replicated in Kirklees. There were three key elements to that piece of work:

- Health and care experience survey – for staff, service users and carers, including questions about what it has been like to access health and care during the pandemic
- Story telling tools – people have been doing things in such creative ways across this time, and it was important to encourage people to talk about their lived experience of this period in whatever way suited them
- Information, signposting and advocacy summaries – people who have sought the support of Healthwatch have had their stories summarised in monthly reports

The survey closed on 31st August 2020 and the information was brought together and analysed through a data management system with 696 survey responses, 36 staff responses and 36 stories.

The outcome of the work produced five key themes as follows:

- Access to service
- Digital access
- Communication
- Quality of care
- Cleanliness, hygiene, and infection control

The Board was informed that it is important to note that there was a balance of the feedback in almost every area of the information heard and it is important to reflect both sides of the feedback. For example, access to service be that face to face, over the telephone or online some people felt that they had had a significant improvement in their access particularly to GP services. There were, however, some people who found it more challenging not being able to see someone face to face.

The Board was informed that this is not the end of the Covid work as there are 4 other key areas of focus for example work with BAME communities and to gather the voice of people residing in care homes. There is an awareness of the disproportionate impact on people with disabilities and long-term conditions in terms of delays in care certainly and Healthwatch are keen to work with those groups. Accessing dental care is also another important area that people are talking to Healthwatch about.

RESOLVED

That the Board support Healthwatch Kirklees to develop a comprehensive picture of engagement in Kirklees during the Covid-19 pandemic

- 81 Kirklees Children and Young People's Plan - November 2020 Updates**
Mary White, Commissioning and Partnership Manager, provided the Board with an update on the Children's and Young Peoples Plan reminding the Board that In November 2019, the Health & Wellbeing Board agreed to take responsibility for providing governance and oversight of three new Children and Young People's Plan priorities and agreed a format to do so.

The Board was informed that while there is no longer a statutory requirement to produce a Children and Young People's Plan, there is consensus that a Plan provides a collective focus and clarity about priorities to be championed and addressed across the Partnership.

Work with the new Children and Young People's Partnership has focussed on assessing intelligence and insight from a range of sources to agree priorities. (e.g. KJSA, Year 9 Health Survey, Community Hubs' insight; young people's voice and influence work and commentary; service key performance data on outcomes for the child population and for specific vulnerable groups.

There are a range of things that are a priority for young people in Kirklees, however for the purposes of the partnership the agreed priorities are those that require a whole system to respond to, and that require all of the organisations whether they are statutory, voluntary or community to play a part in delivering the outcomes.

The three chosen priorities after consulting with young people are:

- **Reducing the effects of poverty on children** – at the same time as the children and young people's partnership was wanting to do some work to reduce the effects of poverty on children, there was another piece of work that was being undertaken to revisit the tackling poverty strategy in Kirklees. It was felt that rather than creating two separate work streams it would be better to combine those two pieces of work into the new tackling poverty partnership and action plan, and develop some specific actions around children and young people

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- **Improving inclusion and outcomes for LGBT** plus children and young people – this was chosen as a priority because nationally and locally, evidence shows that LGBT young people face additional barriers to achieving their potential and may experience more fear and discrimination
- **Growing our youth offer of places to go, things to do and people to see for children and young people** – one of the impacts of austerity was a reduction in the amount of funding opportunities for youth work with children and young people. In Kirklees, there was a significant reduction in the amount of youth work and there was no longer an inhouse youth service. Once a statutory provision is taken out, it reduces capacity building and support and training for the community and voluntary sector

Tom Brailsford, Service Manager, Resources, Improvement and Partnership and Jo-Anne Sanders, Service Director, Learning and Early Support provided the Board with an update on the Special Educational Needs and Disability (SEND) and High Needs work that is being undertaken with Impower.

The Board was reminded that in 2019, a 10-point improvement plan for SEND was presented to the Board. The ambition is to go through the transformation work, being undertaken and update the 10-point plan.

Since January 2020, work was being undertaken with Impower however this work paused during the first lockdown. The purpose of the work was to understand the SEND and high needs system and to understand the current service in terms of cost and the demand position. The aim was to try and identify opportunities to deliver good outcomes, to look at a financially sustainable system and also look at having that whole inclusive ambition for children and young people who have additional needs throughout Kirklees and to have that shared across all the partners.

The Board was informed that the aim is to improve outcomes for children and young people with additional needs by moving further towards a strength-based approach rather than a deficit-based approach and there has been a number of things undertaken as part of this approach.

There has been a lot of engagement which has driven the findings being presented today.

- There has been engagement with parents and carers, looking at high-needs professional adults and Learning Disability professionals.
- There has been some panel observations and colleagues have been observing the way decisions are made about children and young people's needs
- There has been some focus groups and very detailed case reviews looking at the detail

The Board was informed that it is becoming clear that there is increasing demand across the system and some of that demand is not driven by need, it is driven by behaviours which is not necessarily the right approach. There has been a 29.6% increase in Education Health and Care Plans (EHCP) in Kirklees. Demand for

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EHCP has increased across special schools and mainstream schools, however, mainstream schools have seen the largest growth in demand by 67.5%.

It is important not to underestimate the scale of the challenge with demand and cost increasing across the board. Since 2017/18 demand has increased and it is putting increasing pressure on the high needs block and that will equate to increasing pressure on health services such as speech and language therapy, occupational therapy and children's continuing care needs. Despite all this high spend, exclusions in Kirklees are increasing, the number of permanent exclusions has increased significantly, this suggests there is significant unmet need out there.

From the case reviews work undertaken, it is evident that the opportunities to meet needs in an early intervention type way are being missed. Covid-19 is likely to have further impact on demand and spend. Many parents and carers have indicated that the child or young person's needs has changed during lockdown and felt that throughout that period their needs had not been met.

The process of doing the inclusive ambitions work has put a challenge back to the system. This is not just in respect of the local authority, it is to the system that is supporting young people with additional needs, special educational needs and disabilities. It feels like there is a real opportunity to have the conversation about what are the shared ambitions. It is important to get the best outcomes for young people and to consider how this can be achieved by working together in a more cohesive way.

The Board was informed that last month at the inclusive ambitions workshop, key strategic colleagues from across the system had a positive discussion focusing on some of the following:

- what is required and how can needs be met as early as possible,
- how can resources be used to the best effect,
- how to gather the right intelligence to help shape the system moving forwards
- how can this be done in partnership codesigning with parents and carers.

Work needs to be undertaken to find better strategies to reduced young people being excluded from school. Consideration also needs to be given to how different accountability systems, ie education accountabilities and those from health can be better aligned as best as they can. There have been conversations that has led to further discussion about developing inclusive ambition that can be shared and will direct transformation moving forward.

RESOLVED

That the Board will

- a) Continue to endorse the working arrangements for the Children's Partnership
- b) Note the information presented on High Needs transformation

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Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

HEALTH AND WELLBEING BOARD

Thursday 25th March 2021

Present: Councillor Viv Kendrick (Chair)
Councillor Mark Thompson
Mel Meggs
Carol McKenna
Dr Steve Ollerton
Richard Parry
Rachel Spencer-Henshall
Helen Hunter
Karen Jackson

In attendance: Catherine Riley, Assistant Director of Strategic Planning
Calderdale and Huddersfield NHS Foundation Trust
Emily Parry-Harries, Consultant in Public Health, Head of
Public Health Policy, Kirklees Council
Diane McKerracher, Chair, Locala
Phil Longworth, Senior Manager, Integrated Support,
Kirklees Council
Tom Brailsford, Service Director, Resources,
Improvement and Partnership
Rob Webster, Lead Chief Executive West Yorkshire and
Harrogate ICS
Natalie Poole, Mid Yorkshire Hospital NHS Trust
Owen Richardson, Intelligence Lead, Public Health
Mike Houghton-Evans, outgoing Chair of Kirklees Adult
Safeguarding Board
Robert McCulloch- Graham, new Chair of Kirklees Adult
Safeguarding Board
Alex Chaplin, Strategy and Policy Officer, Integration

Apologies: Councillor Musarrat Khan
Councillor Carole Pattison
Councillor Kath Pinnock
Dr Khalid Naeem
Jacqui Gedman
Kathryn Giles

- 1 Membership of the Board/Apologies**
Apologies were received from the following Board members: Cllr Musarrat Khan,
Cllr Carole Pattison, Cllr Kath Pinnock, Jacqui Gedman and Kathryn Giles.

2 Minutes of previous meeting

That the minutes of the meeting held on the 26 November 2020 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Covid-19 Update

Rachel Spencer-Henshall, Strategic Director, Corporate Strategy, Commissioning and Public Health provided the Board with an update on Covid-19 in Kirklees advising that the information is accurate as of the 25 March 2021.

In summary, the Board was informed that:

- The Kirklees weekly cases were 10% higher than the previous week
- Kirklees is now ranked 16th out of 149 (upper tier) local authorities, with a rate of 107 per 100,000
- Although the rates are significantly lower than they were and there has been progress in the rates reducing, the reduction has slowed and started to slightly increase
- Bradford and Wakefield are currently in the top 10 highest rates
- Schools returning will have an impact on the number of cases because of the implementation of lateral flow testing within schools. The test will proactively highlight individuals who have Covid but do not display any symptoms. This is important in breaking the chain of transmission

The Board was informed that data is available on the Kirklees website which gives a breakdown of cases on a ward-by-ward basis and on middle super output areas which is smaller than wards. The information also shows the distribution of cases across the district and it highlights that there are pockets of cases that reflects a more endemic transmission that has been seen throughout the year.

The Board was advised that because there are now smaller numbers, it is easier to see where there are increasing numbers and often this can be down to an outbreak within a workplace or something that detects a higher number of cases.

There is a local contact tracing system which enables people to be contacted, these are the individuals that the national team has not been able to contact. The local team will visit them to see if there is anything they need while they are self-isolating. Work in the communities is also being undertaken with partners to try and understand what is causing the increase in numbers and making sure that the key message, hands, face, space is still being put out.

RESOLVED

That Rachel Spencer-Henshall be thanked for providing an update on the current position of Covid-19 in Kirklees.

7 Kirklees Joint Strategic Assessment Overview 2020/21 and Director of Public Health Annual Report 2021

Rachel Spencer-Henshall, and Owen Richardson, Intelligence Lead, Public Health updated the Board on the Kirklees Joint Strategic Assessment Overview 2020/21 and the Director of Public Health Annual Report 2021.

Director of Public Health Annual Report 2021

The Board was informed that the annual report focuses on health inequalities across the life course, particularly given the experiences of the last 12 months. The purpose of the report is to understand the nature and the scale of the health inequalities experienced by communities in Kirklees using a life stages approach that explores inequalities from birth to end of life. The aim is to explore the differences in outcomes experienced by different groups in the local population and how this can be highlighted and addressed as a priority.

The reason for this approach is that often inequalities experienced in younger years will have an impact going through the life course, therefore intervening as early as possible is crucial in order to change that trajectory in terms of those inequalities.

At previous Board meetings there has been discussions about the wider determinants of health, and it is recognised that this cannot be solved through healthcare alone. The aim is to target, support and work collectively on the wider determinants of health as this will be the difference between success and failure. Being in the local authority for public health creates an opportunity to make a difference, although the changes might not be evident for generations to come however, putting in the work now will make a difference long term.

The Board was informed that the annual report was written in a way to articulate what health inequalities are, and how these can be measured. The Board was asked its view on whether there should be a set of inequality indicators by which the Board can monitor on a regular basis what is being done to address inequality. This is how the Kirklees Joint Strategic Assessment has been framed this year not just to look at life expectancy but healthy life expectancy and making sure those key inequality measures are built in to make sure the system is doing what it needs to do.

The report talks about the factors that influence inequalities, again picking up on the wider determinants of health and the importance of intervening at different stages. By taking a life stages approach it is possible to give the Board and partners different things they can focus on and areas where collective action can be taken.

The report also gives a reflection on how Covid has impacted on health inequalities and how it has brought those inequalities into the forefront of people's minds and hopefully provided a catalyst for action in a way that may not have done before.

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From a council perspective, and the partnership shares this ambition, an Inclusion Commission is about to be established that might help drive some of this work. The Partnership Executive has looked at how health inequalities and inequalities more broadly can be a priority.

Health inequalities and the conditions that lead to them are not inevitable giving a real opportunity for change with the collective power and influence, particularly putting local residents at the heart of this and by co-producing solutions with them will genuinely make a difference. Population Health Management is a way of being able to look at how to tackle those inequalities and, measure the impact of that activity.

The Board was given examples of the content of the report which focused on the life course stages including:

- 0-2, year-olds - new beginnings the factors that make good outcomes for this age group
- 18-34, year-olds - early adulthood is a significant transitional period and people tend to have a lot of life changes at this point. Moving to live independently is such a significant change that if people can be supported to increase their changes in terms of outcomes, then it is an ideal time to intervene
- there are inequalities in terms of disability with fewer than half of disabled adults in Kirklees qualified to level two or above and disabled people are more likely to live in a low-income household. There is evidence that there are inequalities experienced by disabled people in Kirklees and in response a place partnership approach has been adopted. This approach is where groups of ward members came together to look at how they can tackle mental health on a ward level and that is a good example of population health management. This is taking a problem, looking at the intelligence as to why that is a problem and working collectively with fellow ward members and with the public to design solutions.
- 60-79, year-olds with this age group it is important to mention Covid as age has been the biggest risk factor and nearly half of the clinically most vulnerable people in Kirklees have been in this age group. This age group also tends to have multiple co-morbidities.

The Board commented that a set of inequality indicators that would enable it to monitor the work on health inequalities on a regular would be extremely beneficial. It would also be helpful to think about how these indicators might link to the inequalities work being undertaken by individual partner organisations. A suggestion was made that organisations work together to draw up what the set of indicators.

Joint Strategic Assessment (JSA) Overview

Owen Richardson, Intelligence Lead, Public Health presented the latest version of the JSA overview advising the Board that there is synergy between the information presented in the Director and Public Health Annual Report and the Kirklees JSA.

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The overview utilises the content of the Kirklees Director of Public Health's Annual Report to highlight needs, assets, and health inequalities across seven life stages, however it does not yet reflect the impact of Covid on the KJSA.

The overview section of the KJSA uses the same seven life stages that are in the DPH report taking the same common threads, population, inequalities, Covid-19 and population health management.

At each life stage, case studies are provided to demonstrate how taking a Population Health Management (PHM) approach can help to reduce inequalities.

The navigation menu enables the ease of movement to any of the life stages and there are sub menus within each life stage to select the topic ie population, inequalities, Covid-19 and population health management.

The Board was provided with a summary of the information in the KJSA.

RESOLVED

That Rachel Spencer-Henshall and Owen Richardson be thanked for providing an update on the Director of Public Health Annual Report 2021 and the Kirklees Joint Strategic Assessment Overview 2020/21

8 Update on Kirklees Inclusion Commission and development of the Kirklees joint health and wellbeing strategy

Update on Kirklees Inclusion Commission

Rachel Spencer-Henshall and Phil Longworth provided the Board with an update on the Kirklees Inclusion Commission and development of the Kirklees Joint Health and Wellbeing Strategy.

The Board was informed that in October 2020, Cabinet approved, and Council endorsed, the formation of a member-led Commission that will work closely with partners and communities to make recommendations and instigate action, focused on a better understanding of the issues faced, and take forward clear actions to advance equality in Kirklees.

The Commission's key objectives will be to:

- Hear the voices of those with lived experience of inequalities and those in positions of power locally
- Hear progress reports at the quarterly meetings and make recommendations for action
- Hold the system to account
- Influence at a local, regional, and national level to address issues outside of the Local Authority's direct control.

The Board was informed that the intention was to start this work earlier, however with the third lockdown the system has been working hard in tackling Covid, supporting the vaccination programmes and dealing with winter. The work of the

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commission has therefore been pushed back to the summer, however in the meantime a shadow inclusion commission has been set up which starts on Monday. The idea is they can do a piece of work to set up the terms of reference for the formal commission and consider the engagement methodology to be used to make the commission more effective.

The five deep dives that were proposed for the formal commission were:

- Health
- Housing
- Education, employment, and skills
- Poverty
- People

The Board was informed that within each of the deep dives, consideration will be given to the impact on the following characteristics: age, disability, gender reassignment, health, race including colour, nationality, ethnic or national origin, religion or belief, sex, sexual orientation and socio-economic status and/or class.

There will be a communication plan to support this, as well as keeping the partnership updated both the Partnership Executive for Kirklees and the Health and Care Executive on a regular basis.

Kirklees Joint Health and Wellbeing Strategy

Phil Longworth, Senior Manager Integrated Support provided an update on the Kirklees Joint Health and Wellbeing Strategy. The Board was reminded that it has a statutory duty to ensure that there is a Joint Health and Wellbeing Strategy and as the current strategy is coming to an end consideration will need to be given to developing a new strategy.

At the Health and Wellbeing Board meeting in September 2020, the Board discussed the need to develop a new Joint Health and Wellbeing Strategy and update the place-based plan. Since then, there has been a number of significant changes that will impact on this work, most notably:

- Greater Huddersfield CCG and North Kirklees CCG have agreed to formally merge on 1st April 2021 to form Kirklees CCG.
- The Government published the White Paper 'Working together to improve health and social care for all' on the 11th February 2021. The government's plan is that the legislative proposals outlined in this White Paper will begin to be implemented in 2022. The new statutory Integrated Care Systems will take on many of the functions of CCGs, consequently it is expected that CCGs will be dissolved in March 2022.

The information being presented aims to explore with the Board the approach to be undertaken which has identified three main tasks:

- 1) Ensuring that there is a joint Health and Wellbeing Strategy in place that reflects the ambitions about how to improve the health and wellbeing for people

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- 2) Developing a Health and Wellbeing Plan that describes what the health and care system in particular can do to contribute to achieving the aims set out in the joint health and wellbeing strategy
- 3) Integrated Care Partnership, which are the partnership arrangements which will evolve significantly over the next 12 months

The Board was informed that it is important to continue to build on the good work that is already being done in many areas which include:

- Design the new Kirklees system
- Inequalities
- Integrated Care Partnership model and governance
- Enablers and care functions
- Step up contribution in shaping the ICS

RESOLVED

The Board:

- a) Welcomes the establishment of the Kirklees Inclusion Commission and would encourage all partners to actively participate in the work of the Commission
- b) Will provide comment on the proposed approach to responding to the White Paper
- c) Approves the timetable for producing a new Joint Health and Wellbeing Strategy

9 Proposed revisions to the terms of reference for the Health & Wellbeing Board

Phil Longworth presented proposed revisions to the terms of reference for the Health and Wellbeing Board. The Board was advised that the national, regional, and local context that the Board is operating within has undergone significant changes over the past 12-18 months, including:

- Response to the Covid-19 pandemic.
- The West Yorkshire Health and Care Partnership is established as the 'Integrated Care System' and the new Partnership Board has been meeting formally since June 2019
- Further development of the West Yorkshire Joint Committee of Clinical Commissioning Groups, the West Yorkshire Association of Acute Trusts, and the West Yorkshire Mental Health Services Collaborative
- Greater Huddersfield CCG and North Kirklees CCG have agreed to formally merge on 1st April to form Kirklees CCG
- The nine Primary Care Networks in Kirklees are now well established.
- The Kirklees Integrated Commissioning Board and the Kirklees Integrated Provider Board have evolved into the Kirklees Integrated Health and Care Leadership Board.
- The Children and Young People's Partnership has been re-established and developed a new Children and Young People's Plan and the Health and Wellbeing Board has taken on formal oversight of this work

The Board was advised that the current membership, as set out in the Terms of Reference was amended in May 2019 for the first time since the Board was

Health and Wellbeing Board - 25 March 2021

established in April 2013 and reflected the requirement as set out in the Health and Social Care Act 2012.

The changes to membership have reflected the shift to a much more collaborative culture which is at the core of both the Kirklees Health and Wellbeing Plan and the NHS Long Term Plan.

Health and Wellbeing Boards will remain in place and will continue to have an important responsibility at place level to bring local partners together, as well as developing the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy, which both HWBs and ICSs will have to have regard to.

Amending the membership of the Board to:

- reflect the creation of a single CCG for Kirklees. The 3 representatives in 2021/22 will be the Clinical Chair, Accountable Officer and the Lay Member: Patient & Public Involvement.
- include a nominated representative of the Kirklees Integrated Health and Care Leadership Board to replace the representative from the now defunct Integrated Provider Board.
- Include representation of the Primary Care Networks in recognition of their role in establishing the new model of integrated care and as system and clinical leaders
- Reflecting the Board's role in providing oversight of the Children and Young People's Partnership and the Children and Young People's Plan and recognising the Director of Children's Services role as including representing the Children & Young Peoples Partnership

RESOLVED

That the proposed revisions to the Terms of Reference and membership of the Health and Wellbeing Board be approved by the Board.

- 10 Kirklees Safeguarding Adults Board Annual Report 2019 - 2020**
Mike Houghton-Evans, Independent Chair, Kirklees Safeguarding Adults Board (KSAB), presented the Kirklees Safeguarding Adults Board Annual Report for 2019-2020.

The Board was informed that the approach over the last 12 months has been to embed the recommendations that came from the peer challenge into the work programme of KSAB. Mr Houghton-Evans stated that it is heartening how the practitioner forums have been used and developed which is the main mechanism for getting strategy through to frontline service and it's proved to be very effective.

An example of this is that the strategy and procedure for self-neglect was signed off and it was only through engaging effectively with frontline practitioners that it became apparent that it needed amending and it has been amended and it is now more effective and well received.

The Panel was informed that the main focus has been Covid-19, and KSAB has developed its own risk register and core members meet regularly to review and

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update the risk register. The risk register has not highlighted anything that wasn't already known, however it just brought them into closer focus.

Mr Houghton-Evans explained that there has been a lot of discussions about inequalities and that has become much more obvious during the last few months. KSAB is committed and will continue to be an outward facing board recognising that the boards objectives cannot be achieved on its own and should be considered as a group of system leaders and as such want to collaborate with other bodies that look after the health wellbeing and safety of the communities in Kirklees. This includes the Health and Wellbeing Board, Children's Safeguarding Board, and the Community Safety Partnership Safer Kirklees.

The Board was informed that the challenge event has just been completed. The event is where every year the chair of KSAB meets with every board member separately with Helen Hunter, Healthwatch and Penny Renwick, independent lay member of the board to have a conversation with the board members about what the issue are.

A summary of the key findings from the conversations with board members are:

- Some organisations are very effective in demonstrating that they are in touch with the impact of their services on their patients or service users
- Some organisations are more effective at demonstrating that they have the procedures in place, and while they have the documentation, the systems for measuring the impact of their services are not strong enough
- KSAB may want to keep an eye of the 'new normal' which is a term used to described that there are some benefits to way in which KSAB has been engaging with the public and would want to keep and that will create a new normal

From KSAB's perspective over the next 12 months the aim is to hear more real-life stories and not just look at the numbers and Healthwatch will assist with this work.

Mr Houghton-Evans announced that he would be retiring, and the new Independent Chair of the Kirklees Adult Safeguarding Board would be Mr Rob McCulloch-Graham.

The Board thanked Mr Houghton-Evans for all the work he had done over the years and wished him well for the future.

RESOLVED

That the Kirklees Safeguarding Adults Board Annual Report 2019/20 be formally received by the Health and Wellbeing Board.

- 11 The Kirklees Safeguarding Children Partnership Assurance Report**
Tom Brailsford, Service Director, Resource Improvement and Partnership presented the Kirklees Safeguarding Children Annual Assurance Report on behalf of the statutory partners.

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The Board was informed that the report was produced by Sheila Lock Independent Advisor to the Safeguarding Children Partnership and sets out the multi-agency work in the preceding year and articulates the priorities going forward.

The Board was advised that there is a requirement on local partnerships as prescribed under Working Together 2018 to produce an Annual Assurance statement of safeguarding activity. This is the first annual assurance report since changes to the new arrangements from the Safeguarding Children's Board to the Safeguarding Children's Partnership which covers the first year of operation as a partnership.

As part of the philosophy, there is a choice of three statutory partners to include and work with, within the new arrangement and this has been kept as wide and as integrated as possible.

As expected there has been an impact throughout Covid-19, however, as a partnership, there has been a continued ability to carry out the full range of expected functions and it is important to say thank you to all the partners across children's services who've been able to carry on keeping children, young people, and families safe throughout the pandemic.

The response has been excellent and with the structures that are in place and the meetings in some cases have been more frequent, there has been a real effort across the partnership to keep children and young people safe.

One of the key issues to pull out from the report is that throughout the last year, a review was undertaken by the DfE and Leeds in terms of the improvement notice and the six tests that they had put in place that Children Services needed to meet. Following that review process, the improvement notice was lifted because the six tests had been met. One of the tests was strong and supportive partnerships, again this provides further assurance that safeguarding children's partnership is doing what it needs to do.

Currently there are a number of things being undertaken including:

- further developing the model of independent scrutiny and what that looks like
- had a number of practice learning reviews this year which is worth highlighting in terms of good practice. These reviews have been about serious youth violence, child sex abuse, Cahms issues and contextual safeguarding. Which in essence is getting frontline practitioners to come together to talk about learning from reviews.

Moving forward for the coming year there are four priorities:

1. domestic abuse and children in households while domestic abuse is a feature
2. Child criminal exploitation and abuse
3. Children and young people's mental health including the response to adverse child experiences
4. Widening the Scrutiny function to look at including children, young people, and families in scrutinising services

RESOLVED

That

- a) the content of the Kirklees Safeguarding Children Partnership Assurance report be noted by the Board
- b) the Health and Wellbeing Board note the joint agency priorities going forward and to highlight any particular contributions that the Safeguarding Partnership should make on the Joint Health and Well Being strategy

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Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Thursday 17th December 2020

Present: Councillor Amanda Pinnock (Chair)
Councillor Karen Allison
Councillor Paola Antonia Davies
Councillor James Homewood
Councillor Christine Iredale
Councillor Terry Lyons
Councillor Mohan Sokhal
Councillor Michael Watson

In attendance: Russell Williams, Public Protection Group Leader

Apologies: Councillor Carole Pattison
Councillor David Hall
Councillor Michelle Grainger-Mead
Councillor Kath Taylor
Councillor Cathy Scott

1 Membership of the Committee

Apologies were received from the following members: Cllr David Hall, Cllr Kath Taylor, Cllr Cathy Scott, Cllr Carol Pattison and Cllr Michelle Grainger-Mead.

2 Minutes of Previous Meeting

That the minutes of the meeting held on the 6 January 2020, be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Questions by members of the Public (Written Questions)

That a formal response be provided for the written question received.

7 Hackney Carriage Unmet Demand Survey 2020

The Committee considered a report which outlined the results of the unmet demand survey, in relation to hackney carriage licences which is carried out every three years. The last survey was carried out in July 2017 where the Committee resolved that there should be no increase in the number of hackney carriages. In line with the best practice guidance from the Department of Transport, this survey has been conducted again by Ian Millership from Licensed Vehicle Surveys and Assessment ('LVSA'). Mr Millership carried out the previous study in 2017, which provides a level of consistency in how the study is conducted.

Mr Millership advised the Committee that the aim is to identify any significant unmet demand and provide the Committee with evidence of the current position regarding unmet demand and its significance in this point in time. All the evidence was collected before the impact of the pandemic apart from key stakeholder consultation which was not practicable.

- The survey was undertaken between January to mid-March 2020
- Rank observations mid-March 2020
- On street interviews very early March 2020
- All driver surveys mid-March to mid-May 2020
- Key stakeholders consulted but no response

Hackney carriage vehicles can be taken from a rank, hailed, or booked and have more regulations. It is only hackney carriage vehicle licences that can be limited.

The term unmet demand is defined as when someone arrives at a rank and there is no hackney carriage that could be available for immediate hire. Significant unmet demand is when unmet demand is at a level whereby its can only be achieved by adding extra hackney carriage vehicles.

At the time the rank work was undertaken there were 222 hackney carriages in Kirklees. Private hire vehicle numbers are increasing, and drivers (all dual) have been growing strongly since 2009. The survey highlighted that people with a disability receive a good service and there are enough vehicles that are able to respond to disabled service users.

The committee was informed that industry standard tools were used to check what the level of significance of unmet demand observed was and the overall value came out at 0.88. The level of significance is 80.

Mr Millerson advised the committee that the key conclusions are:

- There appears to be an overall general increase in usage of hackney carriage vehicles at many of the sites
- An estimated 6% of all rail passengers arriving at Huddersfield Train Station left in a hackney carriage vehicle from the rank
- The limit policy is providing public benefit across the whole area
- There is no significant unmet demand for hackney carriages in the area. This means that there is no problem in retaining the limit

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- There is no need for any further plates, 222 was more than enough at the time the survey was conducted

The committee raised a number of questions and concerns as follows:

- Taxi drivers working for a straight 24-hour period raises significant safety concerns for the travelling public. Any incidents of this should be brought immediately to the attention of the Licensing Authority.
- Concerns raised around the actual number of licences for hackney carriage vehicles. In response, the Committee was advised that currently the number is 235, however at the time of the survey there were 222. The records were closely examined, and it showed that there are 224 licensed hackney carriages and as indicated by Mr Millerson this is currently meeting the local demand. Officers are therefore recommending that the number of vehicles is set at 224.
- Referring to the report, the Committee highlighted that the limiting of hackney carriage numbers has been a particular concern as it is often considered to be a restrictive practice and most local licensing authorities do not impose quantity restrictions as this is considered best practice. Kirklees however has restricted numbers since 1974 and there is no explanation why this limit is in place when it is not considered to be good practice.
- What consideration has been given to electric vehicles, in order to meet the council's climate change agenda. The Committee was advised that further work needs to be done on this and a report brought back to a future committee meeting

In response to the information presented the Committee was asked to consider three options:

- a) continue to limit the number of hackney carriage vehicle licences,
- b) release a set number of licences (possibly as Wheelchair Accessible Vehicles or Electric Vehicles),
- c) lifting quantity restrictions altogether

The Committee voted as follows

5 members in favour of the officer recommendations
1 in favour of lifting restrictions all together
1 abstention

RESOLVED

- a) That the report and study by LVSA be noted
- b) That in line with officer recommendations the number of hackney carriage licences be limited to 224

8 Licensing Service - Update Report

The Committee received an update on the activities undertaken by the Council's Licensing Service from 1st April 2020 to 30th September 2020.

The overriding aim of the licensing service, when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and this is embedded in all activities of the department. This is in terms of policies, procedures, and enforcement.

Hackney carriage and private hire - the pandemic started towards the end of March 2020, and the council moved into its business continuity plans and the service had to respond and adapt very quickly in line with those plans. Within a short timescale the counters were closed, processes were changed, the website was updated, and instructions sent to all private hire and hackney carriage drivers on how they could submit their applications electronically. This has allowed the service to maintain the issuing of licences for existing drivers during these difficult times.

The department was able to contact approximately 200 licences holders who had appointments booked, they were offered one to one advice and guidance on how to submit their applications electronically as some of the trade are not IT literate. Despite some initial teething problems, the trade has adapted well and moving to electronic submission of applications has gone very well.

The service has continued to operate close to business as usual as possible, the service has been able to

- Continue to process and issues renewals of driver, vehicle and operators' licences,
- Continue to carry out checks with the disclosure and barring service on licence holders,
- Work with colleagues in fleet services to ensure vehicles can still be tested to ensure they are safe to carry passengers,
- Communicate changes via the licensing webpages and newsletters
- Investigate complaints
- Carry out enforcement

Inevitably, given the significant restrictions in place, the service has had to make some changes, for example, ceasing application for new driver and vehicle licences. Due to the NHS not being able to offer driver medicals, the Council has not been able to undertake driver training, and having to reduce unnecessary contact, the service was no longer in a position to accept applications for new licences.

For vehicle licences however, exceptions were made for replacement vehicles where accidents had occurred. IT limitations means that the service was not able to produce vehicle identification plates or driver badges. Instead, drivers have been asked to keep their existing plates and badges and an electronic version of a licence and covering letter to produce on request.

Licensing Act 2003 – As evidenced by the national news the hospitality industry has been hit particularly hard during these times with pubs having to close completely or only offering only takeaway service or click and collect. There are approximately

Licensing and Safety Committee - 17 December 2020

1600 licensed premises in Kirklees, including pubs, clubs, and takeaways. There was a hope that in July the restrictions would be lifted, and people would start revisiting these premises, however it has been very difficult for the pubs to operate with the restrictions and guidelines in place.

Officers from Public Protection have worked tirelessly to keep businesses up to date on the changes to regulations and in support of that, have hosted webinars, issued regular guidance letters, visited premises, and circulated beer mats with key message on.

RESOLVED

That the Licensing Service update report be noted.

9 Trade Engagement - Terms of Reference

Mr Williams advised that the purpose of this agenda item is to seek the Committees approval on future arrangements for engaging with the private hire and hackney carriage trades and placing meetings with the respective trade groups on a more formal and structured basis.

The Committee was informed that there have always been meetings with the trade chaired by the Chair of the Licensing and Safety Committee and those meetings have tended to be on an ad hoc basis. The aim is to formalise these and put a formal process in place. During this current time it has not been possible to hold any trade meetings and there are items on the committee agenda that needs to be discussed with the trade going forward. There needs to be a process to be able to get the trade involved.

As part of recommencing the trade meetings, two sets of terms of reference have been developed. One for the hackney carriage working groups and one for the private hire working groups. Historically, both groups have met together, however the new process recognises that the issues affecting the hackney carriage trade are not necessarily the same as those affecting private hire, hence the reason for separate meetings and terms of reference.

The meeting will involve the hackney carriage associations and private hire associations and operators. The ability to do virtual meetings will enable this to be expanded to drivers if possible. The intention is to hold the meetings on a quarterly basis and will be subject to a pre-set agenda including items from the trade.

The proposed terms of reference state the meetings will have no Member involvement. This does not mean Members will not be able to attend the meetings, it means if they do, it will be in a supportive role rather than as Chair. Adopting this approach will ensure there is a level of separation between the decision-making body (the Committee), and any policy issues and suggested changes that are raised at the meetings.

All Committee members voted in favour.

RESOLVED

That the Committee:

- a) Notes the report, and
- b) Approves the proposed terms of reference

10 Department for Transport - Statutory Guidance

On 21 July 2020 the Department for Transport ('DfT') published its "Statutory Taxi and Private Hire Vehicle Standards. The publication of these standards has been long awaited and follows an extensive period of consultation by the Department for Transport following a number of high-profile incidents and issues highlighting the risk to members of the public and to drivers.

The standards reflect the significant changes within the industry in recent years, and lessons learned in respect of safeguarding children and vulnerable adults, and cases of child sexual abuse and exploitation (CSAE).

The Policing and Crime Act 2017 made provisions for the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions, to protect children and vulnerable individuals who are over 18 from harm when using these services.

The Committee was advised that although the focus of the standards, is on protecting children and vulnerable adults, it is expected that any passengers of these licensed vehicles will benefit from the recommendations. The aim is to better regulate the taxi and private hire vehicle sector as a whole. It is felt that these issues are, in part, a result of the significant differences in standards applied to the licensing of drivers and vehicles across the country.

The Standards cover a wide range of issues, including driver, vehicle, and operator standards. The main areas of the statutory standards cover some of the following areas:

- Licensing Policies - Authorities should produce a 'cohesive policy document' that brings all policy and procedures together. The Committee formally adopted the council's private hire and hackney carriage policy last year. The DfT recommends that the policy is reviewed every 5 years. In light of the guidance, members will be asked to approve that the policy be reviewed
- Duration of licences – this is reminding authorities that the default period for a licence is 3 years. Kirklees has issued one-year licences and will continue to issue one-year licences however the intention is to change that in line with online applications. Work is underway to move the electronic offering which is in place under Covid to a more formal online solution with online applications with a move to three-year licences for drivers

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- Whistleblowing - where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required
- Criminal records checks - Licensing Authorities should insist on licensed drivers signing up to the Disclosure and Barring Service's (DBS) Online Update Service. This allows the Licensing Authority to make checks at any time and at least every six months
- Safeguarding awareness training – Licensing authorities should provide safeguarding advice and guidance and require that hackney carriage and private hire drivers undertake safeguarding training.

RESOLVED

That the Committee:

- a) Notes the report and the standards (found at appendix 1 of the appended report)
- b) Request that officers commence a review of its policies in relation to hackney carriage and private hire licensing,
- c) Present the result of that review to members of the Licensing and Safety Committee in June 2021

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 19th May 2021

Present: Councillor Amanda Pinnock (Chair)
Councillor Mahmood Akhtar
Councillor Karen Allison
Councillor Aafaq Butt
Councillor Paul Davies
Councillor David Hall
Councillor Adam Gregg
Councillor James Homewood
Councillor Mumtaz Hussain
Councillor Terry Lyons
Councillor Andrew Marchington
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Michael Watson

1 Admission of the Public

RESOLVED – That the business for the meeting be considered in public.

2 Appointment of the Licensing Panel and Regulatory Panel

It was moved by Councillor A U Pinnock, seconded by Councillor Pattison and;

RESOLVED –

(1) That the Licensing Panel and a Regulatory Panel be appointed for the ensuing municipal year, that the representation of political groups on the Regulatory Panel and the Licensing Panel shall not be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 but that Membership of the Panel will be drawn from the Membership of the Licensing and Safety Committee.

(2) That a Licensing Panel be appointed for the ensuing municipal year and that Councillor A U Pinnock, as Chair of the Licensing and Safety Committee, be appointed Chair of the Panel for the ensuing year.

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Thursday 3rd December 2020

Present: Councillor Elizabeth Smaje (Chair)
Councillor Andrew Cooper
Councillor Andrew Marchington
Councillor Harpreet Uppal
Councillor Habiban Zaman

Observers: Councillor Paul Davies

100 Membership of Committee

All Members of the Committee were in attendance.

101 Minutes of Previous Meeting

That the Minutes of the meeting of the Committee held on 29th October 2020 be approved as a correct record.

The Chair provided updates to Members as follows:

- The WYCA Overview and Scrutiny Committee had agreed to pursue Option 1 - Enhanced Select Committee System (Minute 95, Devolution).
- In respect of the Communities Partnership Plan (Minute 96);
 - Members' comments in respect of utilising technology for victim support and restorative justice had been noted and the Partnership continued to use various platforms to engage and support victims. The Victim Hubs remained closed due to the latest lockdown restrictions. A Victims' Strategy was being developed and comments from Scrutiny would inform this.
 - The plan would be amended to reflect the local, regional and national cooperative working that takes place through the Kirklees Partnership, particularly in relation to other West Yorkshire Districts.
 - The comments made in relation to communication with the victims of Anti-Social Behaviour (ASB) and how this could be improved would be taken on board and the ASB Strategy Group would give consideration to how this could be improved; noting that this should also include communication with Elected Members.
 - The plan would be amended to reflect the range of strategies and action plans that sat beneath it.
 - The Drugs and Alcohol Strategy Group that had been created pre-pandemic was to reconvene in early 2021 to continue to progress this area of work.
 - The Communities Board continued to review its governance arrangements and how it could continue to improve its visibility and outcomes.
- In relation to the Domestic Abuse Strategy (Minute 97);
 - The Service Manager was to explore with the Police if it would be possible to split call sources to establish whether there had been a different split

Overview and Scrutiny Management Committee - 3 December 2020

between the level of third party and direct reports prior to, and during, lockdown.

- In terms of information for Members in terms of repeat calls:- repeat incidents were considered through the Multi Agency Risk Assessment Conference (MARAC) and data provided in the Police Monthly updates. The next update was due shortly and the Service Manager could then share the most up to date information.
- The first meeting of the West Yorkshire Funding Group had taken place on 24th November, providing the opportunity to establish the Terms of Reference and discuss upcoming funding opportunities.

102 **Interests**

No interests were declared.

103 **Admission of the Public**

All items were considered in public session.

104 **Deputations/Petitions**

No deputations or petitions were received.

105 **Public Question Time**

No public questions were received.

106 **Council Response to Covid-19 - Update**

Rachel Spencer-Henshall, Director of Public Health and Strategic Director – Corporate Strategy, Commissioning and Public Health; Emily Parry-Harries, Head of Public Health and Jane O'Donnell, Head of Health Protection attended the meeting to provide an update for the Committee in respect of the Council's response to Covid-19, including a look forward to the first half of 2021.

Rachel began by acknowledging that the present situation was unprecedented; it had proved to be challenging for the Council and its partners and a robust test of the ambitions in terms of place-based working. She explained that the Council and its partners had worked together extremely well and this had enhanced their ability to manage the effects of the pandemic and respond to the needs of the district's residents.

It was anticipated that the next six months would provide continued challenges in: keeping the rate of infection down; facilitating community testing; increasing coverage of contact tracing; providing financial and welfare support for people in self isolation; managing any outbreaks; and supporting the NHS in rolling out the vaccination programme. It was recognised that a key element would be the provision of the necessary resources to do this whilst ensuring that vital services continued to be delivered.

The Kirklees Outbreak Control Board, a cross-party body, had responsibility for overseeing the Outbreak Control Plan which had been published online.

Questions and comments were invited from Committee Members and the following key issues were covered during discussion:

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- Lateral flow testing provided results in 30 minutes and thus had the advantage of self-isolation being immediate in cases of a positive result; it was also effective in identifying people with a high viral load, even if they were asymptomatic, so that they could self-isolate and reduce the risk of transmission.
- In terms of capacity to undertake the lateral flow testing and targeting particular groups or areas; lessons were being learned from the community testing pilot undertaken in Liverpool and the detail of the offer to Kirklees was still under consideration. Engagement with communities around testing and what support they might need in terms of self-isolation and contact tracing was an important element of the approach. The most vulnerable members of the population would be prioritised.
- The provision of testing/vaccination to large numbers of residents offered an opportunity to disseminate information to them on other issues such as employment support, benefits, debt advice, mental health support and investment into the local economy, although it was recognised that there would be a need for these services to be ready to be able to deal with the increase in demand this might create.
- The inevitable increase in demand for certain services and how this could be addressed was being considered as an integral part of the ongoing recovery planning work.
- In respect of recovery; it was important for community morale that there was visible positive change such as the physical improvements to town centres.
- The level of inequality throughout the district had been brought into focus by the impact of the pandemic. In October 2020 the Council had approved the establishment of an Inequalities Commission and a number of key priority actions to address this issue in the short term, such as re-framing NHS health checks and tailoring services to people who were disproportionately affected. Work was being undertaken with partners to ensure that addressing inequality became embedded.
- There had been a significant impact on local businesses, particularly in the hospitality and retail sectors and consideration should be given to whether there was a need to review the economic strategy in light of this.
- Cabinet were considering proposals in relation to discretionary grant assistance available to support Kirklees businesses.
- There needed to be a balance between reacting to/dealing with the immediate problems for individuals and moving towards a longer-term, sustainable approach.
- The Children's Scrutiny Panel maintained an overview of the outcomes for the district's young people. There would be significant impacts on the current generation and there needed to be strong engagement with the Department for Education in respect of addressing the improvement of educational outcomes over a longer term.
- The Council's Recovery Plan was being reviewed to ensure that it remained fit for purpose for the next six months.
- The Inequalities Commission would determine its own areas of focus. It would be provided with a comprehensive summary of intelligence across five key themes and it was considered that social inclusion and its impacts should be included within the theme of health.

Overview and Scrutiny Management Committee - 3 December 2020

- Significant support was being made available to support the wellbeing of staff and community volunteers. There was a comprehensive employee healthcare offer and regular wellbeing sessions were taking place and staff surveys undertaken to assess how people were. The dedication and commitment of staff was recognised and they were being encouraged to take leave. Best practice on wellbeing was being shared with partners. Regular team meetings and people feeling comfortable to talk about and share their experiences were very important.
- There were a number of valuable community anchor organisations and it was important that the sustainability and funding of these organisations was considered and that they were trusted to undertake their roles as part of the place based approach.

RESOLVED –

- (1) That the Committee expresses its thanks to everyone for their hard work during the pandemic, despite the significant challenges, and for their continued commitment as we move forward into 2021.
- (2) That the Scrutiny Panels ensure that inequalities impact is considered in all elements of their work, to help ensure that addressing inequality becomes embedded as a priority across the organisation.
- (3) That consideration be given to: the opportunity provided by the implementation of mass community testing and vaccination to disseminate information, in relation to support services, to a wider audience; and any measures that might be needed to ensure that these services are able to deal with any additional demand.

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Climate Commission - Update

Colin Parr – Strategic Director, Environment and Climate Change and John Atkinson - Project Manager, Public Protection presented a progress report in respect of the development and establishment of the Kirklees Climate Commission. The report also included an update on the Council's annual internal carbon emissions reporting, against the target set in 2010. Councillor Paul Davies, the Portfolio Holder for Culture and Greener Kirklees was also in attendance.

The presentation highlighted the following points:

- The background to the establishment of the Climate Commission, based on a model developed by the University of Leeds.
- The Commission would be an independent body which would utilise a collaborative and partnership approach to promote leadership on climate change, provide advice to inform policy and shape the actions of local stakeholders, enable and encourage the sharing of ideas and best practice, and consider the development of a Kirklees Green Charter.
- The 'road map' for implementation and priority actions.
- Achievement of the target set in 2010 to reduce the Council's carbon emissions by 40% by 2020/21.
- The transition, in 2021, to reporting against a 'net zero' target for the district as a whole, which would be a significantly more challenging target to achieve.

Members asked questions and commented on the issues raised with the following key issues being covered:

Overview and Scrutiny Management Committee - 3 December 2020

- Achievement of the target set in 2010 was applauded. It was acknowledged that achieving a district wide target of net zero would present a greater challenge.
- The creation of the Commission was welcomed.
- It was important that the Commission became accepted as a 'critical friend'.
- It would be beneficial to take a more global perspective of action on climate change and link to organisations/networks such as ICLEI – Local Governments for Sustainability or the Global Covenant of Mayors on Climate Change.
- Actions should be framed in terms of their contribution to national goals and this approach recommended to the Local Government Association (LGA) to encourage other local authorities to do the same and to feedback to national government.
- It was essential that the Commission retained its independence and considered Kirklees as a whole.
- It was acknowledged Professor Andy Gouldson from Leeds University, who was assisting in the implementation of the Commission, was recognised as an expert in best practice in this area.

Councillor Davies said that he welcomed the creation of the Commission and resultant partnerships and acknowledged that part of the role may be to challenge and act as a 'critical friend'. He undertook to discuss the adoption of a global perspective and framing actions in terms of national/international goals with officers.

Further comments and questions were made as follows:

- The move from carbon reduction to carbon capture/offset in order to achieve the net zero target would be challenging and would encompass a wide range of issues/actions at both local and national level.
- There were positive initiatives that could be progressed now, such as expanding woodland planting and creating/restoring quality green infrastructure.
- The development of a 'road map' to achieving the 2038 target would be part of the next phase.
- It was important that the Climate Commission's work programme aligned with the Council's budget process to ensure recommendations could be submitted/actioned in a timely way.
- The Council had previously undertaken research work in relation to the Passivhaus standard for construction and consideration should be given to its use, particularly in respect of Council projects.
- The pilot funding for deep retro fitting was welcomed; this work and development of the necessary skills to undertake it would be important in the longer term.
- Smaller organisations and individuals would need sufficient time to allow them to make the necessary changes.
- Consideration was needed in relation to engagement and mechanisms for feedback on outcomes, to ensure transparency.
- Tree planting schemes were an excellent way to encourage cross-community involvement and to engage with young people.

RESOLVED –

(1) That officers be requested to consider the points and suggestions raised by the Committee, as set out below, and where appropriate they be used to inform the development of the Climate Change Commission:

Overview and Scrutiny Management Committee - 3 December 2020

- i. The need for the Commission to be progressed as soon as possible.
- ii. The adoption of a wider global perspective of action on climate change.
- iii. The benefits of working with the Local Government Association.
- iv. Recognition of the need to consider carbon capture/offset.
- v. The need for the Commission to be aware of, and take account of, the timescales associated with Council budget setting.
- vi. The need for consideration of how the recommendations made by the Commission will feed into Council decision making and how they will be monitored.
- vii. The importance of developing mechanisms to provide: effective feedback to the community/stakeholders on outcomes to ensure transparency and wider buy-in; and robust engagement particularly with young people and the voluntary sector.
- viii. The potential for the use of Passivhaus standards, particularly for Council owned sites/projects.
- ix. The potential for the development of a district heating system.

(2) That further progress reports on the Climate Commission be submitted to the Committee on a regular basis, to include the proposed approach to achieving the 2038 net zero target.

108 Work Programme 2020/21

The Committee's Work Programme for 2020/21 was noted.

109 Any Other Business

The Chair reported that urgent items had been submitted to Cabinet, as set out below:

- An item in relation to the development of land at Southgate, Huddersfield, to the meeting held on 18th November 2020.
- An item in relation to the Additional Restrictions Grant Scheme, to the meeting held on 26th November 2020. It had been agreed that this item would be exempt from call-in, so that the grant monies can be made available as quickly as possible to businesses that were in need, but that a report on the grants and how they work together should be submitted to the next possible Economy and Neighbourhoods Scrutiny Panel.

She also reported that the Scrutiny Annual Report 2019/20 had been submitted to Council on 25 November 2020.

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Thursday 11th February 2021

Present: Councillor Elizabeth Smaje (Chair)
Councillor Andrew Cooper
Councillor Andrew Marchington
Councillor Harpreet Uppal
Councillor Habiban Zaman

Observers: Councillor Paul Davies

110 Membership of Committee

All Members of the Committee were in attendance.

111 Minutes of Previous Meeting

That the Minutes of the meeting held on 3rd December 2020 be agreed as a correct record.

The Chair provided updates to Members, as follows:

- In respect of the Domestic Abuse Strategy; the information requested in respect of repeat calls had been circulated to Members of the Committee. It had confirmed that the police data indicated that repeat victim and repeat suspect rates in Kirklees remained stable and at similar levels to the same time last year and had been relatively stable for the last 3-4 years. (Minute 97, 29th October 2020).
- In relation to the Council's response to Covid-19; as requested, consideration had been given to using the opportunity provided by the implementation of mass community testing to disseminate information in relation to support services and this was being done through written material as well as staff conversations and discussions with those accessing testing. This primarily related to immediate COVID related support but would be varied as a route to providing other key information and receiving feedback. With regards to vaccination sites, work was underway with NHS colleagues to look at how to make the most of this opportunity. However at the present time the key information people needed to take away was that they must still follow the public health guidance despite having their vaccinations. (Minute 106).
- The development of the Kirklees Climate Commission continued to follow the process set out to the 3rd December meeting;
 - The first Advisory Panel meeting had taken place on 29th January 2021, chaired by Professor Andy Gouldson (University of Leeds and Chair, Leeds Climate Commission) and with the Council represented by Councillor Davies (the Portfolio Holder) and Colin Parr (Strategic Director, Environment and Climate Change).
 - The second meeting was arranged for 26th February.

Overview and Scrutiny Management Committee - 11 February 2021

- It was anticipated that there would be one or two further meetings to agree the Terms of Reference and the process for appointing full Commission Members along with initial work priorities.
- After an appointment process it was expected that the full Commission would launch in May 2021 (Minute 107).
- The Economy and Neighbourhoods Scrutiny Panel had considered the Additional Restrictions Grant Scheme at its meeting on 21st January 2021 and made a number of recommendations in relation to the need for a focus on those in the self-employed creative sector, engagement with businesses and effective communication with applicants (Minute 109).

112 **Interests**

No interests were declared.

113 **Admission of the Public**

All items were considered in public session.

114 **Deputations/Petitions**

No deputations or petitions were received.

115 **Public Question Time**

No public questions were received.

116 **Culture, Heritage and Tourism Strategies**

Adele Poppleton, Head of Culture and Tourism, and Deborah Marsland, Museums and Galleries Manager, were in attendance to present a report in respect of the development of three inter-related strategies; a Cultural Strategy, a Heritage Strategy and a Tourism Strategy. Councillor Paul Davies, the Portfolio Holder for Culture and Greener Kirklees was also in attendance.

Representations and submissions were read out on behalf of the Friends of Spen Beck and Mann Dam; the Red House Heritage Group; and Environment Kirklees and the Three Valleys Nature Park. These had also been circulated to the Members of the Panel prior to the meeting.

Adele welcomed the submissions and explained that the strategies were at an early stage of development. She informed Members that work was already being undertaken with the Red House Heritage Group and she would put the Friends of Spen Beck and Mann Dam in touch with the relevant officers, in the Parks and Streetscene department, in respect of woodland planting. She also undertook to respond and engage directly with these groups in respect of the issues they raised and to ensure that they were involved in the development of the strategies.

The presentation included:

- An overview of the proposals to develop three separate, but interlinked, strategies, connected by the wish to explore, tell and promote the district's stories. The focus would be on people and stories, not just buildings and physical assets.
- Definitions of 'culture' 'heritage' and 'tourism'.

Overview and Scrutiny Management Committee - 11 February 2021

- The range of benefits that could be achieved through investment in culture, heritage and tourism.
- The inherent nature of creativity and the contribution that creative activity and engagement could make to people's wellbeing.
- The need for the strategies.
- The plan for recovery from the significant impact of the pandemic on this sector, both locally and at a West Yorkshire level.
- The key underlying approaches, principles and themes for the Heritage Strategy; which was the most advanced in terms of its development.
- The key themes and aims for the Cultural Strategy.
- The key themes for the Tourism Strategy and the links being made to the 'Yorkshire' brand, in partnership with 'Welcome to Yorkshire'.
- The timescales for the development of the three strategies.

Questions and comments were invited from Committee Members and the following key issues were covered during discussion:

- The integration of past heritage with links to the present and future was important. In respect of textiles, this could be seen in the development of cutting-edge textile design and technology in Kirklees. The heritage of the district in terms of engineering excellence should also be included.
- The involvement of communities was important. Strong communication and ensuring understanding of what culture meant and the range of benefits it could bring would be key and may prove to be a challenge.
- An events calendar to bring together information on all the activities and dates for all interests and groups would be helpful, providing clarity on what was being offered and when.
- Linkages with walking and cycling routes to local places and businesses, such as cafes, pubs, microbreweries and signs to direct people to places of interest would be beneficial. This would also assist local people to explore and understand their area.
- The impact of culture and heritage on good mental health and wellbeing was recognised and there was an important link to be made with the move towards social prescribing.
- It was vital that the capacity to deliver the ambitions of these strategies was considered. Good communication and publicity would also be important.
- The focus on stories of peoples' lives, not just buildings and structures, was welcomed as was the celebrating radicals and rebels theme. Migration was also an important element of the district's history.
- There were a number of nice places within the urban areas which would benefit from some improvement; parts of the canal path being a good example.
- A significant amount of this work had been done before and it was questioned what was new with the proposed approach and strategies. Initiatives had been delivered in the past and had made an impact with communities but had not been sustained. This could cause potential difficulties in re-engagement of community groups. It was essential that there was a sufficient level of resources and to ensure sustainability.

Overview and Scrutiny Management Committee - 11 February 2021

- It was considered that the first Woven Festival had been too centred on certain areas and had not encompassed the vast and rich range of experience and heritage across many of the other areas in Kirklees.

Councillor Davies said that the proposals were exciting and the Authority would seek to engage and work with communities and focus on people; it was crucial that this was inclusive. There was a wish to use the work undertaken in the past in a positive way, as a basis to build on and enhance.

In responding to the issues raised Adele explained that:

- A calendar of events did already exist but an integral part of the strategy would be to improve communication and marketing of the offer.
- Linking walking and cycling routes with places of interest and local services was a good idea. It was noted that signage did not necessarily have to be a physical feature and could be provided through digital means.
- Capacity was a key consideration in this work. The strategies aimed to encourage partnership working and collaboration to help find innovative ways to increase the capacity and resources to facilitate delivery. They would also provide a clear statement for investors and to access funding streams.
- Diversity and inclusion would be a key strand throughout the strategies and there would be a need to engage with the community to build upon the existing collections of stories and objects/artefacts to illustrate those stories.
- The period of austerity in public spending and the necessary prioritisation of limited resources had meant that this sector had suffered cuts in funding. However, a period of growth was now in evidence and the work undertaken, and the lessons learned, in the past would be used and evolved for the future.
- The first Woven Festival had been developed within a short timescale; and the need ensure a wider reach would be addressed on the next occasion.

Further comments were made as follows:

- Ward Councillors should be engaged and consulted; they were in the position to be able to provide information about local history, community groups and grassroots organisations in their areas.
- It was considered that these strategies would form part of the recovery from the pandemic and should be seen in that context.
- The close links with health had not been fully reflected in the report.
- There was a need for the Council's Heritage Champion to have a higher profile.
- It was important that the experiences of the present were captured to provide an historic record for the future.
- Investment in the quality of footpaths/ canal towpaths would be welcomed; such measures would link in with a number of other strategies, such as those associated with green travel and health.
- There was a need to ensure that young people and local people could access and felt a connection with the tourism and culture offer and could benefit from what was available.

Adele acknowledged that work was needed to identify the barriers that prevented people from accessing local culture and what could be done to break them down.

RESOLVED –

- (1) That the Head of Culture and Tourism and the Museums and Galleries Manager be thanked for their interesting and informative presentation.
- (2) That the draft documents for each strategy be submitted to the Committee for further consideration, in due course.
- (3) That the Head of Culture and Tourism be asked to respond to, and engage with, the groups that made submissions to the Committee.
- (4) That officers be requested to consider the points and suggestions raised by the Committee and that they be used to inform the development of the Culture, Heritage and Tourism Strategies.

117 Work Programme 2020/21

It was reported that the Peer Review Update report had been deferred until Autumn, in light of the necessary re-prioritisation of activities and resources associated with the pandemic response. The Committee would maintain an oversight of the approach to working with the voluntary and community sectors in the interim.

The Work Programme for 2020/21 was noted.

118 Any Other Business

The Chair reported on the following urgent decisions:

- A report in relation to the establishment of a Community Champions Grant Scheme had been submitted to Cabinet on 15th December 2020. It had been agreed that the item would be exempt from call-in due to the very short timeframe for implementation, which was also impacted by the Christmas period. A request had been made that an update be provided to the Health and Adult Social Care Scrutiny Panel at its next meeting.
- An urgent officer delegated decision had been made by Rachel Spencer-Henshall, as Director of Public Health, on 16th December 2020 to allow Kirklees to enter into a collaborative agreement with the Department of Health and Social Care to deliver Covid-19 community testing. It had been agreed that the item would be exempt from call-in, due to the emergency situation and the need to enter into the agreement before delivery of the programme (beginning the following day). A request was made that an update be provided to the Health and Adult Social Care Scrutiny Panel.

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Thursday 18th March 2021

Present: Councillor Elizabeth Smaje (Chair)
Councillor Andrew Cooper
Councillor Habiban Zaman
Councillor Andrew Marchington

119 Membership of Committee

Apologies were received on behalf of Councillor Harpreet Uppal.

120 Minutes of Previous Meeting

The minutes of the meeting of the Committee held on 24th February 2021 were agreed as a correct record.

The Chair provided updates to Members.

In relation to the Culture, Heritage and Tourism Strategies she explained that, since the meeting on 11th February, the Head of Culture and Tourism had contacted each of the three organisations who had made submissions;

- The Friends of Spen Beck/Mann Dam had been invited to make contact with the Council's Greenspace Team. This team were already working with local groups and ward members to develop a masterplan for a country park in this area, which would include tree planting as well as other ecological interventions, and the group would be invited to get involved.
- The Red House Heritage Group had been assured that citizens and communities would be at the heart of all three strategies. The Museums and Galleries Manager would continue to work with them to ensure that the community could still access Red House at points throughout the year as well as being able to access other facilities on the site on a regular basis.
- A number of the key points raised by Environmental Projects in Kirklees/Three Valleys Nature Park would be included in a brief for consultants to ensure that what was developed was about sustainable tourism and a respect for the landscape, rather than encouraging tourism which would lead to it being damaged and not able to be appreciated by future generations. Further engagement would be undertaken when developing the brief.

A submission had also been received from the Huddersfield Canal Society, following the meeting. Their constructive comments had been shared with the

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officers working on the Heritage Strategy to ensure that the canals were recognised within it. An assurance had been given that, when consultants were appointed to produce the Tourism Strategy, the canals would be included and the points made about how information was shared would be considered. (Minute 116).

In respect of the urgent officer delegated decision to enter into a collaborative agreement with the Department of Health and Social Care to deliver Covid-19 community testing in Kirklees; as requested, an update on community testing had been provided to the Health and Adult Social Care Scrutiny Panel, as part of a wider update in respect of the local position and response to the pandemic, at its meeting held on 18th February 2021 (Minute 118).

121 **Interests**

No interests were declared.

122 **Admission of the Public**

All items were considered in public session.

123 **Deputations/Petitions**

No deputations or petitions were received.

124 **Public Question Time**

No public questions were received.

125 **Local Flood Risk Management - Annual Review**

Rashid Mahmood, Flood Manager, Planning and Development and Mathias Franklin, Head of Planning and Development were in attendance to present the annual report in respect of progress against the Action Plan of the Kirklees Local Flood Risk Management Strategy. The report also informed the Committee of the proposed revision of the local strategy to ensure that it was consistent with the new national strategy, published in August 2020.

Rashid explained that during the preceding twelve month period:

- £340,000 of Department for Environment, Food and Rural Affairs (DEFRA) Community and Business Grant support had been provided to flood victims following Storm Ciara/Dennis in February 2020.
- A West Yorkshire Innovative Resilience Fund bid for £9.8 million had been submitted in January 2021. A successful bid would provide the necessary funding to scale up the community and voluntary sector and natural flood management works in Kirklees.
- A Property Flood Resilience Grant had been launched in January 2021 with the aim of better protecting 170 properties flooded due to Storm Ciara/Dennis.

It was also explained that the current local strategy had been completed in 2013 and last revised in 2019. The adoption of the new national strategy was seen as an opportunity to review the local strategy and ensure that it was in alignment and this would include consideration of the following themes:

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- An emphasis on nature based solutions.
- A greater focus on creating resilient communities.
- Adaptive pathways and being agile to new climate hazards.
- A build-back better approach.
- Extending the support to local communities.
- Aligning incident response and recovery strategy.

Questions and comments were invited from Committee Members and the following key issues were raised during discussion:

- There were recurring issues with flooding caused by blocked gullies at certain locations.
- It would be beneficial to have a store of sandbags that could be easily accessed at short notice (particularly in/near to locations where there were recurrent issues) to minimise delay in deployment and assist people in the community to help themselves.
- It was acknowledged that climate change could mean that the position could get much worse, how would this be accommodated within the strategy?
- It was questioned whether enough was being done to ensure that SUDS (Sustainable Urban Drainage Systems) were used for new development.
- The programme and timeline for gully cleaning and clearing blocked drains, and the response time to requests.
- How was the Property Flood Resilience Grant being rolled out and what engagement had been undertaken to ensure that local communities were aware of it and knew how to apply?
- How would the review of the strategy address the ambition in the national strategy in respect of ensuring the right investment and planning decisions to secure sustainable growth and environmental improvements?
- Progress in relation to some of the actions had been outstanding for some time. It was questioned whether the targets would be reassessed as part of review of strategy and what were the limiting factors on progress.
- How often did engagement take place with the community and by what means?
- Could further information be provided in respect of the planning process for drainage provision on new development sites and future proofing against climate change impacts.

In response, Rashid and Mathias explained that:

- Work had been done to identify those gullies that, when they became blocked, could cause flooding and to monitor their condition.
- All priority gullies had been cleared at the end of 2021 and this work would be undertaken periodically.
- The policy in respect of the provision of sandbags was being reviewed. There was a need to identify the priority areas and to consider the logistics. Pro-active deployment of sandbags had been undertaken in advance of the most recent storm event.
- The review of the strategy was, in part, due to the need to consider and accommodate climate change and address its impacts on flood risk.
- Further information could be provided to Members in respect of the programme of gully cleaning; this work was undertaken by the Highways Service. Requests

Overview and Scrutiny Management Committee - 18 March 2021

for cleaning were dealt with on a reactive basis with priority given to those where there was a risk of flooding.

- Use of SUDs was at the top of the hierarchy in terms of the drainage strategy for new development where the ground conditions were suitable. However, in Kirklees, many areas were not suitable for infiltration due to geo-technical issues and/or topography. Each site was assessed on a case by case basis and if SUDs were not appropriate attenuation and storage would be used. Cost was not understood to be a barrier to the use of SUDs as this would normally be the least costly solution.
- The Local Plan had included some evaluation of sites in terms of their sustainability credentials, of which drainage was an element.
- The Property Resilience Grant scheme had an online portal which set out the criteria and provided an online application process. All those individuals that the Council was aware of, who were likely to be eligible, had been contacted via letter or email and attempts were now being made to contact people by telephone. There was a dedicated inbox and telephone number to deal with related queries.
- Kirklees had an up to date development plan which identified enough land through allocated sites, together with some windfall sites, to meet the district's housing and job growth needs. The allocated sites would be at the lowest level of flood risk or where technical solutions were available to address any issues. If decisions were taken in accordance with the plan then the Authority should be able to resist pressure on sites where flood risk was higher.
- In terms of community engagement (Ref 2.1 on the Action Plan), the programme was on track to complete all 23 wards by 2023.
- In general community engagement focussed on the highest risk properties with letters issued giving general advice. The consultation process in respect of the revised local strategy had not been decided at this point but would be digital by design and include Councillors and members of the public.
- A range of supplementary planning documents had been produced, including a new residential design guide for new build housing which required the provision of technical information, including that related to drainage. There was a West Yorkshire Combined Authority document which set out requirements such discharge rates and the on-site survey information expected from developers submitting a planning application. A planning application would not be validated without this information. The local validation checklist was currently being updated. The Lead Local Flood Authority would assess the information submitted and the Authority also had access to geo-technology support at regional level. If SUDs were achievable the policy was that they should be used.
- Consideration of climate change was at the heart of the planning system and additional capacity for storage on-site was a requirement of the drainage strategy for new developments. It was stressed however that new development was only a small part of the built environment and how to address issues affecting the existing network was the most important part of response in dealing with storm events.

Resolved –

(1) That the annual report in respect of flood risk management in Kirklees and the intention to review the local strategy to ensure that it aligns with the national strategy be noted.

(2) That officers be asked to give consideration to:

- The provision of an easily accessible supply of sandbags in particular localities, to reduce any delay in deployment to areas of need.
- Improvements in preventative work.
- Reviewing the Action Plan to assess if any improvements can be made to existing targets/timelines.
- The development of an engagement strategy in relation to the review of the local flood risk strategy.
- Ensuring that the local flood risk management strategy aligns with and links in with other Council strategy and planning documents.

126 Place Based Working Group - Progress

The Committee received an update in respect of the progress made by the Place Based Working Group since the last update to the Committee in August 2020.

The remit of the group aimed to review the development of the approach to place based working in Kirklees and how this approach would become embedded within the organisation and across Council partners.

Between September 2019 and March 2021, the group had gathered evidence to inform their work by receiving regular updates from key officers on the work that was being undertaken to progress place based working in Kirklees, the engagement processes (such as the use of the Place Standard Tool) and the planned next steps.

The group had held a joint meeting with the Place Partnership Leads on 17th December 2020 to discuss the progress of the Place Partnership pilot project since its introduction at Annual Council in May 2019. The feedback from the Place Partnership Leads would be incorporated into the group's findings.

In the context of the COVID-19 pandemic, the group had, throughout the process, considered the impact on planned work due to the subsequent additional demand that was placed on Council resources to support business continuity and communities. However, in some respects, the pandemic had also provided the opportunity to implement place based working practices to respond to the associated local challenges. The group had therefore received regular updates on the Council's Community Response to the pandemic.

At a meeting held on 26th November 2020 it had met with and gathered evidence from Third Sector Leaders and Community Anchor Organisation representatives to gain an insight to their views.

The Group had now drawn together its key findings, had considered a draft report and begun to finalise its recommendations for inclusion in the final report with the view for this to be presented to the next meeting of the Management Committee on 15th April 2021.

127 Establishment of Ad Hoc Scrutiny Panel - Residential Housing Stock Health and Safety Compliance

The Committee was asked to consider a proposal to establish an Ad Hoc Scrutiny Panel to look at Residential Housing Stock Health and Safety Compliance.

Resolved –

(1) That an Ad Hoc Scrutiny Panel be established to consider Residential Housing Stock Health and Safety Compliance with the Terms of Reference set out in paragraph 2.2 of the report.

(2) That the membership of the Ad Hoc Scrutiny Panel be on the basis of a 1:1:1:1 ratio together with a co-opted member and an independent specialist advisor.

128 Work Programme 2020/21

The Work Programme for 2020/21 was noted.

129 Any Other Business

Members were reminded that, at the meeting of the Committee held on 29th October 2020, a request had been made for an update in respect of the Place Partnerships Funding. Further to a recent Lead Member briefing with the Active Citizens and Places Manager, the Chair reported that:

- At the meeting of Cabinet held on 16th February, approval had been given to the allocation of a further £140,000 of the £1 million mental health themed budget to deliver the WEvolve Community Support Programme. This had brought the total amount allocated to approximately £950,000.
- On 16th March Cabinet had approved the allocation of £400,000 from the domestic abuse themed budget to build capacity, and to train and equip staff and communities to recognise the signs of domestic abuse and make links to local support networks to help mitigate the impact of domestic abuse.

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Thursday 15th April 2021

Present: Councillor Elizabeth Smaje (Chair)
Councillor Andrew Cooper
Councillor Harpreet Uppal
Councillor Habiban Zaman
Councillor Andrew Marchington

129 Membership of Committee

All Members of the Committee were in attendance.

130 Minutes of Previous Meeting

The Chair provided an update in relation to the Annual Update in respect of Flood Risk (Minute 125):

- The Highways Team had confirmed that the priority gritting routes had been used as a template for the new rounds for gullies to be cleared on a cyclical basis.
- All other gullies were cleared on a reactive basis, as and when requested, with requests generally being generated through ROSS or Councillor Enquiries.
- The response time was normally 15 working days, but bad storms could create a backlog. Customers were not normally updated on requests regarding blocked gullies.
- The team often received requests for blocked gullies due to customers seeing standing water and not realising that this was associated with the design of a gully as they have a silt trap.

131 Interests

No interests were declared.

132 Admission of the Public

All items were considered in public session.

133 Deputations/Petitions

No deputations or petitions were received.

134 Place Based Working Group - Final Report

The final report of the Working Group on Place Based Working was presented for the Committee's consideration.

The Chair of the Working Group, Councillor Uppal, introduced the report. She thanked all the Members of the Working Group for their contribution to its work and thanked the Governance Officers for their assistance. She explained that:

- The Working Group had been established further to a meeting of the Overview and Scrutiny Management Committee in September 2019, with the membership drawn from the Corporate, and Economy and Neighbourhoods Scrutiny Panels.
- The main objectives had been to review the development of the revised approach to place based working in Kirklees and to examine how it would become embedded within the organisation and across its partners.
- The Group had met on number of occasions between September 2019 and March 2021, gathering evidence from Council officers, the Place Partnership Leads, third sector leaders and community anchor representatives, and had produced a final report which included a number of recommendations.
- The clear conclusion was that place based working was the right approach to take; doing more to engage citizens in their place, encouraging pride in their local area and ensuring their ideas were put into practice. Also, that Councillors, as representatives of local people, should be fully engaged with this work.
- A number of excellent approaches had been utilised. The Place Standard Tool was a good way of engaging with citizens by going to where they were and the community anchor approach had proved to have a number of real benefits. The Council had worked very closely with the voluntary and community sectors during the pandemic and this had allowed measures to be implemented quickly during a challenging time. It was believed that this approach should continue.
- The response in respect of the Place Partnership model had been more mixed. There were benefits but it was considered that some work was needed in relation to its aims and objectives, ensuring buy-in, and how decisions were made on themes and budget allocation.
- Cultural change would be needed to ensure that the place based working approach became embedded across the organisation and the key outcomes were achieved.
- Excellent engagement had taken place but there was a need to take the key priorities from residents and ensure that they were followed up and that the necessary resources were available to do so. Buy-in was needed from all departments particularly where there may be a mismatch between the community priorities and the corporate priorities.
- Geography was an issue that had been discussed on a number of occasions, particularly in relation to the Place Partnerships. It was considered that there was a need to understand the basis for certain wards being brought together; there was a difference between administrative boundaries and the need to identify places to reflect how citizens saw them. Some Councillors had identified local transport infrastructure as one of the key issues that should be considered.
- It was considered that there should be systemic engagement with the Town and Parish Councils.
- The structure and process for making decisions at Huddersfield level had also been discussed.

Overview and Scrutiny Management Committee - 15 April 2021

- The additional £30,000 Covid-related budget for Ward Councillors had been welcomed. It had been fast and responsive to particular needs in an area and consideration should be given to retaining this initiative.
- There was a need to ensure that resources were set aside for implementation after Place Standard work had been undertaken, with clear timescales.
- The 'community anchor' approach had facilitated multi-agency teams working in community buildings. This was considered to be a good way of making sure that place was a key priority and could also help key officers better understand place.
- The 'community anchor' approach should be extended and should also include smaller voluntary and community sector partners to widen representation.

Questions and comments were invited from Committee Members and the following key issues were raised during discussion:

- There was a potential issue with the resources and capacity of Town and Parish Councils which could be a challenge in increasing engagement. Consideration should be given to what could be done to help them build their capacity and thus increase their ability to be more effective partners.
- The £30,000 Covid related budget had been really useful; the flexibility allowed it to be used in innovative ways and its continuation, in some form, would be welcomed.
- The chosen geographies appeared arbitrary and some wards shared no sense of place; this needed to be addressed.
- There was concern about the flexibility and timescales for the Place Partnerships funding in respect of mental health and domestic abuse.
- In terms of measuring the effectiveness of the place based working model, further to the submission of the Working Group's final report; the Strategic Director – Corporate Strategy, Commissioning and Public Health was the lead officer and the Cabinet Member was Councillor Cathy Scott. The report included an Action Plan for the key recommendations and it was proposed that continued monitoring be undertaken by this Committee and that it be submitted to Cabinet.
- The issues of geography and boundaries were complex and it was noted that a lot of areas did not have a Town or Parish Council.

The Chair concluded by welcoming this excellent report which helped to emphasise both the importance of Councillors being at the centre and that if people were asked what their priorities were the results needed to be disseminated upwards and acted upon.

RESOLVED –

(1) That everyone involved in the production of the Working Group's final report be thanked for their input.

(2) That the report be sent to the relevant Cabinet Member for comment, with a request that the Action Plan be completed, for submission to a future meeting of the Overview and Scrutiny Management Committee, and that consideration be given to how Cabinet might take the recommendations forward.

135 Work Programme 2020/21

As this was the last meeting of the municipal year the Chair expressed her thanks to all Members for their contribution during the last year.

Members were invited to put forward any suggested issues for inclusion in the Work Programme for 2021/22 by contacting the Chair or the Governance Team.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Wednesday 19th May 2021

Present: Councillor Elizabeth Smaje (Chair)
Councillor Andrew Cooper
Councillor Harpreet Uppal
Councillor Habiban Zaman
Councillor Andrew Marchington

1 Admission of the Public

RESOLVED – That the business for the meeting be considered in public session.

2 Appointment of Overview and Scrutiny Panels

It was moved by Councillor Smaje, seconded by Councillor Cooper and;

RESOLVED -

(1) That the appointment of the following Panels/Sub Committees be approved; (i) Calderdale and Kirklees Joint Health Scrutiny Committee (ii) Health Scrutiny Panel (iii) Joint Health Overview and Scrutiny Committee (Yorkshire and Humber) (iv) Wakefield and Kirklees Joint Health Scrutiny Committee (v) West Yorkshire Joint Health Scrutiny Committee (vi) Health and Adult Social Care Scrutiny Panel (vii) Children's Scrutiny Panel (viii) Economy and Neighbourhood Scrutiny Panel and (ix) Corporate Scrutiny Panel.

(2) That the Panels and Sub Committees as set out at (1) above shall not be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989, and that the Membership shall be set out at Agenda Item 15 of the Annual Council meeting.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PERSONNEL COMMITTEE

Wednesday 3rd March 2021

Present: Councillor Shabir Pandor (Chair)
Councillor Graham Turner
Councillor Naheed Mather
Councillor Peter McBride
Councillor John Taylor
Councillor John Lawson
Councillor Richard Murgatroyd
Councillor Lesley Warner

Apologies: Councillor David Hall

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor D Hall.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 5 March 2020 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

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

5 Deputation/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Pay Policy Statement 2021/2022 (Reference to Council)

The Committee received the Pay Policy Statement 2021/2022, in accordance with the requirements of the Localism Act 2011 (Sections 38-43), which set out detail regarding the pay of the Authority's Principal Chief Officers. It was noted that Section 39 (1) of the Act required that the Statement be approved prior to 31 March, immediately preceding the relevant financial year.

The (i) Kirklees Pay Policy Statement 2021/2022 (ii) Remuneration of Chief Officers and (iii) Single Status Grades and NHS – Public Health Grades were attached as appendices to the report. It was noted that (iii) was subject to national pay award consultations.

RESOLVED – That the Annual Pay Policy Statement 2021/2022 be noted and submitted to Council with recommendation of approval.

8 Update on Senior Management Arrangements

The Committee received a report which updated the Committee on several changes to arrangements regarding senior management and sought approval to convene a number of recruitment panels. The report advised that since the appointment of Strategic Directors for (i) Environment and Climate Change and (ii) Growth and Regeneration a review had been undertaken to identify capacity to deliver upon the ambitions of the service and consider the concerns of the 2019 LGA Peer Review regarding organisational capacity.

The report set out detail of the outcome of the review for both Directorates. Within the Environment and Climate Change Directorate this included (i) a proposal to realign the posts of Service Director – Environment and the Service Director – Highways and Property by areas of operational and strategic responsibility (ii) the transfer of the Council's Visitor Economy, Culture and Tourism Services, Museums, Galleries and Markets to the Environment and Climate Change Directorate, along with Venues Services and (iii) the creation of a post of Service Director – Culture and Visitor Economy. With regards to the Growth and Regeneration Directorate it was noted that the existing Service Director posts had been realigned and were now Service Director – Skills and Regeneration and Service Director – Development. The Committee were advised that the Service Director – Skills and Regeneration post was currently vacant and that the role would be subject to advert. It was also noted that, in preparation for the transfer of Kirklees Neighbourhood Housing to the Council, the position of Chief Executive had been re-designated as Service Director – Homes and Neighbourhoods.

The proposed new structures for both Directorates was appended to the considered report.

RESOLVED –

- 1) That approval be given to realigning the posts of Service Director – Environmental Services and Service Director – Highways and Property by operational and strategic areas of responsibility across the new Service Director Portfolios of (i) Climate Change and Environmental Strategy and (ii) Highways and Streetscene.
- 2) That a new post of Service Director – Culture and Visitor Economy be established within the Environment and Climate Change Directorate.
- 3) That (i) the structure implemented within the Growth and Regeneration Directorate to accommodate staff and functions from Kirklees Neighbourhood Housing and (ii) the realignment of Service Director Portfolios within the Growth and Regeneration Directorate be noted.
- 4) That Member Appointment Panels be convened to recruit to the roles of (i) Service Director – Culture and Visitor Economy (ii) Service Director – Skills

Personnel Committee - 3 March 2021

and Regeneration and (iii) Service Director – Climate Change and Environmental Strategy.

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Contact Officer: Leigh Webb

KIRKLEES COUNCIL

STANDARDS COMMITTEE

Tuesday 29 September 2020

Present: Councillor Paul Davies (Chair)
Councillor Bill Armer
Councillor Martyn Bolt
Councillor James Homewood
Councillor Mohan Sokhal

In attendance: Mike Stow – Independent Person

1 Membership of the Committee

Apologies for absence were received on behalf of Councillors Munro and Pandor.

2 Minutes of Previous Meeting

RESOLVED - That the minutes of the meeting held on the 11 March 2020 be approved as a correct record.

3 Interests

It was noted that Councillors Armer, Bolt and Davies were Members of either a Town or Parish Council.

4 Admission of the Public

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

5 Deputation/Petitions

No deputations or petitions were considered.

6 Public Question Time

The following question had been sent in form Mrs G Humphries:

“Does the standards committee only deal with matters concerning councillors? Has any complaint that has been sent ever been upheld or are they just a way of appearing to listen to the public and then ignoring or dismissing a complaint? After a statement sent to me about a recent complaint from the monitoring officer which stated....

There is a possibility that he may have been mistaken in his recollection of the precise route given the time period that has elapsed" which I find totally unacceptable. It could have just as easily said "It does not matter what a councillor says at a committee meeting whether it is true or not, as long as they say that they thought it was true" Just another way to dismiss a complaint. This is one of the reasons that people do trust the complaints procedure. And why are any complaint that are sent about the planning and highways reports presented to a planning committee simply ignored and get no response at all? Who is responsible for the

complaint about these departments? As officers or departments working for Kirklees surely someone must be responsible for the inaccurate and misleading information, they present to committees. Or again doesn't it matter if people and committees are not given the full facts and only receive a sub-standard and misleading report?"

A verbal response was provided by the Chair, Cllr Davies, with an undertaking that a full written response would be sent to Mrs Humphries including the terms of reference for the Committee and the complaints procedure

7 Code of Conduct - Complaints Update

The Committee received a report which provided an update on complaints that had been received since the previous meeting of the Committee on the 11 March 2020. The Committee was informed that the report is prepared every six months and gives a breakdown of complaints received.

Since the 11th of March 2020 the Monitoring Officer has received 60 complaints relating to alleged breaches of the Code of Conduct. This figure includes multiple complaints relating to 4 councillors. 32 relate to Kirklees Councillors (a total of 13 Councillors) and 28 relate to parish councillors. The number of identified Town or Parish councillors complained about is 3, from 3 Town or Parish Councils. Of these 60, 24 were not progressed after the initial assessment process and 1 was reported by the complainant as being resolved. A further complaint was dealt with as a staffing issue rather than as a standards issue. Of the remaining 34, 2 were resolved informally, 18 were progressed through the formal standards process (along with 3 carried forward from the previous reporting period) and findings were made. The remaining 14 complaints are relatively recent and are currently being investigated before being considered under the initial assessment process. It was reported that there are a number of interrelated complaints involving one Town or Parish Council.

Of the 13 complaints recorded in the previous report as then ongoing, these have mostly now been concluded. 3 of these were taken through the formal standards process with the 18 complaints referred to 1 complaint was dealt with as a staffing issue, rather than as a standards issue. 1 complaint is on hold, pending further clarification from the complainant. 4 complaints were not taken forward. 4 were referred back to the Town / Parish Council for resolution by mediation.

RESOLVED - That the report be received and noted

8 Cases and News Update

The Committee considered a report which provided information on developments, news and matters of local government ethics, including relevant case law.

RESOLVED - That the report be received and noted

9 COMMITTEE ON STANDARDS IN PUBLIC LIFE FOLLOW UP

The Committee considered a report which provided information on the current review being undertaken by the Committee on Standards in Public Life (CSPL).

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The CSPL had indicated, when their report was originally published, that they would review the implementation of their best practice recommendations with local authorities to measure their progress.

The Cabinet Office has now written to the Chief Executives of local authorities in England reminding them of this and advising that they will be following up progress on the implementation of the recommendations in the Autumn of 2020. A copy of the letter was appended to the report along with a reminder of the recommended best practices

With regard to Kirklees progress on the 15 best practice recommendations, the report set out the recommendations together with a summary of what we are doing in Kirklees in response to the recommendations. It was reported that Kirklees are already meeting most of the recommendations or have taken steps to do that.

RESOLVED - That the report be received and noted

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL
STANDARDS COMMITTEE

Monday 29th March 2021

Present: Councillor Mohan Sokhal (Chair)
Councillor Martyn Bolt
Councillor James Homewood
Councillor Alison Munro
Councillor Rob Walker
Councillor Aleks Lukic

In attendance: Mike Stow – Independent Person

Observers: Councillor Paul White

Apologies: Councillor Eric Firth (Chair)

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor Eric Firth.

Councillor Sokhal was appointed as Chair of the meeting.

2 Minutes of Previous Meeting

RESOLVED – That the minutes of the meeting held on the 29 September 2020 be approved as a correct record.

3 Interests

It was noted that Councillor Bolt and Councillor Munro were a Member of either a Town or Parish Council.

It was noted that, in relation to Agenda Item 7 (Minute No.7 refers) (i) Councillor Lukic had an open complaint about a Member and (ii) Councillor Munro advised that two complaints regarding her conduct had been received within the reporting period.

4 Admission of the Public

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

5 Deputation/Petitions

No deputations or petitions were considered.

6 Public Question Time

No questions were asked.

7 Code Of Conduct Complaints Update

The Committee received a report which provided an update on complaints that had been received since the previous meeting of the Committee on the 29 September 2020. The Committee was informed that the report was prepared every six months and gave a breakdown of complaints received.

That report advised that since 29 September 2020 the Monitoring Officer had received 16 complaints relating to alleged breaches of the Code of Conduct. This figure included one multiple complaint relating to 6 councillors. All 16 related to Kirklees Councillors (a total of 13 Councillors). There were no complaints that related to Town or Parish councillors. Of these 16, 13 were not progressed after the initial assessment process and 1 was not pursued by the complainant, after further information was requested. The remaining 2 complaints were relatively recent and were currently being investigated before being considered under the initial assessment process.

The Committee were advised that of the 18 complaints that were carried forward from the previous report as ongoing, these had mostly been concluded and that none were taken through the formal complaints process. The report explained that (i) 3 were closed because the member complained of had ceased to be a member and the Monitoring Officer felt there was nothing to be gained by continuing with any of those (ii) 1 was closed due to the complainant failing to respond and (iii) 5 were not found to have been breaches of the Code of Conduct after investigation and closed at the informal stage. It was noted that there were 4 complaints relating to one member of a Parish Council which were repeat complaints and needed to be taken through the formal process, 5 complaints that were still under investigation, 3 of which were multiple complaints about the same issue, and it was anticipated that they would be completed shortly.

RESOLVED – That the report be received and noted.

8 Cases and News Update

The Committee considered a report which provided information on developments, news and matters of local government ethics, including relevant case law.

RESOLVED – That the report be received and noted.

9 LGA Model Code of Conduct and Standards Survey

The Committee considered a report regarding proposals relating to the LGA Model Code of Conduct and to report on the Standards Survey.

LGA Model Code of Conduct

Within West Yorkshire, the Model Code had so far been adopted in full by Calderdale Council. Leeds City Council were recommending its adoption. Wakefield Council were recommending its adoption with some amendments.

The report set out that there was not a great deal of difference between the current Kirklees code and Model Code. Kirklees had 3 options with regards to the model code:

Standards Committee - 29 March 2021

- i) adopt the code in full;
- ii) adopt parts of the code;
- iii) retain its own code.

A further report will be provided to the Committee once the full assessment of the Kirklees Standards Survey had been considered in greater depth, and before making any proposals about whether to adopt the GLA Model Code and/or make any other changes to the Code or Standards process.

Kirklees Standards Survey

The standards consultation was conducted by means of an online survey that was widely publicised throughout Kirklees. The survey encouraged responses from Members, officers, members of the public, voluntary organisations and partners, Town and Parish Councillors and their clerks, the independent person, as well as Monitoring Officers from WYLAW.

The survey ran from the 1st of February to the 8th of March and 661 responses were received. The number of responses received were much higher than originally anticipated.

Initial analysis of the survey showed that the understanding of the functions and role of the council, not just in respect of the issue of standards, were unclear to members of the public. This was an opportunity to undertake some work around the role of the council, to reflect its real impact on people's lives, and the work it does to support the people of Kirklees, and for Members to consider their role in that.

Further work needed to be completed to identify any possible changes to the Code of Conduct or standards process and to see how the council could best use the information included in the survey feedback to raise the awareness of Member standards in Kirklees.

RESOLVED –

- 1) That the report be received and noted.
- 2) That thanks be conveyed to all who completed the survey.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL
STANDARDS COMMITTEE

Wednesday 19th May 2021

Present: Councillor Eric Firth (Chair)
 Councillor Martyn Bolt
 Councillor James Homewood
 Councillor Aleks Lukic
 Councillor Alison Munro
 Councillor Mohan Sokhal
 Councillor Michael Watson

- 1 Admission of the Public**
RESOLVED – That the business for the meeting be considered in public.

- 2 Appointment of Standards Sub Committee**
It was moved by Councillor Hill, seconded by Councillor Munro and;

RESOLVED –
 - 1) That the appointment of the Standards Sub-Committee be approved.

 - 2) That the Sub-Committee should not be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 and that the membership shall be drawn from the membership of the Standards Committee at Item 15 of the Agenda of the Annual Council meeting.

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 16th December 2020

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

Observers: Councillor Martyn Bolt
Councillor Paola Antonia Davies
Councillor John Lawson
Councillor Bernard McGuin
Councillor Alison Munro

1 Membership of the Committee

It was noted that Councillor Rob Walker had been appointed to the Committee and Councillor Cathy Scott had ceased to be a Member.

2 Minutes of the Previous Meeting

RESOLVED –

That the Minutes of the meeting of the Committee held on 17 November 2020 be approved as a correct record.

3 Interests and Lobbying

All Members of the Committee advised that they had been lobbied in relation to the item concerning Planning Compliance and Conditions Monitoring at Mirfield 25, Leeds Road, Mirfield.

Councillors Bellamy, Hall, Patrick, Pattison, Andrew Pinnock and Walker advised that they had been lobbied in relation to Application 2020/92657.

Councillor Andrew Pinnock advised that he had discussed the site relevant to Application 2020/91746 with constituents, over a lengthy period, but had not expressed a fixed view and retained an open mind.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

A public question was asked in respect of the process for making decisions about which planning applications were submitted to Committee for determination.

The Development Management Group Leader provided a response.

6 Deputations/Petitions

No deputations or petitions were received.

7 Mirfield 25, Leeds Road, Mirfield – Planning Compliance & Conditions Monitoring

The Committee received a report outlining the planning related complaints, and action taken as a result, in respect of Mirfield 25, Leeds Road, Mirfield, further to a request made by the Committee at the meeting held on 3rd June 2020.

The site is one of the largest strategic sites currently under construction in Kirklees and the report also provided an update on the Major Site Monitoring undertaken in respect of the Conditions and Section 106 obligations.

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillor Martyn Bolt.

RESOLVED –

That the report be noted and a further, more detailed, update be submitted to the next meeting of the Committee.

8 Planning Application- Application No -2020/92657

The Committee considered Planning Application 2020/92657 - Erection of 10 classroom teaching block and formation of car parking area with associated engineering and landscape works (within a Conservation Area) at King James School, St Helen's Gate, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Robin Tones and Joely Carey (objectors) and Ian Rimmer, Principal and Matthew Rhodes, Agent (in support).

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillors Paola Davies, Bernard McGuin and Alison Munro.

RESOLVED –

That authority be delegated to the Head of Planning and Development to notify the Secretary of State of the Local Planning Authority's intention to approve the application and, subject to the Secretary of State's response, to approve the application and issue the decision notice further to completion of the list of conditions, including those contained within the Committee report and the update, as set out below:

1. Time limit to commence (three years).
2. Development to be done in accordance with plans.
3. Modular buildings to be removed within 6 months of new building being used.

Strategic Planning Committee - 16 December 2020

4. Details of facing stone to be provided prior to use.
5. Electric vehicle charging points (x2).
6. Contaminated land (Remediation and implementation).
7. Contaminated land (Validation).
8. Development done in accordance with Ecological Impact Assessment.
9. Submission of Ecological Design Strategy.
10. Provision of crossing point on Fenay Lane to St Helen's Gate.
11. Provision and implementation of 20mph reduction on St Helen's Gate (Fenay Lane to Arkenley Lane).
12. Submission of detailed travel plan, to be in accordance with details provided.
13. Post completion review of highway safety.
14. Submission of updated drainage strategy / Implementation of submitted drainage scheme.
15. Management maintenance of drainage strategy.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors S Hall, Pattison, A Pinnock, Sokhal and Walker (5 votes)

Against (0 votes)

Abstained: Councillors Bellamy and Patrick

9 **Planning Application- Application No- 2020/91746**

The Committee considered Planning Application 2020/91746 in respect of the erection of an 'extra care' development providing 80 apartments with associated communal facilities and landscaped gardens at land off Kenmore Drive, Cleckheaton.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Clare Hemming, the applicant (in support).

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillor John Lawson.

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to address the outstanding ecological matter and complete the list of conditions, including those contained within the Committee report and the update, as set out below:

1. Three year time limit for implementation.
2. Development in accordance with plans.
3. Samples of construction materials.
4. Car park to be laid out surfaced and drained.
5. Schedule of the means of access to the site for construction traffic.
6. Detailed scheme of hard and soft landscaping.
7. Landscape and Ecological Management Plan.
8. Details of boundary treatments.
9. Scheme detailing foul, surface water and land drainage.
10. Assessment of effects of 1 in 100 year storm events.

Strategic Planning Committee - 16 December 2020

11. Details of the operation, maintenance and management of the surface water drainage infrastructure.
12. Scheme of temporary surface water drainage.
13. Site to be developed with separate system of drainage for foul and surface water. Maximum surface water discharge rate to be 3.5 l/s.
14. Construction hours.
15. Works completed in accordance with Noise Report Mitigation Measures.
16. Ventilation Scheme.
17. Control of noise from mechanical services, external plant and equipment.
18. Phase 2 report.
19. Remediation Strategy and implementation.
20. Submission of Validation Report.
21. Reporting of unexpected contamination.
22. Electric vehicle charge points.
23. Scheme of external lighting.
24. Submission, agreement, implementation and retention of a scheme regarding public footpaths and public access at the site;

subject to the provisions of Condition 5 and 14 being amalgamated into a condition requiring the submission of a Construction Management Plan, to include provision for community engagement.

and secure a Section 106 agreement to cover the following matters:

1. The establishment of a management company for the management and maintenance of the on-site area of Public Open Space and an Inspection Fee of £250.
2. Secure the 80 residential units as 100% affordable housing for rent.
3. Travel Plan monitoring fee of £15,000;

in the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, S Hall, Pattison, Patrick, A Pinnock, Sokhal and Walker (7 votes).

Against (0 votes)

10 **Planning Application - Application No: 2020/90988**

The Committee considered Planning Application 2020/90988 in respect of the variation of Condition 2 (plans and specifications) on a previous permission (2013/90497) for the erection of new industrial units at Magma Ceramics, Low Road, Earlsheaton, Dewsbury.

Strategic Planning Committee - 16 December 2020

Under the provisions of Council Procedure Rule 37 the Committee received representations from Mark Stuckey, on behalf of the applicant (in support).

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the Committee report and the update, as set out below:

1. Three years to commence development - Condition does not need to be reapplied.
2. Approved plans and documents - the list of drawings and documents to be varied to include the drawings and documents illustrating and supporting the proposals detailed in the Committee report and the update.
3. Building materials - Condition reapplied as a compliance condition to reflect the approved building materials, together with an updated policy reasoning.
4. Boundary treatments - Condition reapplied as a compliance condition to reflect the approved boundary treatment, together with an updated policy reasoning.
5. Landscape details - Condition reapplied as a compliance condition to reflect the approved landscape plan, together with an updated policy reasoning.
6. Planting, seeding or tree management works - Condition reapplied as a compliance condition, together with an updated policy reasoning.
7. Drainage details - Condition reapplied and reworded to require details to be submitted where relevant, with a new trigger point, together with an updated policy reasoning.
8. Separate drainage - Condition reapplied as a compliance condition, together with an updated policy reasoning.
9. Flow restriction and surface water attenuation - Condition reapplied and reworded to require details to be submitted where relevant, with a new trigger point, together with an updated policy reasoning.
10. Flood Routing - Condition reapplied as a compliance condition, together with an updated policy reasoning.
11. Interceptor for the car parks - Condition reapplied and reworded to require these details to be submitted where relevant, with a new trigger point, together with an updated policy reasoning.
12. Arboricultural Assessment - Condition reapplied as a compliance condition, together with an updated policy reasoning.
13. Protective fencing - Condition reapplied as a compliance condition, together with an updated policy reasoning.
14. Phase 2 Intrusive Site Investigation Report - Condition reapplied as a compliance condition, together with an updated policy reasoning.
15. Remediation Strategy - Condition reapplied and reworded to require details to be submitted where relevant, with a new trigger point, together with an updated policy reasoning.
16. Unexpected remediation - Condition reapplied as a compliance condition, together with an updated policy reasoning.
17. Validation Report - Condition reapplied, together with an updated policy reasoning.
18. Noise - Condition to be reapplied as a compliance condition, together with an updated policy reasoning.

Strategic Planning Committee - 16 December 2020

19. Phasing plan - Condition reapplied as a compliance condition, together with an updated policy reasoning.
20. Phasing of development - Condition reapplied as a compliance condition, together with an updated policy reasoning.
21. Cycle parking - Condition reapplied as a compliance condition, together with an updated policy reasoning.
22. Retaining wall – Condition does not need to be reapplied.
23. Time periods for dispatch and delivery. Condition reapplied as a compliance condition, together with an updated policy reasoning.
24. The installation of the mechanical plant shall not begin until details a sound insulation scheme, designed to protect the amenity of occupants of Carlton Terrace, Low Road and Middle Road from noise emitted from the application premises, has been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the works comprised within the approved sound insulation scheme have been completed and those works shall be retained thereafter.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, S Hall, Pattison, Patrick, A Pinnock, Sokhal and Walker (7 votes).

Against (0 votes)

11 **Planning Application- Application No- 2020/92385**

The Committee considered Planning Application 2020/92385 relating to the erection of a warehouse at Hb Food Services, Vulcan Works, Vulcan Road, Eightlands, Dewsbury.

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained within the Committee report, as set out below:

1. Standard 3-year time limit for implementation.
2. Development to be in accordance with the approved plans.
3. Materials to be as shown on the plans.
4. No removal of trees and vegetation shall take place prior to check for active birds' nests
5. Invasive non-native species protocol to be submitted and approved in writing
6. No development to take place until an EDS is submitted and approved.
7. No additional tree works to commence without the prior approval of the Local Planning Authority
8. Landscaping boundary treatment plan
9. Noise assessment
10. External artificial lighting scheme to be submitted and approved in writing by the Local Planning Authority.
11. Phase II intrusive investigation report (contaminated land)
12. Remediation strategy (contaminated land)
13. Implementation of remediation strategy (contaminated land)
14. Submission of validation report (contaminated land)

Strategic Planning Committee - 16 December 2020

15. Electric vehicle charging points
16. Turning head to be retained
17. Development to be used in association with the existing business at the site
18. Permeable surfacing
19. Hours of operation – 08:00-18:00 Monday to Friday and 08:00-13:00 Saturday.
No works on Sunday and Bank Holidays
20. Scheme detailing foul, surface water and land drainage
21. Details of operation, maintenance, and management of surface water drainage infrastructure
22. Scheme detailing temporary surface water drainage for construction phase

and including a footnote in respect of Conditions 7 and 8 requiring the retention of as many of the existing trees along the frontage of the site as possible.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, S Hall, Pattison, Patrick, A Pinnock, Sokhal and Walker (7 votes).

Against (0 votes)

12 **Planning Application- Application No- 2020/92276**

The Committee considered Planning Application 2020/92276 relating to the flexible use of an existing bus depot and vehicle maintenance garage as bus depot and vehicle maintenance garage and/or B2/B8 storage use (within a Conservation Area) at 2 George Street, Batley.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Haris Kasuji, the Agent (in support).

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions including those set out within the Committee report, as set out below:

1. 3 years.
2. Plans and specifications.
3. Access condition – no coaches or HGVs from George Street.
4. Charging points.
5. Noise conditions (levels not be exceeded).
6. Hours condition restricting the vehicle movement of non-passenger vehicles.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, S Hall, Pattison, Patrick, A Pinnock, Sokhal and Walker (7 votes).

Against (0 votes)

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 27th January 2021

Present: Councillor Steve Hall (Chair)
Councillor Nigel Patrick
Councillor Donna Bellamy
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

Observers: Councillor Martyn Bolt
Councillor Eric Firth
Councillor Aleks Lukic
Councillor Bernard McGuin
Councillor Alison Munro
Councillor Cathy Scott

1 Membership of the Committee

All members of the Committee were present.

2 Minutes of the Previous Meeting

It was noted that Cllr Patrick made a request that the Committee should receive a comprehensive update report on planning complaints relating to the development Mirfield 25, Leeds Road, Mirfield.

The minutes of the meeting held on 16 December 2020 were approved as a correct record.

3 Declaration of Interests and Lobbying

All members of the Committee declared that they had been lobbied on application 2019/91467.

Cllrs Bellamy and Walker declared that they had been lobbied on application 2020/90710.

Cllrs Sokhal, A Pinnock, Pattison, Walker and S Hall declared that they had been lobbied on application 2019/93658.

Cllrs Pattison and Walker declared that they had been lobbied on application 2020/91813.

Strategic Planning Committee - 27 January 2021

4 **Admission of the Public**

All items on the agenda were taken in public

5 **Public Question Time**

No questions were asked.

6 **Deputations/Petitions**

No deputations or petitions were received.

7 **Planning Applications**

The Committee considered the following schedule of Planning Applications.

8 **Planning Application - Application No: 2019/91467**

The Committee gave consideration to Planning Application 2019/91467 Erection of 67 dwellings with associated access and parking land south of, Granny Lane, Mirfield.

RESOLVED –

That consideration of the application be deferred for the following reasons outlined in the Planning Update:

The report to Strategic Committee in December 2019 in relation to this application advised that the proposed dwellings would meet the minimum unit size figures set out in the Government's nationally Described Space Standards (March 2015, updated 2016) (NDSS).

Whilst the NDSS are not adopted planning policy in Kirklees, they do provide useful guidance, which applicants are encouraged to meet and exceed. However, following a re-assessment of the scheme against these standards, it has subsequently emerged that the previously reported compliance was not correct and not all of the house types meet the NDSS.

For that reason, it is recommended that this application be deferred from this Committee. This will allow the applicant the opportunity to re-consider the development with specific regard to NDSS. Any material changes to the plans would also be likely to require further public consultation.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes).

Against: 0 votes

9 Planning Application - Application No: 2019/92787

The committee gave consideration to Planning Application 2019/92787 Erection of 260 dwellings with open space, landscaping and associated infrastructure Land at Owl Lane, Chidswell, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Claire Thistleton, Mark Eastwood MP (objectors), Paul Butler and Mark Jones (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the committee received representations from councillors Aleks Lukic and Eric Firth (ward members).

RESOLVED -

Delegate to the Head of Planning and Development to approve the application and the issuing of the decision notice in order to:

1. complete the list of conditions including those contained within the considered report and the Planning Update including:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Submission of a Construction (Environmental) Management Plan.
4. Submission of details of temporary drainage measures.
5. Submission of details of temporary waste collection and storage (should development be phased, and/or dwellings become occupied prior to completion of the development).
6. Provision of site entrance and visibility splays prior to works commencing.
7. Archaeological trial trenching prior to commencement.
8. Submission of interim and final details of spine road / Chidswell Lane junction.
9. Submission of details relating to internal adoptable roads, cycling provision and crossings.
10. Cycle parking provision to be provided within the site.
11. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
12. Provision of waste storage and collection.
13. Coal Mining Legacy – development to be in accordance with the content and conclusions of the Geo-environmental Investigation Report.
14. Submission of trash screen details and related drainage information.
15. Submission of an Intrusive Site Investigation Report (Phase II Report).
16. Submission of Remediation Strategy.
17. Implementation of Remediation Strategy.
18. Submission of Validation Report.
19. Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise
20. Submission of air quality assessment and details of mitigation measures.
21. Submission of details of crime prevention measures.
22. Submission of details of external materials.
23. Submission of details of boundary treatments.
24. Submission of details of external lighting.

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25. Submission of full landscaping scheme, including soft landscaping in front of units 103 to 114.
26. Submission of full details of open space and play space.
27. Biodiversity enhancement and net gain.
28. Submission and implementation of an Ecological Design Strategy / Landscape and Ecological Management Plan.
29. Removal of permitted development rights
30. Conditions relating to separate systems of drainage, surface water discharge, overland flow routing, and construction-phase drainage.
31. The completion of a roundabout at the junction with Owl Lane before the occupation of dwellings directly accessed from the spine road.
32. The involvement of residents in the Construction Management Plan.

2. Secure the signing of a Section 106 Agreement to cover the following matters:

- 1) Affordable housing – 52 affordable housing units (73% (38 units) Discounted Market Sale, 27% (14 units) affordable rent) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £310,105 to address shortfalls in specific open space typologies.
- 3) Education – Contribution of £1,004,496.
- 4) Highway improvements – Contribution of £200,000 towards Shaw Cross junction improvements, and provision or funding of cycle lane linking the site to Challenge Way.
- 5) Chidswell Lane / spine road junction – Funding of future works to junction when development at site MXS7 is brought forward. No ransom scenario to be created. Northern section of Chidswell Lane to be stopped up and provided with a turning head. Signed restrictions on right and left turns to be provided. Contribution towards monitoring of effectiveness of signed restrictions, and later works if necessary.
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including implementation of a Travel Plan and £10,000 towards Travel Plan monitoring.
- 7) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker) and of watercourse along southern boundary.
- 8) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 9) Air quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

3. Pursuant to (2) above, in circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured and, if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

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A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows:

For: Councillors: Pattison, A Pinnock, Sokhal, Walker and S Hall (5 votes)

Against: Councillors: Bellamy and Patrick (2 votes).

10 **Planning Application - Application No: 2019/93658**

The Committee gave consideration to Planning Application 2019/93658 Erection of 124 dwellings, landscaping and associated infrastructure Land at, Whitechapel Road, Cleckheaton.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Paul Butler and Mark Jones (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the committee received a representation from Councillor Martyn Bolt.

RESOLVED –

That consideration of the application be deferred for the following reasons:

1. Further information be provided to understand the noise impact and the proposed detailed mitigation measures.
2. Further information be provided to understand the air quality impact and the proposed detailed mitigation measures.
3. That further details be provided in relation to the proposed relationship with the motorway including the existing and proposed landforms and any mitigation features, including landscaping.
4. That steps be taken to include community involvement in the development of a construction management plan.
5. That steps be taken to look at the retention of on-site trees and for the submission of further information on the proposed tree mitigation strategy
6. To allow officers and the applicant an opportunity to review the scheme with the aim of reducing the numbers of dwelling numbers to reflect the numbers and the heritage zones as outlined in the Local Plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes).

Against: (0 votes).

11 **Planning Application - Application No: 2020/92800**

The Committee gave consideration to Planning Application 2020/92800 Demolition of existing warehouse and workshop unit and the erection of 3 units with reconfigured access, boundary treatment, landscaping and associated works Land at, Pennine View/Pheasant Drive, Birstall, Batley.

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Under the provisions of Council Procedure Rule 37 the Committee received a representation from Thomas O’Kane (on behalf of the applicant).

RESOLVED –

Delegate to the Head of Planning and Development to approve the application and the issuing of the decision notice in order to:

1. Complete the list of conditions, including those contained within the considered report and the Planning Update including:

1. Standard 3 years for implementation
2. Development to be carried out in accordance with approved plans
3. The approval of facing and roofing materials
4. Restriction of permitted employment uses
5. Implementation of agreed Air Quality Mitigation Measures
6. Implementation of agreed Dust Mitigation Scheme
7. Submission of a Phase 2 Intrusive Site Investigation Report
8. Submission of Remediation Strategy
9. Implementation of the Remediation Strategy
10. Submission of Validation Report
11. Noise from fixed plant & equipment shall not exceed background sound levels
12. Installation of the approved electric vehicle charging points (10 parking spaces)
13. Submission of an external artificial lighting scheme
14. Work to be carried out in accordance with the council’s set construction site working times
15. Implementation and future maintenance of the approved landscaping scheme
16. Separate systems of drainage for foul and surface water on and off site
17. Submission of an oil, petrol and grit interceptor/separator design
18. Submission of the measures to protect the public sewerage infrastructure
19. Accordance with the approved Biodiversity Management Plan
20. Remediation works and any further remediation works/or mitigation measures to address land instability arising from coal mining legacy
21. Submission of a document confirming the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity
22. The proposed car parks and vehicle servicing areas shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved
23. Implementation of the closure of the existing access point and construction of the proposed new access points
24. Details of storage and access for collection of wastes from the premises
25. Submission of a construction management plan
26. Submission and implementation of a full travel plan
27. Drainage related conditions (comments awaiting from LLFA)
28. Submission of details regarding the proposed Surface Water Attenuation Tanks, including the necessary maintenance and management details.
29. Submission of details of temporary surface water drainage for the construction phase.

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2. Secure a Unilateral Undertaking Section 106 agreement to cover the following matters:
 - 1) Public Right of Way – Off-site contribution of £36,000 towards the improvement of the local Public Right of Way network.
3. Pursuant to (2) above, in circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured and, if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows:

For: Councillors: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes)

Against: (0 votes).

12 **Planning Application - Application No: 2020/90710**

The Committee gave consideration to Planning Application 2020/90710 Partial demolition, partial re-build, erection of extensions and alterations to mill to form 63 apartments and erection of 64 dwellings (Within a Conservation Area) Westwood Mill, Lowestwood Lane, Linthwaite, Huddersfield.

Under the provisions of Council Procedure Rule 37 the committee received representations from George Spencer (objector), Mike Wilson (applicant) and Malcolm Sizer (Planning Agent).

RESOLVED –

Delegate to the Head of Planning and Development to approve the application and the issuing of the decision notice in order to:

1. Complete the list of conditions, including those contained within the considered report including:
 1. Time limit (3 years)
 2. Development in accordance with the approved plans
 3. Detailed scheme for the mill conversion works (scope of repair and refurbishment)
 4. Approval of samples of materials
 5. Detailed hard and soft landscaping scheme (soft landscaping to address biodiversity net gain and provide suitable replacement tree planting)
 6. Noise assessment and noise mitigation
 7. Detailed highway design (including internal road layout, highway retaining structures, proposed footway to site frontage)
 8. Construction method statement to mitigate the impacts of construction

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9. Provision of all of the proposed flood mitigation measures
 10. Flood evacuation plan
 11. Scheme for detailed drainage design
 12. Temporary drainage during construction
 13. Scheme to deliver a biodiversity net gain
 14. Risk assessment and method statement to protect the canal retaining embankment
 15. Suite of contaminated land conditions (Phase II site investigation, remediation and validation)
 16. Scheme for the provision of electric vehicle recharging points
 17. Submission of evidence/confirmation that the measures set out in the arboricultural method statement have been complied with
 18. Details of provision of heritage interpretation board or similar feature to aid public understanding of the importance of the mill site
 19. Garden waste bins to be provided for properties within block K that back onto the settling pond
2. Obtain confirmation from the Environment Agency that the amendment to the site layout, as referred to within the considered report, does not materially alter compensatory flood storage.
 3. Secure the signing of a Section 106 Agreement to cover the following matters:
 1. Arrangements for the future maintenance and management of the areas of public open space, mill pond, settling pond and other areas of land that do not fall within private curtilage.
 2. Arrangements for the future maintenance and management of drainage infrastructure within the site.
 3. Phasing of the development, including the restoration of the listed building within the first phase.
 4. Overage clause in relation to the cost of the conversion of the listed building.
 5. £17,000 contribution towards off-site highway improvements.
 6. £73,000 towards education provision.
 7. On-site open space inspection fee (£1,000).
 8. Secure the dedication of the proposed public right of way through the site.
 4. Pursuant to (3) above, In circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured and, if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows:

For: Councillors: Pattison, A Pinnock, Walker and S Hall (4 votes).

Against: Councillors: Bellamy, Patrick and Sokhal (3 votes).

13 Planning Application - Application No: 2020/91813

The Committee gave consideration to Planning Application 2020/91813 Discharge of conditions 14(affordable housing), 15 (public open space) and 16 (education) of previous permission 2018/91119 for outline application for erection of residential development rear of, 11, Holme Avenue, Dalton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Steven Riddles (objector) and Kirsty O'Donnell (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors Bernard McGuin and Alison Munro (ward members).

RESOLVED –

That consideration of the application be deferred to provide an opportunity for officers and the applicant to re-assess the viability of the scheme in order to provide a level of contribution towards affordable housing.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes)

Against: (0 votes).

14 Planning Application - Application No: 2020/90450

The Committee gave consideration to Planning Application 2020/90450 Erection of restaurant with drivethru, car parking, landscaping, play frame, customer order displays and associated works. land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Claire Thistleton and Patrick Dooley (objectors), Phil Isherwood (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors Cathy Scott, Eric Firth and Aleks Lukic (ward members).

RESOLVED –

That the application be refused (contrary to the officers recommendation to approve).

The Committee considered that the development would have an adverse impact in a number of areas that included: residential amenity due to noise disturbance; the potential to attract anti-social behaviour; the impact on highway safety and traffic

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management due to the additional volume of vehicles associated with drive-thru restaurants; and the potential negative impact on public health due to the restaurants close proximity to local schools.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

1. A vote for deferral.

For: Councillors: Pattison, A Pinnock and Walker and (3 votes)

Against: Councillors: Bellamy, Patrick Sokhal and S Hall (4 votes)

2. A vote to refuse

For: Councillors: Bellamy, Patrick Sokhal, Walker and S Hall (5 votes)

Against: (0 votes).

Abstained: Councillors: Pattison and A Pinnock

15 **Planning Application - Application No: 2020/92384**

The Committee gave consideration to Planning Application 2020/92384 Erection of extension and alterations to Unit 4 for food and non-food retail with associated external works to reconfigure car park and servicing arrangements Unit 4, The Rishworth Centre, Railway Street, Dewsbury.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Nick Pleasant (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from councillors Aleks Lukic and Martyn Bolt.

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:

1. Development to commence within 3 years
2. Undertaken in accordance with the plans/specifications
3. Details/samples of materials to be provided
4. Landscaping scheme/Biodiversity Enhancement and Management Plan to be submitted (visual amenity and ecology)
5. Provision of the pedestrian crossing
6. Submission of a Travel Plan
7. Marking out of the car park/servicing prior to first opening
8. Construction Access schedule to be submitted and approved in writing
9. Noise levels condition
10. Lighting scheme to be submitted

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11. Trees – work to be completed in accordance with submitted details
12. Drainage – development to be undertaken in accordance with the submitted drainage strategy
13. Contaminated/unstable land – suite of conditions relating to the submission for ground investigation reports/remediation/validation as necessary
14. Scheme of security measures in the interest of crime prevention
15. Scheme detailing vehicle charging points to be provided
16. Works carried out in accordance with the recommendations of the ecology report

A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows:

For: Councillors: Bellamy, Patrick, Pattison, A Pinnock, Sokhal, Walker and S Hall (7 votes)

Against: (0 votes).

16 Report to Note: Supplementary Update - Mirfield 25, Leeds Road, Mirfield - Planning Compliance & Conditions Monitoring

The report was noted.

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 24th February 2021

Present: Councillor Steve Hall (Chair)
Councillor Mahmood Akhtar
Councillor Donna Bellamy
Councillor Nigel Patrick
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

Observers: Councillor Martyn Bolt
Councillor Susan Lee-Richards
Councillor Vivien Lees-Hamilton
Councillor Alison Munro

Apologies: Councillor Carole Pattison

1 Membership of the Committee

Councillor Mahmood Akhtar substituted for Councillor Carole Pattison.

2 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting of the Committee held on 21 January 2021 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Bellamy, Hall, Patrick, Andrew Pinnock, Sokhal and Walker advised that they had been lobbied in relation to Application 2019/91467.

Councillors Bellamy and Patrick advised that they had been lobbied in relation to Application 2019/91105.

Councillor Hall advised that he had been lobbied in relation to Applications 2018/92647 and 2020/20447.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

8 Planning Application - Application No. 2020/92067

The Committee considered Planning Application 2020/92067 relating to the erection of 30 dwellings at the former Stile Common Infant and Nursery School, Plane Street, Newsome, Huddersfield.

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained within the Committee report, as set out below:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Securing use of proposed materials and the submission of roofing samples.
4. Notwithstanding submitted details, full boundary treatment plan to be submitted, to include fencing set behind retaining wall and railing retained.
5. Final site levels to be agreed.
6. Technical details of Plane Street and new road.
7. Parking spaces proposed to be provided and retained.
8. Provision of bin-storage and details of screening.
9. Construction Management Plan (CMP).
10. Highway condition survey.
11. Sightline secured as per plan.
12. Submission of cycle storage details, and implementation.
13. Charging points, one per dwelling.
14. Contaminated Land (Remediation).
15. Contaminated Land (Validation).
16. Construction (Environmental) Management Plan (C(E)MP).
17. Temporary drainage strategy during construction period.
18. Submission of technical drainage strategy.
19. Ecological Design Strategy to be submitted, approved and implemented.
20. Ecological Lighting Strategy to be submitted, approved and implemented.
21. Landscaping scheme, to include replacement tree replanting.
22. Submission and implementation of Arboricultural Method Statement.

and to secure a Section 106 agreement to cover the following matters:

1. Affordable Housing: 30 units (all) for affordable rent, with the stipulation that 100% of units are to be retained as affordable housing in perpetuity.
2. Open Space: off-site contribution of £42,667 to address shortfalls in specific open space typologies.
3. Ecology: contribution (£88,481) towards off-site measures to achieve biodiversity net gain.
4. Management: the establishment of management and maintenance arrangements of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

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In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, Hall, Patrick, Andrew Pinnock, Sokhal and Walker (7 votes)

9 **Planning Application - Application No: 2018/92647**

The Committee considered Planning Application 2018/92647, a hybrid application for mixed use development of retail/office and 239 residential units (Use Classes C3/A1/A3/B1a) at the former Kirklees College, New North Road, Huddersfield. Full planning permission for the partial demolition of the former Kirklees College, erection of a food retail store with residential above, erection of two mixed use (retail/residential) buildings, alterations to convert Grade II* listed building to offices and creation of vehicular access from Portland Street, New North Road and Trinity Street. Outline application for erection of four buildings mixed use (residential/office) (Listed Building within a Conservation Area).

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Richard Irving (in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Susan Lee-Richards.

RESOLVED –

(1) That, subject to a review of the design of the food retail store and the imposition of a condition to require the use of natural stone to all elevations of this building, approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the Committee report and the update, as set out below:

Full Permission

1. Time scale for implementation (three years).
2. Development to be carried out in accordance with approved plans.
3. Detailed scheme for the conversion Listed Building works (scope of repair and refurbishment).
4. Approval of samples and details of materials for existing and proposed windows and doors and flooring etc.
5. Details of fire escapes, replacement ironmongery, fixtures and fittings.
6. Method statement for stone cleaning.
7. Details of curtain walling system.

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8. A landscaping plan use of natural stone setts, flags and walling.
9. Retail store - samples to be submitted walling and roofing materials along with a sample panel of the external masonry, coursing and pointing.
10. Boundary treatments and landscaping scheme.
11. Full Travel Plan required to be submitted.
12. Details to be submitted of highway works required to site frontage.
13. Details to be submitted of surfacing and draining of car parks.
14. Method storage/collection of waste.
15. Details to be submitted subway lighting improvements.
16. Stage 1 safety audit to be submitted.
17. Details to be submitted - closure of existing access points onto highway.
18. Development in accordance with the Bat Survey Report.
19. Ecological Design Strategy (EDS) to be submitted.
20. Hours open for customers and deliveries and dispatches.
21. Details of noise from fixed plant and equipment.
22. Noise Management Plan – Condition.
23. Construction Environmental Management Plan – Condition.
24. Land contamination -conditions.
25. Electric Vehicle Charging Points.
26. Details of external lighting to be submitted.
27. DR01 Drainage Details Scheme - details of foul, surface water and land drainage.
28. DR02 Watercourse Management -intrusive investigation.
29. Surface Water Attenuation Scheme- restricting the rate of surface water.
30. DR08 There shall be no discharge of foul fats oils and grease.
31. DR20 Interceptor surface water vehicle parking and hard standing areas.
32. Land contamination conditions.
33. Detailed landscape plan and long-term management landscape and ecological design (LEDS).
 - full planting specification,
 - hard landscape materials and boundary treatments.
34. Details of where bin storage & bin collection points are required.
35. A revised full Air Quality Impact Assessment shall be submitted to the Local Planning Authority:
 - impact that the development will have on air quality
 - include a calculation of the monetary damages from the development
 - include a fully costed mitigation plan
36. External artificial lighting.
37. Scheme for security measures in the interests of crime prevention.

Outline Permission

1. Details of the Reserved Matters.
2. Time limit for submission of Reserved Matters.
3. Time limit for commencement of development.
4. Submission of Reserved Matters (layout) broadly in accordance with the Parameters Plans to a maximum of 197 dwellings.
5. Full Travel Plan required to be submitted.
6. Details to be submitted of highway works required to site frontage.
7. Details to be submitted of surfacing and draining of car parks.
8. Method storage/collection of waste.

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9. Details to be submitted subway lighting improvements.
10. Stage 1 safety audit to be submitted.
11. Development to be in accordance with the Bat Survey Report.
12. Ecological Design Strategy (EDS) to be submitted.
13. DR01 Drainage Details scheme details of foul, surface water and land drainage.
14. DR02 Watercourse Management -intrusive investigation.
15. Surface Water Attenuation Scheme- restricting the rate of surface water.
16. DR08 There shall be no discharge of foul fats oils and grease.
17. DR20 Interceptor surface water from vehicle parking and hard standing areas.
18. Development in accordance with noise impact assessment mitigation measures.
19. Land Contamination conditions.
20. Detailed landscape plan and long-term management landscape and ecological design (LEDS):
 - full planting specification,
 - hard landscape materials and boundary treatments.
21. Details of where bin storage & bin collection points are required.
22. A revised full Air Quality Impact Assessment shall be submitted to the Local Planning Authority:
 - impact that the development will have on air quality
 - include a calculation of the monetary damages from the development
 - include a fully costed mitigation plan.
23. External artificial lighting.
24. Scheme for security measures in the interests of crime prevention.

and to secure a Section 106 agreement to cover the following matters:

1. Arrangements for the future maintenance and management of drainage infrastructure within the site.
2. Phasing of the development, including urgent work to the listed building (Building 1,2 & 3) within the first phase.
3. Overage clause in relation to the costs of the conversion of the listed (Building 1,2 &3).

(2) In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

(3) That the Reserved Matters for the outline application be submitted to this Committee.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Hall, Sokhal and Walker (4 votes)

Against: Councillors Bellamy, Patrick and Andrew Pinnock (3 votes).

10 Planning Application - Application No. 2019/91467

The Committee considered Planning Application 2019/91467 in relation to the erection of 67 dwellings with associated access and parking on land to the south of Granny Lane, Mirfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Helen Butler, Cheryl Tyler, Veronica Maher, Andy Kirby, Frances Thompson, Leanne McConnell, Katherine Hall, Keelan Sarjeant, Ian Woolin, Lynda Auty, Mark Eastwood MP, Councillor Martyn Bolt on behalf of Mirfield Town Council (in objection); Geoff Bowman, Ross Oakley and Jonathan Dunbavin (in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors Martyn Bolt and Vivien Lees-Hamilton.

RESOLVED –

That the application be refused on the grounds that the position of part of the main vehicular and pedestrian access and egress into the site within Flood Zone 3 would result in the failure of the scheme to deliver safe access and escape routes for all future occupiers of the development at all times.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, Hall, Patrick and Sokhal (5 votes)

Against: Councillors Andrew Pinnock and Walker (2 votes).

11 Planning Application - Application No: 2019/91105

The Committee considered Planning Application 2019/91105 relating to outline permission for the erection of residential development, including means of access to the site, on land to the north of Old Bank Road, Mirfield (63 dwellings).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Martyn Bolt.

RESOLVED –

That the application be refused for the following reason:

Having regard to the legacy of the historic uses of the site, the information submitted with the application does not demonstrate that the site can be safely developed for housing and that development could proceed without unduly prejudicing the safety and amenity of adjacent properties. The application is contrary to Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, Hall, Patrick, Andrew Pinnock, Sokhal and Walker (7 votes)

12 Planning Application - Application No. 2020/91813

The Committee considered Planning Application 2020/91813 in relation to the discharge of Conditions 14 (affordable housing), 15 (public open space) and 16 (education) of Permission 2018/91119; an outline application for the erection of residential development to the rear of 11 Holme Avenue, Dalton, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Steve Riddles (in objection) and Tom Cook (in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Alison Munro.

RESOLVED –

That approval of the application to discharge Conditions 14,15 and 16 of Permission 2018/91119 be delegated to the Head of Planning and Development, subject to a Section 106 agreement to secure the provision of two starter homes on the site.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, Hall, Patrick, Andrew Pinnock, Sokhal and Walker (7 votes)

13 Pre-Application Enquiry - 2020/20447

The Committee received a pre-application enquiry report 2020/20447, in respect of a proposed industrial development at land off Lindley Moor Road, Lindley, Huddersfield.

Under the provisions of Council procedure Rule 37, the Committee received representations from David Storrie and Matt Robinson (on behalf of the applicant).

Members asked questions in respect of:

- Potential for the inclusion of a doctor's surgery.
- The potential impact on the amenity of the existing residential properties adjacent to the south east corner of the site.

RESOLVED –

That the contents of the pre-application report be noted.

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 31st March 2021

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

Observers: Councillor Donald Firth
Councillor John Taylor

1 Membership of the Committee

All members of the Committee were present.

2 Minutes of the Previous Meeting

The minutes of the meeting of the Committee held on 24 February 2021 were approved as a correct record.

3 Declaration of Interests and Lobbying

Cllr Patrick declared another interest in applications 2020/93358 and 2018/93676 on the grounds that the applicants were connected to the forthcoming Mayor's charity.

Cllr Pattison declared another interest in application 2020/93358 on the grounds that her son lives adjacent to the development site.

Cllrs Bellamy, S Hall, Pattison, A Pinnock, Sokhal and Walker declared that they had been lobbied on application 2020/93358.

Cllrs S Hall, Pattison, A Pinnock, Sokhal and Walker declared that they had been lobbied on pre- application 2021/20084.

4 Admission of the Public

All items on the agenda were taken in public.

5 Deputations/Petitions

No deputations or petitions were received.

6 A Review of Planning Appeal Decisions

The report was noted.

7 Planning Applications

The Committee considered the following schedule of Planning Applications.

8 Planning Application - Application No: 2020/93358

The Committee gave consideration to Planning Application 2020/93358 Erection of 52 dwellings Land east of, Abbey Road, Shepley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Stewart Brown (applicant).

Under the provisions of Council Procedure Rule 36 (3) the committee received a representation from councillor John Taylor (ward member).

RESOLVED –

Delegate to the Head of Planning and Development to approve the application and the issuing of the decision notice in order to:

1. Complete the list of conditions including those contained within the considered report including:
 1. Three years to commence development.
 2. Development to be carried out in accordance with the approved plans and documents.
 3. Submission of a Construction (Environmental) Management Plan (including temporary surface water drainage arrangements).
 4. Provision of visibility splays.
 5. Submission of details relating to internal adoptable roads.
 6. Submission of a Full Travel Plan.
 7. Submission of a Road Safety Audit.
 8. Submission of details of surfacing and drainage of parking spaces.
 9. Submission of details of highways structures.
 10. Cycle parking provision prior to occupation.
 11. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
 12. Submission of temporary waste storage and collection.
 13. Submission of details of any retaining walls.
 14. Submission of drainage details (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate).
 15. The site shall be developed with separate systems of drainage for foul and surface water on and off site
 16. Submission of a scheme detailing the piping of the watercourse at the point(s) of access or within the site.
 17. The development shall only be carried out in accordance with the approved Flood Risk Assessment.
 18. Submission of an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions.

Strategic Planning Committee - 31 March 2021

19. Submission of a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip).
20. Submission of a scheme of intrusive site investigations and any remediation works and/or mitigation measures to address land stability.
21. Submission of a noise impact assessment with the necessary mitigation measures for identified dwelling plots.
22. Submission of an intrusive site investigation report (phase II report).
23. Submission of a remediation strategy.
24. Submission of a validation report.
25. Submission of site investigation and remediation works to address risks posed to the development by past coal mining activity.
26. Submission of details of sound insulation measures.
27. Submission of details of crime prevention measures.
28. External materials (details and samples to be submitted).
29. Submission of details of boundary treatments.
30. Submission of details of external lighting.
31. Submission of a full landscaping scheme and Landscape and Ecological Management Plan.
32. Restriction on removal of trees and hedgerows during nesting season.
33. Removal of permitted development rights for extensions and outbuildings for plots 36-45 and 72-73.

2. Secure the signing of a Section 106 Agreement (giving due consideration to the planning obligations secured within the Section 106 Agreement for planning application reference: 2019/91569) to cover the following matters:

- 1) Affordable housing – 10 affordable dwelling houses of which 5 dwelling houses (1- bed) would be starter homes, 2 dwelling houses (2-bed) would be discounted sale and 3 dwelling houses (1-bed) would be for social/affordable rent.
- 2) Education – £64,537 towards schools within the locality of Kirkburton.
- 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £35,240.92 financial contribution, and £10,000 towards Travel Plan monitoring.
- 4) Open space – £62,073 contribution towards off-site provision.
- 5) Biodiversity – £43,400 contribution towards off-site measures to achieve biodiversity net gain.
- 6) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 7) Adjacent land – Agreement to allow vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance.

3. Pursuant to (2) above, in circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured and, if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

Strategic Planning Committee - 31 March 2021

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, Pattison, A Pinnock, Sokhal, Walker and S Hall (6 votes).

Against: (0 votes).

9 **Planning Application - Application No: 2018/93676**

The committee gave consideration to Planning Application 2018/93676 Infill of land and formation of access and turning facilities, temporary fence and restoration to agricultural use Land North West, Hog Close Lane, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Paul Bailey, Danny Watson and Darren Crossland (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the committee received a representation from councillor Donald Firth (ward member).

RESOLVED –

That consideration of the application be deferred for the following reasons:

- To allow for the submission of a Waste Needs Assessment; and
- To provide details of an enhanced landscaping scheme.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, Pattison, A Pinnock, Sokhal, Walker and S Hall (6 votes).

Against: (0 votes).

10 **Report - Planning Application 2020/90450**

The Committee gave consideration to the report that detailed the reasons for the Committee's refusal of application 2020/90450 - Erection of restaurant with drive-thru, car parking, landscaping, play frame, customer order displays and associated works. land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury and outlined the evidence base for each reason.

RESOLVED –

Delegate refusal of the application and the issuing of the decision notice to the Head of Planning and Development for the following reason outlined in the planning update report:

The addition of the proposed restaurant and drive thru, in an area where there are higher levels of deprivation combined with high levels of overweight or obese children and adults, would not be in the interests of ensuring healthy, active and

Strategic Planning Committee - 31 March 2021

safe lifestyles in so far as resisting the location of fast-food establishments in areas of poor health, contrary to Policy LP47 of the Kirklees Local Plan and the aims of Chapter 8 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Pattison, A Pinnock, Sokhal, Walker and S Hall (5 votes).

Against: Councillors: Bellamy and Patrick (2 votes).

- 11 Pre-Application report - Application No: 2020/20364**
That the contents of the pre-application report be noted.
- 12 Pre-Application report - Application No: 2021/20084**
That the contents of the pre-application report be noted.

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 28th April 2021

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Rob Walker

1 Membership of the Committee

All Members of the Committee were present.

2 Minutes of the Previous Meeting

The Minutes of the meeting of the Committee held on 31st March 2021 were agreed as a correct record.

3 Declaration of Interests and Lobbying

Councillors Bellamy, Patrick and Andrew Pinnock advised that they had been lobbied in relation to Application 2019/93658.

Councillor Andrew Pinnock advised that he had been lobbied in relation to Application 2019/93303.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations were received.

A petition had been submitted in respect of Application 2020/92546 and had been included within the Planning Update.

6 Planning Applications

7 Planning Application - No. 2019/93658

The Committee considered Planning Application 2019/93658 relating to the erection of 122 dwellings, landscaping and associated infrastructure on land at Whitechapel Road, Cleckheaton.

Strategic Planning Committee - 28 April 2021

Under the provisions of Council Procedure Rule 37, the Committee received representations from Val Dickinson (in objection); Mark Jones and Paul Butler (in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Martyn Bolt.

RESOLVED -

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the Committee report and the Planning Update, as set out below:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Approval of building and external materials.
4. Full details of hard and soft landscaping including a detailed planting schedule. Proposals should accord with the principles set out in the Ecus Ltd Tree Mitigation Strategy.
5. Full details of boundary treatments within and around the site (including the protection and enhancement of the existing stone wall feature at Whitechapel Road).
6. Measures to prevent and deter crime and anti-social behaviour.
7. Submission of details as to the provision, agreement, implementation and retention of appropriate Public Right of Way (PRoW) provision and treatment.
8. Submission of details of the proposed PRoW, including cross and long sections, constructional and details for public access.
9. Submission of details regarding the path on site north of the Priory Public House, how it meets and works with the estate road layout.
10. Submission of details as to the provision, agreement, implementation and retention of scheme regarding safety of public footpath and users during and after construction.
11. Submission and implementation of a Landscape and Ecological Management Plan (LEMP)
12. Submission of details securing biodiversity enhancement and net gain.
13. Construction Ecological Management Plan (CEMP)
14. Development to be carried out in accordance with the submitted arboricultural method statement.
15. Full details of works within 15 metres of the Highway England boundary, including geotechnical and/or structural submissions of works that impose additional load or influence on the existing banking, gantry or boundary treatment.
16. Construction details of retaining features adjacent to the highway.
17. Construction details of surface water attenuation features within the highway footprint.
18. Submission of further acoustic barrier details as outlined in SLR report.
19. Implementation of the agreed noise mitigation measures detailed in SLR report.
20. Submission of details showing ventilation of habitable rooms if windows need to be kept closed.

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21. Accordance with the M62 Separation Distance Buffer Zone, this is to be retained thereafter and no dwelling of any kind is to be sited within the 12.25m air quality buffer zone.
22. Reporting of Unexpected Contamination.
23. Verification Report for any imported topsoil.
24. Details of the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles.
25. Submission of a construction management plan/s to mitigate the impact of construction on highway safety and amenity, with due regard to potential impacts on the M62 J26 and consultation with key neighbour representatives.
26. Submission of internal road details (full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audits)
27. Measures to manage parking to manage parking on Whitechapel Road to either side of the proposed access and all associated works, together with appropriate road safety audits.
28. Submission of a residential full travel plan.
29. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
30. Measures to protect the public sewerage infrastructure within the site boundary shall be provided and agreed before implementation
31. Provision of site entrance and visibility splays prior to works commencing.
32. Provision of temporary waste storage and collection during construction.
33. Submission of details showing offsite drainage works.
34. Submission of detailed design and details of the drainage works. Finalised plans for site drainage must not connect into or impact on Strategic Road Network drainage systems.
35. Submission of fully worked up drainage design with long sections.
36. Submission of details to manage any volumes up to 1 in 100 year plus climate change specifically the flooding noted in microdrainage calculations at the head of systems.
37. Submission of details requiring drainage management and maintenance agreement.
38. Submission of temporary drainage works information and management and maintenance during construction phase.
39. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
40. Submission of measures to protect the public sewerage infrastructure that is laid within the site boundary and subsequent implementation of such measures.

and to secure a Section 106 agreement to cover the following matters:

1. Affordable housing – 24 affordable housing units (tenure split to be 20 units would be discount for sale and 4 units would be for social or affordable rent) to be provided in perpetuity.
2. Open space – Off-site contribution of £71, 397 to address shortfalls in specific open space typologies.
3. Education – Off-site contribution of £470,709, based on 122 dwellings to be spent on upon priority admission area schools within the geographical vicinity of

Strategic Planning Committee - 28 April 2021

this site to be determined. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.

4. Junction monitoring – Off-site contribution of £10,500 for 5no. Bluetooth journey time detectors at the Whitechapel Road / A638 Bradford Road / Hunsworth Lane Traffic Signal-Controlled Junction.
5. Core walking and cycle network improvements – Off-site contribution of £20,000 towards the improvement of a link between the site and the Spen Valley Greenway.
6. Bus stop improvements - £23,000 towards the provision of a bus shelter and real time information to bus stops on Whitechapel Road.
7. Sustainable transport – Measures to encourage the use of sustainable modes of transport, including implementation of a Travel Plan and £10,000 towards Travel Plan monitoring and a sustainable travel fund of £62,403.
8. Off-site Biodiversity Net Gain requirements – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
9. Multi-modal link route to be delivered between the proposed estate road and the boundary of the application site, adjacent to plots 83-87.
10. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, Hall, Patrick, Pattison, Sokhal and Walker (6 votes)

Against: Councillor Andrew Pinnock (1 vote)

8 **Planning Application - No.2020/92546**

The Committee considered an Outline Application 2020/92546 (with details of points of access only) relating to the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors' surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works - Land off Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Heather Peacock (in objection) and Dominic Page (in support).

RESOLVED -

That consideration of the application be deferred for further information to be provided in respect of:

- Highways; the impacts of the development and cumulative growth upon the junctions of Blackmoorfoot Road and Manchester Road and the surrounding area.
- Education; the impacts of the development upon the schools in the catchment area.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, Hall, Sokhal and Walker (4 votes)

Against: Councillors Andrew Pinnock and Pattison (2 votes)

9 Planning Application - No. 2020/90725

The Committee considered Planning Application 2020/90725 relating to the erection of 68 dwellings with associated access, parking and open space (revised plans) on land at Penistone Road, Fenay Bridge, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Chris Reilly and John Headey (in objection); Chris Creighton (in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors Bernard McGuin, Alison Munro and Martyn Bolt.

RESOLVED -

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to:

complete the list of conditions, including those contained within the Committee report and the Planning Update, as set out below, subject to the amendment of Condition 19 to require the properties adjacent to the frontage of Penistone Road to be constructed in natural stone;

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans.
3. Submission of a Construction Environment Management Plan.
4. Provision of visibility splays.
5. Final details of the junction of the new estate road.
6. A detailed scheme for the provision of a right turn lane.
7. Travel Plan
8. Submission of details relating to internal adoptable roads.
9. Method for collection and storage of waste.
10. Details of new retaining walls/structures adjacent to the adoptable highway.
11. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
12. Provision of waste storage and collection.

Strategic Planning Committee - 28 April 2021

13. Tree Protection measures
14. Development in accordance with FRA mitigation measures;
15. Site to be developed by separate systems of drainage for foul and surface water on and off site.
16. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
17. Unexpected contamination.
18. Details of crime prevention measures in accordance with guidance from WY Police.
19. External materials (including samples).
20. Window details
21. Boundary treatments.
22. External lighting.
23. Full Landscaping scheme, including street trees.
24. Biodiversity enhancement, net gain and Ecological Design Strategy.
25. Details of bio-diversity area.
26. Removal of permitted development rights.
27. Archaeology.
28. Details of all retaining walls (including structural details and appearance).
29. Finished site levels (including existing and proposed cross-sections).
30. Details of an acoustic barrier.
31. Implementation of noise mitigation measures.
32. Submission of a ventilation scheme for habitable rooms.
33. Details of noise from fixed plant and equipment.

secure a Section 106 agreement to cover the following matters:

1. Affordable housing – 20% provision with a tenure split of 55% social or affordable rent to 45% intermediate housing;
2. Open space - Off-site contribution of £32,244 to address shortfalls in specific open space typologies;
3. Education – A contribution of £135,308 to be spent upon priority admission area schools within the geographical vicinity of this site to be determined prior to the commencement of development;
4. £10,000 to install Real Time information to the 16775 bus stop on Penistone Road;
5. A contribution of £37,851.00 towards a sustainable travel fund;
6. Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals.

In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

Strategic Planning Committee - 28 April 2021

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Hall, Patrick, Pattison and Sokhal (4 votes)

Against: (0 votes)

Abstain: Councillors Bellamy, Andrew Pinnock and Walker (3)

10 **Planning Application - No. 2019/93303**

The Committee considered Planning Application 2019/93303 relating to the erection of 267 dwellings with associated works and access from Hunsworth Lane and Kilroy Drive - Merchants Field Farm, Hunsworth Lane, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mr Rankin (in objection); Andrew Windress and Rob Weston (in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Kath Pinnock.

RESOLVED -

That the application be refused for the following reason: the proposed layout and poor housing mix, including the harm caused by the proposed translocation of the existing important hedgerow, would be contrary to Policies LP11 and LP24 of the Local Plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, Hall, Patrick and Andrew Pinnock (4 votes)

Against: Councillors Pattison, Sokhal and Walker (3 votes)

11 **Planning Application - No. 2021/90376**

The Committee considered Planning Application 2021/90376 relating to the erection of external lighting at Spenborough Pool and Sports Complex, Bradford Road, Littleton, Liversedge

RESOLVED -

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained within the Committee report, as set out below:

1. Development to commence within 3 years
2. Development built in accordance with approved plan
3. The maintained average horizontal illuminance of the areas being lit shall not exceed 20 lux
4. The vertical illuminance caused by the operation of the lighting at windows of nearby properties shall not exceed 1.0lux.

Strategic Planning Committee - 28 April 2021

5. The lighting shall not be operated between dawn and dusk and also no longer than 30 minutes before and 30 minutes after the premises are open for customers

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, Hall, Patrick, Pattison, Andrew Pinnock, Sokhal and Walker (7 votes)

Against: (0 votes)

12 **Planning Application - No. 2020/93237**

The Committee considered Planning Application 2020/93237 relating to the erection of a detached outbuilding and formation of a raised patio at 61 Celandine Avenue, Salendine Nook, Huddersfield.

RESOLVED -

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained within the Committee report, as set out below:

1. Development to be carried out in accordance with the plans and specifications
2. Facing and surfacing materials for the patio
3. No window or other openings to be formed in the north-eastern side elevation.
4. The building shall not be let, sold or separated from the main dwelling of 61 Celandine Avenue.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, Hall, Patrick, Pattison, Andrew Pinnock, Sokhal and Walker (7 votes)

Against: 0 votes

13 **Planning Application - No. 2020/93810**

Construction of overspill car park and regrading of land (engineering operation) - The Eden Centre, 35 Dryclough Road, Crosland Moor, Huddersfield

Under the provisions of Council Procedure Rule 37, the Committee received representations from Abid Manzoor (in support).

RESOLVED -

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the Committee report, as set out below:

1. Development to be in full accordance with plans and specifications.

Strategic Planning Committee - 28 April 2021

2. Parking spaces to be surfaced in accordance with the approved details before being brought into use
3. Any unexpected contamination to be reported
4. No removal of trees, shrubs or scrub Mar-Aug without checks by an ecologist
5. Landscape and ecological management plan to be submitted
6. One electric vehicle charge point to be installed before development is brought into use.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Bellamy, Hall, Patrick, Pattison, Andrew Pinnock, Sokhal and Walker (7 votes)

Against: (0 votes)

14 **Pre Application Enquiry - 2020/20411**

Pre-Application in relation to a residential development of circa 270 dwellings at Bradley Villa Farm (part of the HS11 allocated site), Bradford Road, Huddersfield.

RESOLVED –

That consideration be deferred to a future meeting of the Committee.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 19th May 2021

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal

1 Admission of the Public

RESOLVED – That the business for the meeting be considered in public.

2 Appointment of Sub-Committees and Appointment of Chairs

It was moved by Councillor S Hall, seconded by Councillor Pattison and;

RESOLVED –

(1) That the Planning Sub-Committees Heavy Woollen Area and Huddersfield Area be comprised of the Membership as set out at Agenda Item 15 of the Annual Council Agenda.

(2) That Councillor M Hussain be appointed as Chair of Planning Sub Committee (Heavy Woollen Area) and (ii) Councillor Lyons be appointed as Chair of Planning Sub Committee (Huddersfield Area), for the 2021/2022 Municipal Year.

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 3rd June 2021

Present: Councillor Steve Hall (Chair)
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Donna Bellamy
Councillor Mark Thompson
Councillor Andrew Pinnock

Apologies: Councillor Charles Greaves

1 Membership of the Committee

Apologies were received from Councillor Greaves.

2 Minutes of the Previous Meeting

The minutes of the meeting held on 28 April 2021 were approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors A Pinnock and S Hall declared that they had been lobbied on Item11 – Pre-Application 2020/20230.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations were received.

7 Planning Applications

The Committee gave consideration to the following applications.

8 Planning Application - Application No: 2020/93071

Application 2020/93071 Erection of 71 dwellings with associated works including new access off Lady Ann Road, regrading works and landscaping Lady Ann Road, Soothill, Batley, was withdrawn by the applicant.

9 Planning Application - Application No: 2021/90552

The Committee gave consideration to Planning Application 2021/90552 Formation of 43 allotments, 17 car parking spaces, new access road and 1.8m high palisade fencing with access gates Land off, Ravensthorpe Road, Dewsbury.

Strategic Planning Committee - 3 June 2021

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained within the Committee report, as set out below

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans;
3. Details of the position, style, colour and height of boundary fence;
4. Details of permeable paving to the car park;
5. Detailed scheme for the provision of the access, including the submission of an independent Safety Audit covering all aspects of the work.
6. Implementation of the Remediation Strategy
7. Submission of Validation Report
8. Restriction on construction site working times.
9. Ecological Design Strategy
10. Nesting birds condition (walkover of the site by an ecologist).

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Bellamy, S Hall, Pattison, A Pinnock, Sokhal and Thompson (6 votes).

Against (0 votes)

- 10 Pre-Application Report - Application No: 2021/20167**
The contents of the pre-application report were noted.
- 11 Pre-Application Report - Application No: 2020/20230**
The contents of the pre-application report were noted.