

# Public Document Pack



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

**Julie Muscroft**

The Democracy Service

Civic Centre 3

High Street

Huddersfield

HD1 2TG

**Tel:** 01484 221000

Please ask for: Andrea Woodside

Email: [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk)

Monday 13 September 2021

## Notice of Meeting

Dear Member

### **Cabinet**

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **3.00 pm** on **Tuesday 21 September 2021**.

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

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

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

**Julie Muscroft**

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

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

## **Cabinet Members:-**

<b>Member</b>	<b>Responsible For:</b>
Councillor Shabir Pandor	Leader of the Council
Councillor Paul Davies	Cabinet Member – Corporate
Councillor Eric Firth	Cabinet Member – Town Centres
Councillor Viv Kendrick	Cabinet Member - Children (Statutory responsibility for Children)
Councillor Musarrat Khan	Cabinet Member - Health and Social Care
Councillor Naheed Mather	Cabinet Member – Environment
Councillor Peter McBride	Cabinet Member – Regeneration
Councillor Carole Pattison	Cabinet Member - Learning, Aspiration and Communities
Councillor Cathy Scott	Deputy Leader and Cabinet Member - Housing and Democracy
Councillor Will Simpson	Cabinet Member – Culture and Greener Kirklees

# Agenda

## Reports or Explanatory Notes Attached

---

Pages

**1: Membership of Cabinet**

To receive any apologies for absence from Cabinet Members.

---

**2: Declarations of Interest**

1 - 2

Cabinet Members will be asked to advise if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or participating in a vote upon the item, or any other interests.

---

**3: Admission of the Public**

Most agenda items will be considered in public session, however, it shall be advised whether Cabinet will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

---

**4: Deputations/Petitions**

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

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

---

## **5: Questions by Members of the Public**

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions shall not exceed 15 minutes.

---

## **6: Questions by Elected Members (Oral Questions)**

Cabinet will receive any questions from Elected Members.

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

---

## **7: Adult Social Care Capital Programme - Knowl Park House and The Homestead Capital Schemes** 3 - 8

To consider the re-profile of service capital monies to meet increased cost of above schemes.

Contact: Stephen Stead, Adult Services Capital Programme and Investment Manager

---

## **8: Strategic Property Acquisition - 18-20 Corporation Street/17 Foundry Street, Dewsbury** 9 - 18

To consider the purchase 18-20 Corporation Street/17 Foundry Street, Dewsbury, and carry out initial works to the property.

Contact: Peter Thompson, Economic Resilience Project Manager

---

## **9: Waste Disposal - Interim Contract Arrangements** 19 - 24

To consider waste disposal interim contract arrangements.

Contact: Nigel Hancock, Programme Manager.

---

## **10: Exclusion of the Public**

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during 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.

---

## **11. Strategic Property Acquisition - 18-20 Corporation Street/17 Foundry Street, Dewsbury**

25 - 46

(Exempt information in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 namely it contains information relating to the financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making.)

Exempt Information relating to Agenda Item 8 – Appendices 3/4/5.

## **12. Waste Disposal - Interim Contract Arrangements**

47 - 62

(Exempt information that is recommended to be taken in Private because the information contained is considered to be exempt information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. It contains information regards the financial or business affairs of any person including the Council. It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could adversely affect overall ability to obtain value for money, compromise the commercial confidentiality and intellectual property of organisations mentioned in the report, may disclose contractual terms, and impact on any future legal action that may be required, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money, and openness in Council decision-making.)

Exempt Information relating to Agenda Item 9.

This page is intentionally left blank

<b>KIRKLEES COUNCIL</b>			
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>			
<b>DECLARATION OF INTERESTS</b>			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>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]</b>	<b>Brief description of your interest</b>

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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





**Name of meeting:** Cabinet

**Date:** 21<sup>st</sup> September 2021

**Title of report:** Adult Social Care Capital Programme – Knowl Park House and The Homestead Capital Schemes

**Purpose of report:** Re-profile of Service capital monies to meet increased cost of above schemes

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Spending over £250k
Key Decision - Is it in the <u>Council's Forward Plan</u> (key decisions and private reports)?	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Richard Parry on 11/8/21
Is it also signed off by the Service Director for Finance?	Eamonn Croston on 11/8/21
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft on 11/8/21
Cabinet member <u>portfolio</u>	Cllr M Khan on 11/8/21

**Electoral wards affected:** Mirfield and Almondbury

**Ward councillors consulted:**

Mirfield Cllrs (Cllr Vivien Lees-Hamilton, Cllr Kath Taylor, Cllr Martyn Bolt) and Almondbury Ward Cllrs (Cllr Alison Munroe, Cllr Bernard McGuin, Cllr Paola Davies) have been kept updated on both schemes.

**Public or private:**

Public

**Has GDPR been considered?**

Yes, there are no GDPR implications.

## 1. Summary

This report sets out the reprofiling of capital monies required to progress with the 2 schemes, Knowl Park House (Mirfield Ward) and The Homestead (Almondbury Ward). This will confirm adequate funds from the agreed Adult Social Care Capital Allocation to meet the revised anticipated costs following detailed feasibility and also approve the move to tender.

Relocation plans are currently in place to vacate both sites by the Autumn 2021 to allow intrusive surveys pending demolition.

Amendments to the budget allocations will then be included in Quartile 2 report to Cabinet.

## 2. Information required to take a decision

- 2.1 As part of the Council's capital programme Adult Services have an agreed capital budget of £25.4m (£22.470m for Day Care Support for Vulnerable Adults and £2.913m for One Off Projects)
- 2.2 This report relates to 2 schemes within the programme namely the re-provision of the council's two existing 25 place Dementia Day facilities at Knowl Park House, Mirfield, and the Homestead, Almondbury.
- 2.3 The initial outline business case for reprovision of day services buildings was approved at Cabinet in January 2019 and was included in the Strategic Priorities Capital Budget (Independent theme).
- 2.4 At that time of the initial bid indicative capital estimates of £5m for Knowl Park House (including a centre of excellence facility) and £3m for the Homestead were set aside. Both outline estimates were exclusive of furniture replacement and capitalised salaries relating to the service capital team.
- 2.5 A report was approved at Cabinet on 29th June 2020 to appoint Lead Consultant Architects for both schemes. Following a tendering exercise Frank Shaw Associates were appointed and detailed feasibility has now been completed for both schemes.
- 2.6 The detailed feasibilities have identified costs will exceed their nominal original allocations. Knowl Park House is now estimated at around £6.3m and The Homestead at £4.7m. These increases are mainly due to:
  - significant rises in construction materials associated with Covid and Brexit
  - increased transport costs
  - an increase in the building footprints to ensure best practice design and learning from Covid
  - the absorption of demolition costs
  - increases in Architecture fees due to the increased size of the buildings
  - unforeseen issues relating to necessary groundworks
  - the cost of enabling works to the premises required for temporary decant.
- 2.7 Although the contracts for new builds have yet to be tendered, at this stage the detailed feasibilities have confirmed costs will increase by £1.3m for Knowl Park House and £1.7m for the Homestead. This will give a total increase of £3m including enablement costs relating to the temporary decant of services from both existing buildings. This will give a total revised budget for both schemes at £11m (exclusive of furniture costs and capitalised salaries of the Adults Capital Team).

- 2.8 To meet the increased cost and to allow the two designed schemes to proceed, Adults Services SCLT and the Adults Capital Governance Board propose to re-profile existing schemes within the Adult Services conditional programme.
- 2.9 Within the conditional programme the Service had intended to undertake limited refurbishment of the 4 x 40 bed residential units. An initial allocation within the Adults programme of £2m was identified to fund these works of which £125,000 has been committed and spent on the upgrade of the nurse call systems at Ings Grove House and Moorlands Grange in response to urgent recommendation of the Care Quality Commission.
- 2.10 Following the impact of the Covid Pandemic the Service is working closely with partners and stakeholders to review longer-term care and service requirements based on a comprehensive need analysis. Until this detailed work is completed it is unclear what works may be needed to the 4 units. No further commitments are currently identified against this budget and the Service propose to re-allocate the balance of £1.875m to support the increased costs of Knowl Park and Homestead.
- 2.11 In addition, the Service will allocate £250,000 from the New Technology Budget within the Adults Programme (currently £629,000) and £875,000 from the provisional Birkdale development budget (currently £11m). The service is currently working on the outline client brief for the Birkdale proposed development and will bring forward a report on proposed specifications and estimates in the new year.
- 2.12 The re-profile of the capital programme confirms resources of £11m to support the Knowl Park and Homestead developments (exclusive of salaries and furniture but inclusive of around £300,000 already expended on design fees and charges etc). Both schemes are due to tender in the Autumn 2021 with planned construction starting in Spring 2022. Both are identified for completion in early Spring 2023.
- 2.13 The proposed re-profile has taken account of current and projected needs of the Service and these have been reflected in the design of the buildings and the revised cost estimates.
- 2.14 Adult Services have in place an appropriate Capital Delivery and Oversight Board and a client development team to support all schemes within their allocation and to ensure appropriate governance is in place. This ensures the service has well-established project management protocols and procedures to ensure schemes are appropriately scrutinised in terms of risk, value for money, affordability and viability.

### **3. Implications for the Council**

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

The schemes support delivery of the Kirklees Vision for Adult Social Care as follows:

- **Working with People**

The service has and will continue to engage and involve staff working in the service, the people that use services and their carers and people living with dementia.

- **Working with Partners**

We have and will continue to work with our partner, Stirling University's Dementia Services Design Centre, to ensure all elements of design fully meet their Gold standard expectations throughout the scheme. Everything we design will be based on enhancing delivery of the service and aspire to the most current dementia design elements.

We have and will continue to work with colleagues from health including the CCG and SWYFT and have membership from these organisations on the Adults Capital Oversight and Delivery Board.

- **Place Based Working**

The provision of the Centre of Excellence at Knowl Park will provide facilities in a state-of-the-art building to support, advise, develop and train carers, partners and families using an early intervention and preventative approach. This will maximise people's independence to enable them to stay in their own homes for longer, delaying their move to residential care. This will give the opportunity for closer, placed based working within our communities utilising a wide range of stakeholders and VCS organisations.

- **Climate Change and Air Quality**

Environment and carbon reduction will be considered as an integral part of the scheme. Bicycle racks and electric vehicle points have been incorporated as part of the design.

Transport will increase during the demolition and build phases of this scheme. However, once the scheme is completed this will cease.

Once operational, there will be increased traffic to the Centre of Excellence but this will be minimal and managed as part of the operating model.

- **Improving outcomes for children**

This scheme, specifically the Centre of Excellence, will benefit disabled children as they will be able to visit with their families to see how the design of accommodation and technology could support them in potential changes to their homes.

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

No Legal, financial or human resources issues to report.

There is sufficient capacity within Adult Services Capital Team and within the Growth and Regeneration Service (Capital Development) to deliver this scheme.

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

An IIA has been completed and indicates there will be no negative impacts.

#### **4. Consultees and their opinions**

4.1.1 Ward Members have been consulted

4.1.2 Portfolio Lead has been consulted

4.1.3 Adults Services SCLT, Adults Capital Delivery and Oversight Board and Corporate Capital Board have been consulted and support the proposals in this report.

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

#### **5. Next steps and timelines**

5.1 Relocation plans are currently in place to vacate both sites by the Autumn 2021 to allow intrusive surveys pending demolition.

5.2 Amendments to the budget allocations will then be included in Quarter 2 report to Cabinet.

5.3 Tenders to appoint contractors will go out Autumn 2021 (Knowl Park House) and Winter 2021/22 (The Homestead) followed by the respective Capital Outlay Reports (CORs).

5.4 Construction on both sites will be completed by Spring 2023 followed by services moving back into the new premises from their temporary decant locations.

#### **6. Officer recommendations and reasons**

6.1 Cabinet Members are asked to note and endorse this proposal which will confirm adequate funds allocated to meet the revised anticipated costs and approve the move to formal tender.

#### **7. Cabinet Portfolio Holder's recommendations**

7.1 The Cabinet Portfolio Holder recommends that Cabinet endorse this proposal which will confirm adequate funds to meet the revised anticipated costs following detailed feasibility and approves the move to tender.

#### **8. Contact officer**

Stephen Stead, Adult Services Capital Programme and Investment Manager Tel: 07929 193794  
[stephen.stead@kirklees.gov.uk](mailto:stephen.stead@kirklees.gov.uk)

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

The updated Capital Plan 2018-2024 was approved at Full Council on 13/2/19:  
<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CIId=138&MIId=5653>

Approval was given at Cabinet on 29th June 2020 to appoint Lead Consultant Architects  
<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CIId=139&MIId=6441>

10. **Service Director responsible**

Michelle Cross, Service Director Mental Health and Learning Disability

## CABINET 21 SEPTEMBER 2021

### Strategic Property Acquisition, 18-20 Corporation Street/17 Foundry Street, Dewsbury

#### Purpose of report

To seek authority to purchase 18-20 Corporation Street/17 Foundry Street, Dewsbury and carry out initial works to the property.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes, purchase price will be greater than £250k
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Published 17 <sup>th</sup> August 2021
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	David Shepherd 9 <sup>th</sup> September 2021
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eammon Croston 7 <sup>th</sup> September 2021
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft 7 <sup>th</sup> September 2021
Cabinet member <a href="#">portfolio</a>	Cllr Eric Firth Town Centres Portfolio Holder and Cllr Peter McBride Regeneration Portfolio Holder

**Electoral wards affected: Dewsbury East**

**Ward councillors consulted: Cllr Firth, Cllr Scott, Cllr Lukic**

**Public report with Appendices. Appendices 1 & 2 are in public.**

**(Have you considered GDPR?) Yes.**

**Appendices 3 and 4 and 5 are private** in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 namely it contains information relating to the financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making.

## 1. Summary

- 1.1 This report seeks approval of the purchase of a property at 18-20 Corporation Street /17 Foundry Street, Dewsbury and carry out initial works to the property.

### Information required to take a decision

#### Property Details

- 1.2 18-20 Corporation Street/17 Foundry Street (the “Property”) is situated in a prominent position at the corner of Corporation Street and Foundry Street in Dewsbury Town Centre (see Appendix One). The Property has 1,600ft<sup>2</sup> (148m<sup>2</sup>) of ground floor retail space across all frontages. 18/20 Corporation Street has four stories which is similar to the Arcade frontage at this point, which is adjacent; while 17 Foundry Street is two storey.
- 1.3 The Property has been vacant for over 2 years and is Grade 2 listed. Marketing details and plans of the property are included at the Appendix 2.
- 1.4 Purchase of the Property is proposed for five reasons
- The benefit it could potentially give to the long-term flexibility & viability of the adjacent Arcade.
  - The regeneration benefits to be gained from the Council having ownership of this prominent building between the Arcade and the Market, helping to achieve the aims of the Dewsbury Blueprint. .
  - The potential role it could play in supporting the temporary relocation of the Market while construction of the new Market takes place
  - Potential flexibility it may give in the future to accommodating any Council requirements
  - The longer term strategic and commercial benefits that may arise from owning a property at a key location opposite one of the main entrances to the Market and next door to the Arcade

### Policy Context

#### Dewsbury Blueprint

- 1.5 The Dewsbury Blueprint which was launched by the Council on 5<sup>th</sup> February 2020 and has a number of themes/objectives including :-

- Business Town
- Learning town
- Leisure Town
- Shoppers Town
- Heritage Town
- Greener town
- Creative Town
- Connected Town

- 1.6 The upgrade and potential future uses of the 18-20 Corporation St building potentially contribute to the themes around heritage, shoppers town, business town. The Blueprint includes the reopening of the Arcade as one of the key projects. 18-20 Corporation Street lies adjacent to the Arcade and gives the ability to create new access



arrangements which will improve access to the upper floors of 16 Corporation Street (Arcade) ensuring improved flexibility and viability in the long term.

### Town Deal

- 1.7 Many of the projects in the Blueprint are included within the Town Deal approved in principle by Government in June 2021. The Town Investment Plan details the projects to be supported by the Town Deal and the Market and the Arcade are two of the key projects within the plan. The purchase, by the Council, of the Property and its subsequent use, will improve the overall regeneration impact in this area, both benefiting from and supporting long term regenerative impact of the Market and Arcade. Purchase and subsequent use of the Property will help address one of the key challenges identified in the TIP, namely driving economic activity in the town centre.

### Dewsbury Town Centre Strategic Development Framework 2018

- 1.8 The Blueprint draws heavily on the Dewsbury Town Centre Strategic Development Framework and the accompanying Delivery Programme that was approved by Cabinet on the 22nd January 2019. One of its three strategic aims is to increase activity in the town centre and one of the objectives supporting this aim, is to bring historic and other vacant buildings into use. 18-20 Corporation Street is one of a number of key heritage buildings in the town that are vacant and require action to get it back into active use and will contribute to the Blueprint theme of 'heritage town'.

### Conservation & Heritage

- 1.9 Cabinet on the 21st August 2018 approved, subject to meeting a number of criteria, outlined below, the purchase of 'key properties' within the Dewsbury Town Centre Conservation Area (DTCCA) and the use in principle of C.P.O. powers to acquire these properties. Key properties, either buildings and/or sites, that may be acquired, would all be within the DTCCA and would exhibit at least three of the following characteristics :-

- Acquisition by the Council would be likely to contribute to achieving the promotion or the improvement of the economic, social, environmental improvement of the area
- Acquisition supports the objectives of the HAZ
- Is within the HAZ priority Area
- Is a 'heritage asset'
- Is vacant, partially vacant, underused
- Is of poor condition
- Is part of a potentially larger site that would meet the objectives immediately above

- 1.10 18-20 Corporation Street meets 4 of the above criteria and is also one of a number of vacant listed buildings in the town centre. On that basis the Councils approved policies and decisions support the case for acquisition.

### **Building Condition**

- 1.11 The Council undertook a survey of the Property in early 2021. The building is in reasonable condition, albeit that being vacant for 2 years has led to some deterioration in its condition. Previously 17 Foundry St was occupied by Leeds Building Society and is in a condition that is lettable at the moment. 18-20 Corporation Street requires some works before it could be let. Generally, there are some repairs that need to be done (roofing, gutters, downpipes) along with some internal upgrading.

## Options

- 1.12 There are two main options open to the Council
- Do not purchase
  - Purchase by agreement
- 1.13 There is an opportunity for the Council to purchase this key building and achieve multiple objectives. If it were not to purchase the Property then its future would be uncertain and there is the real risk that the building would remain empty and deteriorate further. In the event of it remaining in private ownership and being let, the Council would have little control over the uses, nature of the goods sold in the Property & quality of the operation. It should be noted that proposed changes to the Permitted Development rights mean that it is possible that the Council will have less planning control over the uses in the future

### The Proposal

- 1.14 Purchase of the Property is an important first step in bringing it back into use and supporting the delivery of other regeneration projects in the town e.g. Arcade, Market. Five benefits have been identified and these are outlined below.

### The Arcade

- 1.15 An important part of the Arcade project is to increase the flexibility of the space and open up access to the second floor 1,660ft<sup>2</sup> (154m<sup>2</sup>) above the Corporation St entrance. The second floor is currently accessed from the ground floor unit, 16 Corporation St. Its future use is, without alternative means of access, linked to the use and user of the ground and first floor unit. This restricts the flexibility of the use of the 2nd floor and first floor.
- 1.16 Providing new vertical access to the upper floors by a new staircase/lift within the existing Arcade footprint will help improve physical access but will involve the reduction in lettable floorspace. Creating a new lift/staircase in the adjacent building i.e. the Property, would be more effective; providing more flexibility in letting units for the Arcade as well as providing greater flexibility in the use of 18-20 Corporation St. Authority is sought to carry out these works.

### Strategic Position

- 1.17 In the longer term the Property will become a more important asset. Once the Market decant is completed, the Property could be used for a variety of uses; with commercial uses on the ground floor and, subject to suitable alterations/viability, potentially office above.

### Regeneration

- 1.18 The control of the Property frontages by the Council will help to achieve the aspirations set out in the Dewsbury Blueprint; in particular bringing back vacant buildings, especially historic ones, into use. Ownership should ensure that the occupiers are of a suitable type and quality and these buildings are kept in good condition in what is a prominent location next to the Market and the Arcade.

### Dewsbury Market – decant

- 1.19 Detailed plans are currently being developing for the decant, to move the Market site off site and relocating stalls on street, including Foundry street. Some of the 1,600 sq. ft of ground floor shop space in 17 Foundry Street/18 -20 Corporation Street could be

used to supplement the current provision in the decant; enabling more of traders requirements to be accommodated.

### Corporate Requirements

- 1.20 The Council periodically reviews its accommodation requirements, and this building may have a role to play in accommodating future service needs.

## **2 Implications for the Council**

### **Working with People**

- 2.1 The Dewsbury Blueprint was subject to public consultation in February 2020, which highlighted the importance that local people placed on bringing empty buildings, especially listed ones, back into use. The Blueprint draws heavily from the Strategic Development Framework approved by Cabinet on the 22<sup>nd</sup> January 2019 which in turn draws upon the earlier Strategic Development Framework produced in 2010. This was a result of extensive public engagement and highlighted the importance local people place on having an attractive and vibrant town centre.

### **Working with Partners**

- 2.2 As part of the plans to purchase and carry out works to the property the Council will work with potential partners to develop the most appropriate and deliverable plans to bring it back to life for sustainable uses.

### **Place Based Working**

- 2.3 The Dewsbury Blueprint is based on the idea of working with local people and businesses to improve the town centre.

### **Climate Change and Air Quality**

- 2.4 The repair and reconfiguration of the building will contribute to town centre regeneration and conservation of the town's heritage. Reusing buildings helps to retain the embedded carbon in their original construction and reduces the need for further manufacture that will generate carbon. By improving the retail offer of the town centre, it will provide greater opportunity for linked trips to the town centre, potentially reducing the number of journeys and production of carbon.

### **Improving outcomes for children**

- 2.5 No implications.

### **Legal**

- 2.6 The Council has the power to acquire the Property by agreement under Section 120 Local Government Act 1972. for any of its functions, or for the benefit, improvement or development of its area. The benefits are set out at paragraphs 1.14- 1.19 of this report.

### **Finance**

- 2.7 A valuation report of the Property is included at Appendix 3 of this report. Appendix 4 contains the proposed Heads of Terms. Financial details of the acquisition and likely costs of renovation are contained in Appendix 5 to this report.

- 2.8 The cost of acquisition can be met from the Council's 'strategic acquisitions fund' that was approved by Full Council on 12<sup>th</sup> February 2020. There is currently £5.017m allocated in the 2021/22 approved capital plan for strategic acquisitions.
- 2.9 The initial works to the Property, including creating a new lift and stair core in 18 Corporation Street will be funded from the Arcade budget which comprises funds from the Council's capital plan and other grant sources. The Arcade budget has a provision for a new lift/stair core within 16 Corporation Street and this provision will be used instead to fund the works next door in 18 Corporation Street.

### Revenue

- 2.10 The property is not subject to any tenancies and therefore does not generate any income at present. Holding costs for the property are reduced given that part of the property is listed and therefore benefits from business rate relief. Standing charges for utilities will still need to be met by the landlord together with buildings insurance premiums and any required repairs.
- 2.11 Given the Council's plans for the property (through the Dewsbury Market decant and integration into The Arcade) it is unlikely that it will generate a surplus income prior to summer 2023. However, it is anticipated that any holding costs could be recharged to traders during the market decant period. Revenue details are detailed in the private appendix 5.

## **3 Consultees and their opinions**

- 3.1 The Portfolio Lead for Town Centres (Cllr Firth), the portfolio lead for regeneration and Councillor Scott all support this proposal. Councillor Lukic the other ward member for Dewsbury East states that 'I support the acquisition of this property as this would support the council's investments in the Arcade and the Market, which are both adjacent. Please note that I have not been given sight of the terms of purchase so my comments are addressing the principle only'.

## **4 Next steps and timelines**

- 4.1 Following Cabinet decision officers will undertake all the necessary legal and other work required to complete the purchase. It is planned to complete the purchase by the end of October 2021.
- 4.2 Shortly following acquisition, it is proposed to submit the necessary planning, Listed Building Consent and building regulation applications to enable the works to create a new stair/lift core to be undertaken. Works will be carried out in 2022. More detailed work will be undertaken to establish what space could be made available for the market decant.
- 4.3 Once the property has been utilised for The Arcade and Dewsbury Market projects it is envisaged that the property will transfer into the Council's Commercial Estate and be managed using existing internal resources. The properties will be let out on a commercial basis in line with the approved Estate Management Policy and taking into account the aims and objectives of the Dewsbury Blueprint/SDF2018 when considering suitable uses/tenants for the space.

## **5. Officer recommendations and reasons**

It is recommended that approval is given for

- (i) the acquisition of the Property by the Council on the terms outlined in Appendix 4 of this report.

Reason: To help deliver the key themes in the Dewsbury Blueprint

- (ii) the purchase of the Property being funded from the Strategic Acquisition Fund.

Reason: To enable the purchase of the building to be funded.

- (iii) Delegating authority to the Service Director for Legal, Governance and Commissioning to enter into and execute any agreements or instruments relating to the acquisition of the Property;

Reason: Effective implementation of the purchase.

- (iv) Approves the implementation of works to create a new lift/stair core in 18/20 Corporation Street and that this be funded from the Arcade budget

Reason: To enable the works necessary to improve vertical access to both properties to be undertaken.

## 6. **Contact officers**

Peter Thompson: ER Project Manager

Matthew Garbutt: Acquisitions & Disposals Surveyor

## 8. **Background Papers and History of Decisions**

Report to Cabinet 21st August 2018: Dewsbury Heritage Action Zone.

Report to Cabinet 22<sup>nd</sup> January 2019: Dewsbury Town Centre Strategic Development Framework.

Report to Cabinet 25<sup>th</sup> February 2020: The Arcade, Market Place, Dewsbury

Report to Cabinet 19<sup>th</sup> January 2021: Dewsbury Town Deal – Town Investment Plan

Private Appendices

Appendix 3 – Valuation of the Property

Appendix 4 – Heads of Terms

Appendix 5 – Financial Information

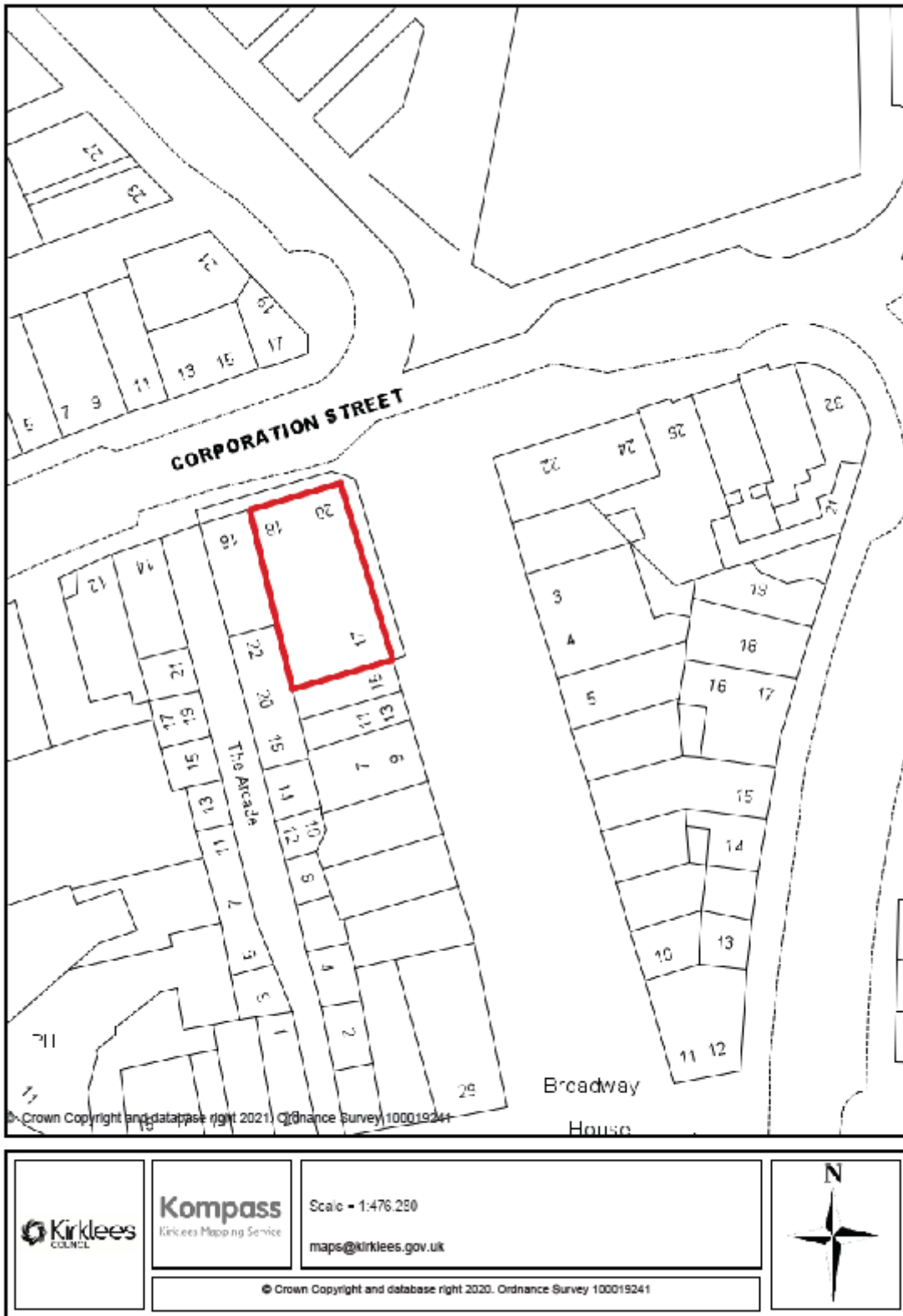
## 9. **Strategic Director responsible**

David Shepherd

Strategic Director Economy and Infrastructure

# APPENDIX 1: Plan & elevation

## Red Line Boundary Plan



18-20 Corporation Street - Elevation Image



Source: Google Maps Street View

# APPENDIX 2: MARKETING PARTICULARS

**SHOP TO LET**  
**PLANNING PERMISSION FOR RESTAURANT/CAFÉ**  
**(A3) GRANTED JULY 2013**  
**DEWSBURY**  
**18/20 Corporation Street**  
 Could combine with 17 Foundry Street to give  
 2,824 sq.ft. sales



31 Winckley Square  
 Preston  
 PR1 3JJ

T: 01772 957 619  
 T: 0161 839 1213

E: [office@bradys.co.uk](mailto:office@bradys.co.uk)  
[www.bradys.co.uk](http://www.bradys.co.uk)



**LOCATION / DESCRIPTION** – This shop occupies a highly prominent corner location overlooking the Market at the end of the pedestrianised Foundry Street, a busy thoroughfare which also accommodates British Heart Foundation, Subway, Greggs and Ladbrokes. This would make an ideal restaurant or café being highly accessible both during the day and throughout the evening. This and 17 Foundry Street were originally one shop so will easily be amalgamated.

**ACCOMMODATION** – The subject premises have the following approximate areas/dimensions:

Frontage to Foundry St	8.90 m	29' – 2"
Front to Corporation Street	9.57 m	31' – 5"
Ground Floor Sales	76.07 sq m	819 sq ft
First Floor Staffroom	16.7 sq m	180 sq ft
Second Floor Stores, kitchenette & WC's	46.80 sq m	504 sq ft
Third Floor Inc. 17 Foundry Street –	25.31 sq m	272 sq ft
GF Sales	144.83 sq m	1,600 sq ft
FF Sales	113.71 sq m	1,224 sq ft

The property also benefits from a passenger lift.

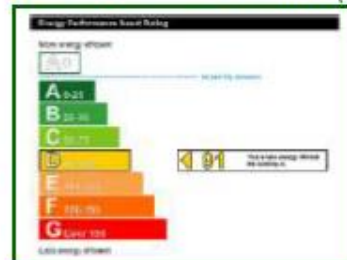
*Whilst we believe the above measurements are correct, interested parties are advised to verify these themselves.*

**LEASE TERMS / TENURE** – The premises are available by way of a full repairing and insuring lease for a term of 15 years subject to upward only rent reviews at the end of every 5<sup>th</sup> year at a commencing rental of £16,000 per annum exclusive of VAT. As a whole £30,000 per annum exclusive of VAT.

For details of other properties our web-site address is - [www.bradys.co.uk](http://www.bradys.co.uk)

**MISDESCRIPTION** - The agents and vendor take no responsibility for any error, mis-statement or omission in these details. Measurements are approximate and for guidance only. The particulars do not constitute an offer or contract and members of the agent's firm have no authority to make any representation or warranty in relation to the property. DETAILS AMENDED : May 2020

**EPC** – 9990-8085-0358-7750-7080 (D)



**RATING ASSESSMENT** – We have been verbally informed by the Rating Authority that the premises have a Rateable Value of £16,750 from 1 April 2017. As the Rateable Value falls below the £51,000 threshold, for the period April 2020 to March 2021 the property is exempt from payment of rates whilst the premises are in occupation by a business.

*We would advise interested parties to verify this information themselves*

**LEGAL COSTS** – Each party are to bear their own legal costs incurred in the documentation of this transaction.

**VIEWING** – Strictly by appointment with John Brady or Sarah Jones of this office.



**Name of meeting:** Cabinet  
**Date:** Tuesday 21<sup>st</sup> September 2021  
**Title of report:** Waste Disposal, Interim Contract Arrangements

**Purpose of report:**

For Cabinet to consider the proposed waste disposal interim arrangements and a decision is sought to approve the officer recommendations following endorsement by pre-decision Economy and Neighbourhood Scrutiny Panel on 7<sup>th</sup> September 2021.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Value over £250k
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	Key Decision – Yes Private Report/Private Appendix – Yes
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable Endorsed by Pre-Decision Economy and Neighbourhood Scrutiny Panel on 7 <sup>th</sup> September 2021
Date signed off by Strategic Director & name	Colin Parr, 2nd September 2021
Is it also signed off by the Service Director for Finance?	Eamonn Croston, 31st August 2021
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Marc Ellis/Julie Muscroft, 9th September 2021
Cabinet member portfolio	Councillor Naheed Mather - Environment

**Electoral wards affected:** All

**Ward councillors consulted:** No

**Public or private:** Public with Private Appendix

The report contains an appendix that is recommended to be taken in Private because the information contained is considered to be exempt information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

It contains information regards the financial or business affairs of any person including the Council. It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could adversely affect overall ability to obtain value for money, compromise the commercial confidentiality and intellectual property of organisations mentioned in the report, may disclose contractual terms, and impact on any future legal action that may be required, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money, and openness in Council decision-making.

**Any publication of this document may result in the contractor withdrawing the commercial offer.**

**Has GDPR been considered?** – Yes and there is personal or sensitive data; or other information covered by GDPR is included in this report.

## **1. Summary**

- 1.1 The purpose of the report is to provide information on a proposed interim agreement with the current waste disposal contractor to:
- align the current service contract with some of the upcoming waste strategy requirements of the Council and national government; and
  - prepare the Council for re-procurement of waste disposal services.
- 1.2 The waste disposal contract is in year 24 of a 25-year waste PFI agreement. This contract, signed in 1998, was focused on landfill diversion and includes a number of waste treatment and disposal facilities operated and maintained by the contractor, Suez Recycling and Recovery Kirklees Limited (“Suez”) including:
- Energy from Waste (EfW) facility;
  - Material Recovery Facility (MRF);
  - Two Transfer Stations (TS);
  - Five Household Waste Recycling Centres (HWRCs); and
  - Two closed landfill sites.

Ownership of these facilities reverts back to the Council at contract expiry.

- 1.3 The contract was initially set up to deliver 60% diversion from landfill and taking into account change of law requirements over the last 23.5 years of the contract, the required landfill diversion minimum is currently just over 65%.
- 1.4 The new Kirklees Resources & Waste Strategy was approved by Council on 8<sup>th</sup> September 2021 and this will have an influence on the Council’s requirements for future waste processing services. Interim arrangements will be required to support the Council to deliver some of the recycling ambitions proposed by the strategy before the contract expiry date.
- 1.5 National government published the Resources and Waste Strategy for England in December 2018. This provided some highlights of government ambition for a circular economy and has been used to help the Council to develop its own strategy. The Council is currently awaiting publication of the Environment Bill regulations which will clearly state the amended statutory requirements of the Council, and any funding that might be available to support service delivery changes. Any changes implemented too early would potentially not qualify for government funding.
- 1.6 An interim agreement with the current waste contractor, Suez, will help the Council with its transition from its current waste disposal services to the requirements of national government.
- 1.7 The proposed interim arrangements look to offer to residents (among many other wider benefits to services provided to the Council):
- the addition of plastic pots, tubs and trays in the green bin;
  - longer opening hours at HWRCs; and
  - bring the hand back arrangements for the Council’s waste assets, including the Energy from Waste plant, up to the standards of modern contracts.

1.8 An offer is proposed by Suez, the details of which are commercially confidential. The Council is seeking Cabinet approval on the offer on 21 September 2021.

## **2. Information required to take a decision**

2.1 A detailed private report (Private Appendix A) will be considered by Cabinet on 21 September 2021 as the information is exempt in accordance with Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

## **3. Implications for the Council**

### **3.1 Working with People**

In order to help improve recycling into the 90% to 95% diversion rates community engagement will be required and a public engagement exercise on the Council's resources and waste strategy was carried out in Autumn 2020 which was the most successful public engagement exercise undertaken by the council with almost 8,000 responses. A section of the consultation was focused on waste disposal and the feedback from this will influence service requirements for the waste disposal contract.

### **3.2 Working with Partners**

Suez, the Department for Environment, Food and Rural Affairs ("Defra") and the Infrastructure Projects Authority ("IPA") have supported the Council in identifying the opportunities available to provide the best service possible for Kirklees residents. Sustainable, reliable, long-term solutions have been designed to deliver the principles of the upcoming Environment Bill and the national Resources and Waste Strategy.

### **3.3 Place Based Working**

The only public facing service delivered by the waste disposal contract is operation and management of the HWRC sites. The consultation delivered to Kirklees residents in 2020 included a section on HWRCs. Whilst the MRF is not a public facing facility, residents expressed their views on what should and should not be included in the green bin for recycling. This consultation has directly contributed to the following provisions for Kirklees residents:

- HWRC: Longer opening hours in Summer
- MRF: More recycling materials accepted in the green bin

### **3.4 Climate Change and Air Quality**

The facilities have a key role in tackling climate change and improving air quality. Performance measures already contained in the contract have a positive contribution towards the Council's impact on Climate Change. Early delivery of waste strategy initiatives, such as increases to recycling, will demonstrate further support towards reducing our impact on the environment.

The EfW facility can process up to 130k tonnes of waste to generate green electricity to power up to 15k homes from waste that would otherwise be sent to landfill which has significant detrimental effects on carbon emissions.

The interim contract arrangements will create the stability needed to deliver a successful District Heating Network (DHN) scheme as the EfW facility is a critical asset in its development. The DHN relies on the EfW as the primary heat and power source and good ongoing maintenance of the asset is required to ensure reliability of the asset that will have enhanced environmental benefits in linking to the DHN.

### **3.5 Improving outcomes for children**

As noted in 3.1 community engagement is required to improve recycling rates and the strategy details how we will continue to provide an extensive engagement programme within schools and deliver meaningful educational resources to empower children to make a difference both now and in the future. We will also work with colleges and universities to support entrepreneurship and skills development in relation to waste management / circular economy; encouraging and enabling young people to explore, innovate and set up new sustainable businesses within the district.

### **3.6 Legal**

Legal services are engaged to support the negotiation of the variations pursuant to clause 3 of the PFI contract and the Council will be required to enter into the Deed of Variation to extend from the current expiry date of 31 March 2023 for an additional 2 years with provision for a further 1-year extension if required. The Council has a duty of Best Value under section 3 of the Local Government Act 1999 to make arrangements for continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The Council in carrying out its functions must comply with the Public Sector Equality duty under section 149 Equality Act 2010 before exercising any decision on a particular policy or strategy is taken ; namely it must have due regard to the need to eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between persons who share protected characteristics and those who do not, and foster good relations between those who share protected characteristics and those who do not.

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

An Integrated Impact Assessment has been completed for the development of the Kirklees Resource & Waste Strategy 2021-2030. The assessment has not identified specific issues with the strategy itself, but such is the scope and scale of the transformation of waste services detailed within the strategy, further IIAs will be required for several of the specific proposals detailed within the strategy.

## **4. Financial**

The financial details are included in the detailed private report (Private Appendix A) as the information is exempt in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

## **5. Consultees and Their Opinions**

The waste strategy team held working groups that completed due diligence checks and agreed the key principles for the agreement. The working groups included the following internal services: Risk & Insurance, Legal. Independent waste specialists included DEFRA and consultant advisors for Technical and Legal.

## **6. Next Steps**

If approved by cabinet, the deed of variation to the contract will be completed and the interim arrangements will be implemented on 1st October 2021.

## **7. Officer Recommendations**

The officers recommend that following endorsement from Pre-decision Scrutiny on 7th September 2021 Cabinet in order to achieve value for money, align the current contract

with the Council's waste strategy and allow time to prepare for the re-procurement of waste disposal services approve the recommendations below:

- The preferred Option 1 of the interim contract arrangements is approved.
- Consultation has identified that the flat rate is the preferred option and this should be adopted.
- The Council to put effort into community education to help improve recycling rates into the 90% to 95% diversion rates.
- Delegate authority to the Service Director Legal, Governance and Commissioning in consultation with the service Director, Highways and Streetscene to finalise enter into and execute any appropriate contracts and documentation in relation to the waste disposal interim contract arrangements outlined in the public and private report and appendix.
- Approve the proposed use of revenue resources.

## **8. Cabinet Portfolio Holder's Recommendations**

The Cabinet Portfolio Holder for Environment has been consulted with regards to the contents of the interim arrangements and they support the officers' recommendations.

## **9. Contact Officers**

Nigel Hancock - Programme Manager - [nigel.hancock@kirklees.gov.uk](mailto:nigel.hancock@kirklees.gov.uk) - 01484 221000

Lory Hunter - Commercial & Technical Development Manager - [lory.hunter@kirklees.gov.uk](mailto:lory.hunter@kirklees.gov.uk) - 01484 221000

Will Acornley, Head of Operational Services - [will.acornley@kirklees.gov.uk](mailto:will.acornley@kirklees.gov.uk) - 01484 221000

## **10. Service Director Responsible**

Sue Procter – Service Director, Highways and Streetscene

## **11. Attachments**

Private Appendix A - Private report on waste disposal contract interim arrangements

This page is intentionally left blank

# Agenda Item 11:

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank