



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

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## **Decision Summary**

**Committee:**

**Date:**

**Committee Clerk:**

**TEL:**

**CABINET**

**TUESDAY 18 JANUARY 2022**

**Andrea Woodside**

**01484 221000**

### **Chair**

Councillor Shabir Pandor

### **Councillors Attended**

Councillor Paul Davies

Councillor Eric Firth

Councillor Viv Kendrick

Councillor Musarrat Khan

Councillor Peter McBride

Councillor Naheed Mather

Councillor Carole Pattison

Councillor Cathy Scott

Councillor Will Simpson

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### **1: Membership of Cabinet**

To receive apologies for absence from Cabinet Members who are unable to attend this meeting.

All Cabinet Members were present.

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### **2: Minutes of Previous Meeting**

To approve the Minutes of the Meeting of the Cabinet held on 16 November 2021.

Approved as a correct record.

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### **3: Declarations of Interest**

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.

Councillor Scott declared an 'other' interest in Agenda Item 9 on the grounds that members of her family reside in council properties.

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### **4: 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.

It was noted that Agenda Item 17 was exempt from publication.

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### **5: 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.

No deputations or petitions were received.

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### **6: 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.

Cabinet received the following questions from Mr Tejinder Aziz under the provision of Council Procedure Rule 11(5);

- 1) "Does the Kirklees Leader accept that my declaration of my good intentions and purposes are without prejudice, rancour, animus, quid pro quo, and/or duress to build professional relationships of mutual trust, integrity, two-way communication with you on a non-party political basis and cross political party basis, that KMC is robustly defended when it is justified in the pursuit of its positive aims and objectives, with the

standard exceptions? Has the KMC Leader shared with the rest of the Cabinet Members that I have been trying to make him and them aware, inform them of actual evidences, my concerns about possible minor or more serious issues, crises, scandals, possible embarrassment to individual Cabinet Members and, all in all, details which are nobody else's business to know and breach general data protection rules and which only came to my attention recently when I opened an envelope posted and addressed to me, which I left unopened due to my heart attack and having to concentrate on my medical condition and my health needs and recovery, which I must reasonably assume, that had some one else received these details in the post it might have been embarrassing for me...?"

A response was provided by the Leader of the Council.

- 2) "Does the Leader or Cabinet Members agree with me that it is all too easy to turn around and blame the messenger who brings you unwelcome news, real evidences of breaches or failures, which need to be put before them. Will they look at any of the following; scrutiny, oversight, management, effectiveness, equality, risk assessments etc? What will the Council Leader, Cabinet Members, here and now, commit to do, or do differently, to strengthen and raise their awareness, explore, scrutinise and review everyone of their roles, functions, duties, responsibilities on an ongoing basis to improve some element that justifies their continued involvement in what they are doing?"

A response was provided by the Leader of the Council.

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## **7: 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.

Cabinet received the following questions in accordance with Executive Procedure Rule 2.3;

### **Question from Councillor Munro**

"How much is it going to cost to bring Tolson Museum up to a modern day standard for the complimentary heritage offer?"

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

### **Question from Councillor D Hall**

"With regard to the George Hotel, given that you've now said that there'll be a liability to the public of approx. £20m if this goes ahead with the museum, can you tell me why Cabinet passed the idea in the first place?"

A response was provided by the Leader of the Council.

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**8: Kirklees school funding arrangements for financial year 2022-23**

To consider Kirklees' School Funding arrangements for financial year 2022-23.

Wards affected: all

Contact: David Baxter – Finance Manager (Schools)

**RESOLVED –**

- 1) That approval be given to the recommendations of the Schools Forum, following the consultative process undertaken in collaboration with Head Teachers, to determine the ongoing local approach to the distribution of DSG Schools Block funding for 2022-2023 and the fifth year of a soft National Funding Formula approach.
  - 2) That the exceptions application made to the ESFA, and subsequently approved, be noted.
  - 3) That approval be given to the submission of the schools funding formula to the ESFA for 2022-2023.
  - 4) That approval be given to proposals for central budgets and de-delegated budgets 2022-2023, as set out within the considered report.
  - 5) That the changes to schools funding arrangements for 2022-2023, the fifth year of soft application of the National Funding Formula, in advance of the full introduction of the National Funding Formula for Schools from April 2024, subject to ongoing response to consultation, be noted.
  - 6) That the ongoing consultation with local schools and other providers, to ensure an appropriate local response to national funding formula developments, be noted.
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**9: Enhanced Lettable Standard Review, the Lettable Standard and the Home Starter Fund**

To consider the Enhanced Lettable Standard pilot and new universal lettable standard.

Wards affected: all

Contact: Sarah Clayton – Head of Neighbourhoods

**RESOLVED –**

- 1) That approval be given to amendments to the Lettable Standard Policy to reflect the proposed new standard to support an improved experience for all of the Council's new lets from the beginning of February 2022.
- 2) That approval be given to the continuation of the Home Starter Fund for the most vulnerable from the beginning of February 2022, in accordance with the criteria as set out at para 1.23 of the report, to ensure that people are supported to start their tenancy with quality furniture and

fittings.

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## **10: Highways 2 year Capital Plan for 2021/22 and 2022/23**

To consider the Highways 2 year detailed Capital Plan 2021-22 and 2022-23 and City Region Sustainable Transport Settlement update.

Wards affected: all

Contact: Phillip Waddington – Group Engineer, Highways & Operations

### **RESOLVED –**

- 1) That the revised detailed 2 year Capital Plan 2021/2022 and 2022/2023 in the sum of £26,194,532 and £24,106,315, as set out at Appendix A to the report, be approved.
  - 2) That authority be delegated to the Service Director (Highways and Streetscene) in consultation with the Cabinet Member (Environment) to enable future amendments to identified schemes and funding allocation for those schemes not already identified in the report, in accordance with Financial Procedure Rules, for the purposes of expediting efficient delivery of the programme.
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## **11: Non-Transport Function Borrowing Regulations**

To consider the regulations to provide the Combined Authority with the power to borrow for non-transport related functions.

Wards affected: all

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

### **RESOLVED –**

- 1) That consent be given in principle to the regulations to provide the Combined Authority with the power to borrow for non-transport related functions, as set out in the 'minded to' Devolution Deal.
  - 2) That 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 regulations further to any technical issues which may arise.
  - 3) That it be noted that this decision of Cabinet shall be exempt from Call-In, as agreed by the Chair of Overview and Scrutiny Management Committee, upon grounds of urgency, as set out at para. 1.2 of the report.
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## **12: Relocation of Council's indoor market in Huddersfield**

To consider the provision of alternative accommodation for the market traders in Queensgate to vacant shops or containers within Huddersfield Town Centre.

Wards affected: Newsome

Contact: Chris Cotton – Strategic Lead for Markets

### **RESOLVED –**

- 1) That approval be given to the relocation of traders currently based in Queensgate Market.
- 2) That approval be given to the required capital funding of £1.6m (ex vat) from the capital plan for Huddersfield Town Centre as identified in the Council's Capital Plan.
- 3) That authority be delegated to the Strategic Director (Environment and Climate Change) to implement the scheme in conjunction with the Service Director (Legal, Governance and Commissioning) to 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 Kirklees' constitutional requirements to implement the proposal.
- 4) That authority be delegated to the Service Director (Culture and Visitor Economy) to undertake operational management of the market, working with the Service Director (Legal, Governance and Commissioning) to agree relevant leases and management agreements as required.
- 5) That the decision regarding details of the decant be delegated to the Strategic Director (Environment and Climate Change) and that where vacant shops in third party ownership are involved, authority is sought for the terms of those lettings to be negotiated and agreed by the Strategic Director (Growth and Regeneration), in conjunction with the Service Director (Legal, Governance and Commissioning) to agree and complete the legal documentation required.

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## **13: 2021-22 Mid-year Corporate Performance and Impact Report**

To receive the 2021-22 Mid-year Corporate Performance and Impact Report.

Wards affected: all

Contact: Mike Henry – Head of Data and Insight

**RESOLVED** – That the 2021/2022 Mid Year Corporate Performance and Impact Report be received and noted.

## 14: Calculation of Council Tax Base 2022-23

To consider the various tax bases for the financial year 2022/23 in connection with the Council Tax.

Wards affected: all

Contact: Steve Bird – Head of Welfare and Exchequer Services

**RESOLVED** - That the proposed Council Tax base 2022/2023 for the whole of the Kirklees area and the five Parish and Town Council areas, as detailed in the report, be endorsed and submitted to the meeting of Council on 16 February 2022 with a recommendation of approval.

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## 15: The Arcade, Market Place Dewsbury - Lease

To consider the future lease / management arrangements for The Arcade, Dewsbury.

Wards affected: Dewsbury East

Contact: Peter Thompson – ER Project Manager

**RESOLVED** –

- 1) That approval be given to the granting by the Council of an Agreement for Lease to the Arcade Group/Arcade Company in a form as set out at para. 2.34 of the considered report and that authority be delegated to the Strategic director (Growth and Regeneration) in conjunction with the Service Director (Legal, Governance and Commissioning) to agree and complete the agreement for lease.
  - 2) That approval be given to the granting by the Council of an agreement for lease and lease of the Arcade to the Arcade Group/Arcade Company under the Heads of Terms as set out at Appendix 4 and that authority be delegated to the Strategic Director (Growth and Regeneration) in conjunction with the Service Director (Legal, Governance and Commissioning) to agree and complete the lease once preconditions outlined in the Agreement for Lease have been met and to obtain legal confirmation of the position regarding any possible implications that may arise from the Subsidy Control Bill.
  - 3) That, subject to the Arcade Group being ineligible for the Community Share Booster scheme, approval be given for the Council to provide equity investment into the Community Share issue proposed by the Arcade Group on the basis of match funding of £1 for every £1 raised from the community up to a maximum of £25,000 investment from the Council and that authority be delegated to the Strategic Director (Growth and Regeneration) in conjunction with the Service Director (Legal, Governance and Commissioning) to agree and complete the contractual agreements.
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## **16: 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 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.

Determined.

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## **17: The Arcade, Market Place Dewsbury - Lease**

(Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). 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).

To receive exempt information in relation to Agenda Item 15.

The exempt information was noted prior to the determination of Agenda Item 15.

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