



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

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Governance and Commissioning

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Decision Summary

Committee:

Date:

Committee Clerk:

TEL:

CABINET

WEDNESDAY 21 SEPTEMBER 2022

Andrea Woodside

01484 221000

Chair

Councillor Shabir Pandor

Councillors Attended

Councillor Paul Davies

Councillor Eric Firth

Councillor Viv Kendrick

Councillor Musarrat Khan

Councillor Cathy Scott

Councillor Will Simpson

Councillor Graham Turner

Observers

Councillor Bill Armer

Councillor David Hall

Councillor Mohan Sokhal

Apologies

Councillor Naheed Mather and Councillor Carole Pattison

1: Membership of Cabinet

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

Apologies for absence were received on behalf of Councillors Mather and Pattison.

2: 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.

No interests were declared.

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.

It was noted that exempt information was submitted in relation to Agenda Items 15 and 16.

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.

No deputations or petitions were received.

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.

No questions were asked.

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.

Cabinet received oral questions under the provision of Executive Procedure

7: Communities Partnership Plan 2022-2027 (Reference to Council)

To consider the Communities Partnership Plan 2022-27.

Wards affected: all

Contact: Jo Richmond - Head of Communities

- 1) That the Communities Partnership Plan 2022-2027 be endorsed and referred to the meeting of Council on 12 October 2022, with a recommendation of approval.
 - 2) That, subject to approval at Council, a report be submitted to Cabinet annually detailing (i) any changes to the delivery of priorities and (ii) progress on delivery.
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8: Kirklees Social Value Policy

To consider the draft Social Value Policy.

Wards affected: all

Contact: Chris Duffill - Head of Business, Economy and Growth

That the Social Value Policy be approved.

9: Community Plus Investment Scheme "Do Something Now" Amendments

To consider amendments to the Community Plus Investment Scheme "Do Something Now".

Wards affected: all

Contact: Carol Gilchrist – Head of Local Integrated Partnerships

That approval be given to the amendments to the existing scheme, as set out at paragraph 2 of the report.

10: Resource and Waste Strategy Delivery Update

To consider the drawdown of capital funding from the waste strategy reserve and associated revenue reserves for the delivery of the Waste Transformation Programme, for 2022/23 to 2024/25.

Wards affected: all

Contact: Will Acornley - Head of Operational Services

- 1) That authority be delegated to the Strategic Director (Environment and Climate Change) for expenditure of capital sums up to £2,970,000 maximum (section 2 of the report refers) in order that the projects associated with the Kirklees Resource and Waste Strategy can be delivered in a responsive way that is in keeping with the timeline set out in the strategy.
- 2) That, pursuant to (1) above, (i) the delegated authority includes the ability to vary the budget lines within the overall capital allocation in conjunction with approval from the Service Director (Finance) and that it be acknowledged that several of the projects are in the planning stage and that exact costs may vary from those estimated as the projects develop and (ii) the delegated authority enables the Strategic Director (Environment and Climate Change) to draw on revenue transformation reserve with agreement from the Service Director (Finance).

11: Hot Food Takeaway Supplementary Planning Document (SPD)

To consider the Hot Food Takeaway Supplementary Planning Document (SPD).

Wards affected: all

Contact: Hannah Morrison - Senior Planner, Planning Policy

- 1) That the consultation responses, as set out at appendices 2 and 3, be noted.
- 2) That the Hot Food Takeaway Supplementary Planning Document be adopted.
- 3) That authority be delegated to the Strategic Director (Growth and Regeneration) to make any further minor modifications to the document that relate exclusively to factual updates, grammatical and formatting corrections for the purposes of publishing the SPD and supporting documents.

12: Huddersfield Decentralised Energy Network (HDEN) Outline Business Case Approval

To consider the proposed Huddersfield Decentralised Energy Network (HDEN) commercial delivery model, procurement, and funding strategy.

Wards affected: Dalton & Newsome

Contact: John Atkinson – Group Leader, Energy & Climate Change

- 1) That the results of the Outline Business Case, dated 30 March 2022, be noted, along with the considerations relating to the Green Heat Network

- Fund application timing (sections 2.38 and 2.42 refer).
- 2) That approval be given to the proposed commercial delivery model, procurement and funding strategy up to full business case as set out in the outline business case.
 - 3) That authority be delegated to the Strategic Director (Environment and Climate Change) to apply for, in retrospect, and to accept in principle external funding of the Huddersfield District Energy Network (HDEN) from the Green Heat Networks Fund (GHNF) and other appropriate sources of external funding necessary to progress the project to full business case, in accordance with Financial Procedure Rule 22.
 - 4) That authority be delegated to the Strategic Director (Environment and Climate Change) in consultation with the Cabinet Member (Environment) and the Cabinet Member (Culture and Greener Kirklees), in order to progress the next steps as set out in Commercial and Management Cases, specifically; (i) a detailed assessment of the Energy from Waste(EfW) power export value (ii) alignment with procurement of Waste Services Contract (including EfW) to agree the supply of heat and power (iii) to agree the compliant procurement route, prepare and undertake the procurement exercise for the delivery of the HDEN, as set out in the Commercial Case of the OBC (iv) customer acquisition – preparation and agreement in principle of heat and electricity supply arrangements with District Energy Network customers (including Council owned sites) (v) securing funding for the HDEN commercialisation stage (vi) procurement and operation of HDEN assets (vii) HDEN operational arrangements (viii) heat offtake agreement between HDEN and EfW (ix) to prepare and submit full planning application/s for the construction of the proposed Energy Centre and the other elements of HDEN falling within the scope of Planning Permission regulations and (x) any further steps to progress the scheme from outline business case to full business case, which could reasonably be anticipated.
 - 5) That authority be delegated to the Strategic Director (Environment and Climate Change), in consultation with the Cabinet Member, to deliver any minor alterations to what is set out in the outline business case and which are in the interests of the Council to ensure that the project is delivered up to full business case completion, and that any significant alterations be referred to Cabinet.
 - 6) That the funding requirements for the HDEN, as set out in the financial case of the outline business case, be noted and that approval be given to supporting the Council investment and borrowing requirements as set out in the financial and management cases (sections 3.15 to 3.22 refer) in conjunction with (and anticipating) a successful application to the Green Heat Networks Fund.
 - 7) That authority be delegated to the Strategic Director (Environment and Climate Change) to make all necessary preparations to set up the special purpose vehicle (ESCo) and that a further report be submitted to Cabinet following detailed evaluation by the Solicitor to the Council and the Chief Finance Officer to agree the establishment of the special purpose vehicle for the Huddersfield District Energy Network.
 - 8) That a report be submitted to Cabinet following the completion of the commercialisation stage of work, in order to consider the resulting full business case for the HDEN and determine whether to progress the scheme to construction and delivery.
 - 9) That authority be delegated to the Service Director (Legal, Governance

and Commissioning) to sign any legal agreements, documents or instruments which the Council is required to enter into up to the full business case stage (this does not extend to the transaction documents which will be entered into at financial close for which specific authority will be sought as part of the approval of the final business case).

- 10) That the Service Director (Development) be authorised to appropriate the Council owned land at 37 Old Leeds Road for the purposes of the proposed Energy Centre for the Huddersfield District Energy Network.

13: Delivering the Cultural Heart - Gateway 2: Outline Business Case

To consider the Cultural Heart Outline Business Case (Gateway 2).

Wards affected: Newsome

Contact: David Glover – Senior Responsible Officer, Economy & Skills

Appendix 1, Outline Business Case (OBC)

[Appendix 1 - Outline Business Case](#)

Appendix 2, appendices to the OBC

[Appendix 2 – OBC Appendices A B E I J L](#)

Appendix 3, RIBA Stage 2 Design Executive Summaries Report, Appendix O to OBC

[Appendix 3 – RIBA Stage 2 Design Executive Summaries](#)

Appendix 4, Social Value paper

[Appendix 4 - Social Value Paper](#)

Appendix 5, Consultation Report

[Appendix 5 – Consultation Report](#)

Appendix 6, Integrated Impact Assessment

[Appendix 6 – Integrated Impact Assessment](#)

- 1) That approval be given to proceed to the next stage, in line with the proposals and recommendations as set out in the Outline Business Case.
- 2) That approval be given to proceed in line with the Preferred Way Forward masterplan, and the associated RIBA Stage 2 design.
- 3) That approval be given to the Gateway 2 to Gateway 3 budget of up to £10.5m.
- 4) That authority be delegated to the Strategic Director (Growth and Regeneration), in consultation with the Cabinet Member (Regeneration), to take decisions on the programme timeline so that the Cultural Heart masterplan and the associated strategic objectives can be completed within an appropriate timescale, reflecting the Council's financial position.
- 5) That necessary Council staff and resources be allocated to support the

programme, and that it be noted that, in the absence of sufficient internal resources, additional resources will be sourced from existing/future framework agreements.

- 6) That approval be given to extend the appointment of the Strategic Development Partner/Project Manager to Gateway 3 under direct award from the SCAPE, Place Shaping Framework in compliance with Contract Procedure Rules and Financial Procedure Rules.
- 7) That approval be given to extending the appointments of the architect and the engineer to Gateway 3 in compliance with the Contract Procedure Rules and Finance Procedure Rules.
- 8) That authority be delegated to the Strategic Director (Growth and Regeneration) to conclude the construction contractor strategy, as set out at section 2.5, and to progress that strategy for the Cultural Heart to the next stage.
- 9) That authority be delegated to the Strategic Director (Growth and Regeneration) to conclude the strategy on all necessary third party operators, as set out at section 2.6, and to progress that strategy for the Cultural Heart to the next stage.
- 10) That authority be delegated to the Strategic Director (Growth and Regeneration), in consultation with the Cabinet Member (Regeneration) and the Cabinet Member (Corporate Services), to conclude the Social Value Strategy, and then implement the same for the Cultural Heart, to include the mechanism for administration of the trust fund.
- 11) That authority be delegated to the Strategic Director (Growth and Regeneration), in consultation with the Cabinet Member (Regeneration), the Service Director (Legal, Governance and Commissioning) and the Service Director (Finance), to appoint third parties in compliance with Contract Procedure Rules and Financial Procedure Rules.
- 12) That authority be delegated to the Strategic Director (Growth and Regeneration), in liaison with the Head of Procurement, to work within approved budgets to deliver the programme to Gateway 3.

14: 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.

That under Section 100 (A) 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.

15: Huddersfield Decentralised Energy Network (HDEN) Outline Business Case Approval

To consider exempt information in relation to Agenda Item 12.

The exempt information was noted prior to the consideration of Agenda Item 12.

16: Delivering the Cultural Heart - Gateway 2: Outline Business Case

To consider exempt information in relation to Agenda Item 13.

The exempt information was noted prior to the consideration of Agenda Item 13.
