

Public Document Pack



**Service Director – Legal, Governance and
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Monday 12 September 2022

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **5.30 pm** on **Wednesday 21 September 2022**.

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:-

Member	Responsible For:
Councillor Shabir Pandor	Leader of the Council
Councillor Paul Davies	Cabinet Member - Corporate
Councillor Eric Firth	Cabinet Member - Transport
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 Carole Pattison	Cabinet Member for Learning, Aspiration and Communities
Councillor Cathy Scott	Deputy Group Leader and Cabinet Member - Housing and Democracy
Councillor Will Simpson	Labour - Secretary & Cabinet Member - Culture and Greener Kirklees
Councillor Graham Turner	Cabinet Member - Regeneration

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

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

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: Communities Partnership Plan 2022-2027 (Reference to Council) 3 - 86

To consider the Communities Partnership Plan 2022-27.

Wards affected: all

Contact: Jo Richmond - Head of Communities

8: Kirklees Social Value Policy 87 - 104

To consider the draft Social Value Policy.

Wards affected: all

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

9: Community Plus Investment Scheme "Do Something Now" Amendments 105 - 116

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

Wards affected: all

Contact: Carol Gilchrist – Head of Local Integrated Partnerships

- 10: Resource and Waste Strategy Delivery Update** 117 - 130
- 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
-
- 11: Hot Food Takeaway Supplementary Planning Document (SPD)** 131 - 278
- To consider the Hot Food Takeaway Supplementary Planning Document (SPD).
- Wards affected: all
- Contact: Hannah Morrison - Senior Planner, Planning Policy
-
- 12: Huddersfield Decentralised Energy Network (HDEN) Outline Business Case Approval** 279 - 308
- 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
-
- 13: Delivering the Cultural Heart - Gateway 2: Outline Business Case** 309 - 340
- 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](#)

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.

15. Huddersfield Decentralised Energy Network (HDEN) Outline Business Case Approval 341 - 572

To consider exempt information in relation to Agenda Item 12.

16. Delivering the Cultural Heart - Gateway 2: Outline Business Case 573 - 604

To consider exempt information in relation to Agenda Item 13.

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
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

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 September 2022

Title of report: Kirklees Communities Partnership Plan 2022-2027

Purpose of report:

To provide Cabinet with an overview of the new Communities Partnership Plan for Kirklees and the key priorities to make Kirklees safer and more cohesive.

To seek Cabinet endorsement of the proposed Communities Partnership Plan and recommend it for approval by Full Council as a key policy forming the Council's Policy Framework (under Article 4 of the Constitution).

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?	Effects all electoral wards
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – Yes This is only applicable to Cabinet reports Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Mel Meggs 05/09/2022 Eamonn Croston 02/09/2022 Julie Muscroft 07/09/2022
Cabinet member portfoliohttp://www.kirklees.gov.uk/you-kmc/kmc-howcouncilworks/cabinet/cabinet.asp	Councillor C. Pattison , Learning, Aspiration & Communities

Electoral wards affected: All

1. Summary

- 1.1 Section 5 of the Crime and Disorder Act 1998 places a statutory duty on named “responsible authorities” to work in partnership to reduce crime and disorder. The 1998 Act defines Community Safety Partnerships (CSPs) as “*An alliance of organisations which generate strategies and policies, implement actions and interventions concerning crime and disorder within their partnership area*”.

Section 6 of the Crime and Disorder Act 1998 places a statutory duty on CSPs to develop and implement a strategic plan to meet priorities which addresses multi-agency issues affecting quality of life for residents. In Kirklees, this Plan is known as the **Kirklees Communities Partnership Plan**.

The 2018-2021 Communities Partnership Plan has expired, with a newly developed 5-year plan developed using insight, data and analysis from the most recent Partnership Strategic Intelligence Assessment (PSIA) and engagement with partners and stakeholders.

The Communities Partnership Plan 2022-27 was agreed by the Communities Board on 14th June 2022 and developed in consultation with the Overview and Scrutiny Committee and partners.

The Council is one of the “Responsible Authorities” with a statutory duty under the 1998 Crime and Disorder Act (and subsequent legislation) to develop and deliver a Partnership Plan to make Kirklees safer.

The Kirklees Communities Partnership Plan is one of the plans / strategies that forms the Council’s Policy Framework (under Article 4 of the Constitution). Accordingly endorsement of the proposed Partnership Plan is sought from cabinet and for it to recommend its approval and adoption to full council .

2. Information required to take a decision

- 2.1 The 2018 – 2021 Communities Partnership Plan had four key priorities:
- Reducing crime
 - Tackling Anti-Social Behaviour
 - Protecting People from Serious Harm
 - Improving Place

2.2 Following a review of this plan, new Strategic Intelligence Assessment and engagement with partners, the new 2022-2027 Partnership Plan as set out at appendix 1 contains the following 4 key priorities -

- **Reducing violence and tackling exploitation and abuse** which includes serious violence, violence against women and girls, modern slavery, organised crime and safe town centres
- **Reducing ASB and Neighbourhood Crime** which includes personal, nuisance and environmental ASB, vehicle crime, burglary and criminal damage
- **Building Resilient and Inclusive Communities** which includes Tackling Hate Crime, safeguarding people from radicalisation, asylum, migration and integration, inclusion and belonging
- **Reducing Risk** which includes road safety, reducing reoffending, substance misuse and water safety.

2.3 The vast majority of the priorities are evidence based using data and insight from the Partnership Strategic Intelligence Assessment (PSIA), a summary is within the Plan and the full document attached at Appendix 3. On occasion, we also address issues where it is public concern that

underpins its inclusion, such as road safety, or where we identify emerging issues. The Plan's development is also informed by engagement and tension monitoring undertaken across the partnership throughout the year.

2.4 The Partnership Plan reaffirms the Safer Kirklees approach (with its focus on prevention and early resolution of issues) and outlines the governance arrangements in place as a result of the continued development of the Communities Board.

2.5 Cross Cutting Themes The Communities Partnership Plan strategic priorities are underpinned by a number of cross cutting themes, these are:

- Victim centred
- Early intervention and prevention
- Tackle inequality and addressing inclusion
- Collaboration and partnership
- Listening to people's lived experience to better respond to community need
- Place based (for example crime profiles are different geographies and require different responses)

The Communities Board is also seeking stronger relationships with the Adults Safeguarding Board and Safeguarding Children's Partnership on shared priorities such as exploitation and violence and is also driving the Inclusive Communities Framework.

The Communities Plan is aligned with the West Yorkshire Mayors Crime Plan and the Partnership is well connected into regional structures.

The Plan covers a 5 year period and will be refreshed on an annual basis.

2.6 Costs As a Partnership Plan there are no costs requiring a specific decision. Different themes and partners involved in delivery receive funding through different sources. The Communities Board via Safer Kirklees acts as a conduit for funding from the West Yorkshire Mayors Office and the Kirklees Communities Plan is aligned to the West Yorkshire Crime Plan 2021-24. The Council acts as budget holder for the Communities Board where partnership funding is received from the West Yorkshire Mayors Office, this currently includes funding from the Violence Reduction Unit. This funding varies year on year and is also received 'in year' and is often directed towards specific priorities.

2.7 Expected impact/ outcomes The Communities Partnership Plan has a set of indicators that are reviewed quarterly that reflect the broad range of responsibilities held by the Board. Supporting the Board in undertaking its responsibilities is the Strategic Delivery Group, this is made up of the Chair or a representative of each of the sub-groups to ensure work is on track and aligned. Each strategic priority has a delivery groups with their own delivery plans and outcomes to meet – some of which include delivery against external funding. The headline indicators can be found at the back of the Plan.

2.8 Services & agencies involved The Board is Chaired by the relevant Portfolio Holder and has broad political representation as well as partners from within the Council Children's and Adults Services, Public Health, West Yorkshire Police, the NHS West Yorkshire Integrated Care Board (previously CCG), Probation, West Yorkshire Fire and Rescue Authority, Voluntary and Community Sector representatives including Victim Support as well as Adults and Children's Safeguarding Board representatives.

2.9 Implications for the Council The Council are a significant partner in the Communities Board, which is Elected Member Chaired, with the Police lead Vice Chair. The Plan ensures that we are compliant with our responsibility under Section 5 of the Crime and Disorder Act 1998. The Communities Partnership Plan has oversight of a number of strategically important areas of work that we dedicate significant resources through Council Services, to delivering. It is important that the Council recognises its responsibilities as a key partner in the delivery of these priorities.

3 Working with People

The Communities Partnership Plan will continue to put the victims and witnesses of crime and disorder at the heart of our approach. We want to be better at capturing the lived experience of our most vulnerable residents, alongside our evidence and insight data, to inform future service delivery and ensure we are putting our resources in the right places.

We acknowledge that supporting the victims and witness of crime and disorder, including repeat victims, cuts across all aspects of any Community Safety Plan, and we will continue to work closely with colleagues in Adult and Children's safeguarding to ensure our most vulnerable individuals and communities are supported.

Our restorative approach of working 'with' local people and elected members to solve problems at the earliest possible opportunity underpins our overarching work around prevention and early intervention, building on the positives within communities.

We will be using the Inclusive Communities Framework to underpin our approach to working alongside communities to address the priorities within the four strategic priorities of Violence and Exploitation, Neighbourhood Crime, Building Resilience and Risk, underpinning the commitment to the Shaped by People outcome. Prevention remains at the heart of the partnership approach and where issues do occur, intervening and working with victims and communities at the earliest opportunity.

4 Working with Partners

The Pandemic has further embedded working practices and relationships with key partners across the system as well as improving relationships with other partners fundamental in tackling crime and disorder, such as Public Health.

The Communities Partnership Plan will continue to build upon these relationships, utilising approaches from Public Health to tackle issues around crime and disorder, for example, adopting a Public Health approach to serious violence and to substance misuse. Partnership is core to the delivery of the priorities within the plan and to work collaboratively is essential.

The Kirklees Communities Board will have greater clarity and focus on its priorities in the coming years, providing a greater platform for strategic collaboration and interconnectivity that will reduce duplication and make best use of our resources.

The cross-cutting nature of crime, disorder and community resilience means that collaboration with other Boards is essential in achieving successful outcomes. Issues such as Exploitation and Youth Violence are priorities for both the Communities Board and the Children's Partnership therefore continuing to build collaboration and identifying shared outcomes and approaches is essential to our success moving forward.

At a wider level, it is critical that there are effective relationships and strategic alignment with the priorities in the West Yorkshire Mayors Police and Crime Plan 2021-2024 and cross border working between partners to address issues.

5 Place Based Working

The Partnership, for a number of years has recognised and responded to the diverse geography of Kirklees and as such organised itself into a four-district model. This model was significant in our response to Covid19 and the development of the Covid response hubs. These hubs have increased the commitment and engagement across the partnership and will continue to evolve to support the delivery of the new Partnership Plan as our working practices adjust following our ongoing recovery from Covid19.

Our approach to tackling violence has utilised our place-based approach, using data and intelligence to highlight key areas for engagement and activity. Through the development and delivery of local action plans, areas will see enhanced service delivery to tackle the current issue and to

future issues. Our response to challenges in neighbourhoods is now focused and coordinated at a place level, including the Place Based Domestic Abuse work that is underway.

We will review crime and tailor our local response recognising different areas and communities may experience different crime types, this is to be central to our neighbourhood crime theme.

6 Climate Change and Air Quality

Tackling the climate emergency, reducing emissions and improving air quality are key long-term priorities for the Council to improve the quality of life for our residents and create a borough that is healthier, more sustainable and fairer for everyone.

As part of our commitment to climate change and air quality Safer Kirklees continue to use electric vehicles which enables our Community and Environmental Support Officers to travel across the district in an environmentally friendly way.

Covid19 has changed the way in which the partnership meets operationally and strategically with virtual meetings reducing travel across Kirklees and West Yorkshire, much of this has been retained.

Virtual working has resulted in a significant decrease in the use of paper and reduced environmental impact of travel for partnership meetings with most if not all meetings being paper free. The Partnership does however still acknowledge the need and benefit of meeting face to face, especially with local communities, residents and the most vulnerable and continues to increase its visibility post restrictions to a pre pandemic level. Safer Kirklees staff remained on the front line with communities throughout.

We do not anticipate any significant change as a result of the new Plan

7 Improving outcomes for children

The Partnership Plan works on the principle that the best way to tackle community safety issues is to address them at the earliest opportunity – ideally by preventing them in the first place. The Plan recognises that children and young people are similarly at risk of experiencing community safety issues - therefore it is critical that risks are reduced, and protective (including family / community strengths/assets) factors are harnessed to deliver better and more sustained outcomes.

The strategic themes within the Partnership Plan all have an impact upon children and young people who are a part of our communities in Kirklees. We have made significant investment in children and young people in our approach to Domestic Abuse and our work to reduce violence in under 25s in partnership with the West Yorkshire Violence Reduction Unit, which should reduce the numbers of young people becoming involved in/or being the victim of serious crime.

The Partnership are engaging in new and emerging issues such as water safety where we will look to reduce this risk at the earliest opportunity through education, prevention and early intervention. Each of our strategic priorities has a focus on prevention which can involve work with children and young people and effective working with the Kirklees Safeguarding Children's Partnership.

8 Financial Implications for the people living or working in Kirklees

The Communities Plan enables a partnership approach to a wide range of issues. The current cost of living and wider financial pressures on people locally and nationally impact on many of the priority areas including crime, domestic abuse, reoffending, exploitation and more broadly on peoples; resilience and wellbeing.

The Kirklees Communities Partnership Plan has prevention and early help at its heart and ensuring people can access services, get the help they need and build local connections and resilience in neighbourhoods will contribute to the wider financial challenges that communities face currently.

Alongside our commitment to intervene early and work in a trauma informed way, is our commitment to tackle crime and anti-social behaviour where this manifests, and during period of financial hardship acquisitive crime, amongst other crime types, can go up. Our new theme group focusing on Neighbourhood Crime brings the Police and partners together to ensure we can address this in a coordinated and timely way.

9 Legal/Financial or Human Resources

The Partnership is required under Section 6 of the Crime and Disorder Act 1998 and the Crime and Disorder (Formulation and Implementation of Strategy) regulations 2007 (as amended) to prepare an annual PSIA (regs 5-7) and annually prepare and implement a Community Safety Plan (regs 10-11) . For the purposes of preparing the PSIA and implementing the Community safety Plan, the strategy group are required to carry out community engagement under regs 12-13

The adoption of a new Communities Partnership Plan as part of the Council's Policy framework under Article 4 of the Constitution and schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 is a decision for full council.

Under section 149 of the Equality Act 2010, the Council (as a public authority) has a duty to have 'due regard' to the need to: - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, - advance equality of opportunity between persons with a protected characteristic and those without - foster good relations between persons with protected characteristics and those without.

The 'protected characteristics' are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation.

An Integrated Impact Assessment (IAA), has been carried out and is attached at appendix 2 and indicates that there should be a positive impact on communities including people as having a protected characteristic under the Equality Act 2010. The Plan is committed to tackling inequality as a cross cutting theme and leads a number of workstreams whose focus is to foster good relations and eliminate harassment and victimisation. The impact on the environment is assessed as neutral.

The partnership will be required to prepare and implement a strategy to tackle serious violence with the introduction of a new statutory duty expected in 2023, currently progressing through parliament. The requirements at a local level will become clear over the coming months and the Council, on behalf of the Communities Board, are working with the West Yorkshire Mayors Office to ensure an appropriate response. Currently, it is expected that the Communities Board will be required to produce a strategy document setting out our approach to serious violence, though a West Yorkshire strategy is also being developed.

The Legal challenges and demands associated with tackling our most prolific offenders and offences continues to be time consuming and costly.

The Partnership has oversight of a range of activities where the Council or its partners have a Statutory Duty, for example Prevent, Modern Slavery and Domestic Abuse.

10 Consultees and their opinions

- 10.1 The Plan is primarily intelligence and insight led and is high level. Many of the strategic priority areas have effective service user engagement as part of their planning and delivery and the Board have committed to all new strategies and plans involving local people with lived experience of the issues.
- 10.2 The Plan is a Partnership Plan and members of the Communities Board, including Elected Members on the Board, and its sub-groups have been fully engaged in its development and consulted on the final version. This includes the Police, Health colleagues, Fire and Probation Services and the wider partnerships engaged in the Board structures. We have also attended a variety of Partnership Forums including the Youth Development Board, Adults Safeguarding

Strategic Delivery Group and Children's Safeguarding Executive for views, as well as Portfolio Briefings with Adults, Children's and Resources Portfolio Holders. We have also offered to attend Political Group meetings.

Feedback ensured neighbourhood crime by place, water safety and violence against women and girls were highlighted in the Plan. We have also identified the need to strengthen the voice of children and young people, and this will be built into the refresh and into identified themes of interest to young people.

10.3 The West Yorkshire Mayors Office have given views via the Violence Reduction Unit and feel it is well aligned with the region's priorities.

10.4 Elected Members were made aware of the development of the new plan in October – December 2021 via Safer Kirklees briefings and again in March at Neighbourhood Policing Team briefings, which included an on-line survey asking for the views from all ward Councillors. This has been followed up in further ward briefing sessions with elected members in July and August 2022 and emerging themes for the Plan were discussed with the Overview and Scrutiny Management Committee in November 2021 and again in June 2022.

10.5 Feedback from the Overview and Scrutiny Management Committee in June 2022 on the new format was positive, that it was easy to read and accessible. Further comments were as follows:

- Road Safety was emphasised as a community priority, with a view that it should be given a higher priority.

The Road Safety workstream sits within the Risk strategic priority and is within the plan as a result of recognised community concern, but without the data to underpin its inclusion as with other priority areas. In response to the comments at Scrutiny the language has been strengthened and updated to reflect concerns around speeding. Road Safety currently sits at the same priority level in the Plan as Domestic Abuse, violence, and substance misuse and this has not changed as there is not a level of priority within the Plan above where it currently sits. Additional feedback regarding community speed-watch has been highlighted to the Road Safety Partnership and the Communities Board have identified Road Safety as a priority for its next meeting. The Communities Board agrees that Road Safety is one of their key priorities and the next Board meeting has this as its key focus.

- Ensuring Councillors were at the heart of the development of the Plan.

We fully expect to work closely with Elected Members in the delivery of the Plan whilst reviewing how we engage with members strategically in the annual refresh and beyond. It has been agreed with the Chair of Scrutiny that we will offer attendance at Group Meetings at an early stage to share the data and insight that underpins the priorities and enable a strategic conversation.

To supplement this ward member engagement described at point 12.4, an offer was made to provide a briefing to all political groups on the new plan during August 2022. Learning from elected member engagement will inform a new approach to further embed elected member ongoing engagement, so the views, insight and intelligence from elected members continues to inform the annual strategic impact assessment as we move forward throughout the 5 year plan period.

We will continue to provide opportunities for comment at Safer Kirklees briefings and Neighbourhood Policing Team briefings.

- The challenges of managing neighbourhood based and neighbour on neighbour disputes was highlighted.

This will be further considered as part of the ASB review which is currently underway and acknowledged as a key operational challenge. This area was previously identified in the plan and remains within the body of the document as an important area of business.

- More information on progress and positive action was requested.

This report recommends that in addition to quarterly performance reports to the Communities Board, that an annual report on progress is produced and published in response to Scrutiny's comment. This will align with the annual refresh of the SIA.

- 10.6 The Plan has also been discussed at Leadership Management Team (LMT) on 20th June 2022 and an Integrated Equality Assessment has been undertaken and attached at appendix 2.

11 Next steps and timelines

- If approved by Cabinet, as an article 4 document, the Plan will progress to Full Council on 12th October 2022.
- The Communities Board meet quarterly to review progress.
- There will be an annual review of the Plan by Communities Board in response to a refresh of the Strategic Intelligence Assessment each year after approval at Full Council.

12 Officer recommendations and reasons

- 12.1 It is recommended that Cabinet endorse the proposed Communities Partnership Plan 2022-27 containing new priorities attached at appendix 1 and recommend its adoption at Full Council to commence from 12th October 2022.
- 12.2 It is recommended that a report be provided by the Communities Board to Cabinet on an annual basis following adoption by Full Council, detailing any changes to the delivery of priorities and progress on delivery.
- 12.3 Reasons: The Communities Partnership Plan 2022-27 discharges the Council's statutory duty under the Crime and Disorder Act 1998 and regulations thereunder to carry out a PSIA and produce a community safety plan. The council's current plan expired 31 March 2021.

13 Cabinet Portfolio Holder's recommendations

I welcome the newly developed 5-year Communities Partnership Plan, which has been effectively developed in partnership to ensure strategic buy in and implementation with partners and stakeholders.

The priorities set out in the plan are evidence based and responsive; this built-in ability to address issues of public concern and emerging issues is particularly welcomed and an approach strongly endorsed by partners that will only benefit residents and communities.

I therefore recommend that Cabinet endorses the proposals as outlined in Section 13 above of this report.

14 Contact officer

Jo Richmond, Head of Communities, 07580719213 / jo.richmond@kirklees.gov.uk

15 Background Papers and History of Decisions

The previous Communities Plan and PSIA can be found on the Council's website here

[Safer Kirklees | Kirklees Council](#)

Scrutiny reports and minutes can be found on the Council's website here

<https://democracy.kirklees.gov.uk/mgCommitteeDetails.aspx?ID=135>

Hard copies can be requested from [Communities@ Kirklees.gov.uk](mailto:Communities@Kirklees.gov.uk)

16 Service Director responsible

Jill Greenfield, Service Director for Communities and Access

17 Appendices

- (1) The Kirklees Communities Plan 2022-2027 (unformatted version)
- (2) Integrated Equality Assessment
- (3) Strategic Intelligence Assessment

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Kirklees Communities Partnership Plan

2022 - 2027



Our Vision

People in Kirklees live in cohesive communities, feel safe and are protected from harm

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Kirklees Partnership Plan 2022

Foreword – Councillor Carole Pattison

Hello and welcome to the updated Kirklees Communities Partnership Plan. In March 2020, we faced the greatest challenge of our lifetime. The response from residents, partners and the council to the Covid-19 pandemic was incredible. I was so proud to see the hard work and dedication that went into protecting each other and our wider communities.

One positive of the pandemic was that it strengthened our partnerships in Kirklees, which will only benefit us as we begin our recovery from the crisis. Our recovery from Covid-19 must be one of inclusion. We saw how the pandemic cruelly exposed the inequalities in society and we want to ensure our recovery leaves no one behind. Our updated Council Plan explains how we intend to do this.

This partnership plan outlines our key strategic community safety priorities for Kirklees. We will review these priorities annually to ensure they reflect the needs of our residents and our communities. For example, violence against women and girls in society has been tragically brought back into the spotlight. The safety of women and girls is of paramount importance to myself, our residents and our partners and we have therefore incorporated this into our key strategic priorities. While we can't tackle these issues alone, we are fortunate to have such excellent partners here in Kirklees. Our colleagues in the public, education, third and faith sector are exceptional to work with and they are committed to ensuring the best possible outcomes for our residents.

During the pandemic our residents played a vital role in protecting their communities. They did this by looking out for their neighbours, contributing to the community response, and following the guidance to protect family and friends. Residents are central to this plan, and we must seize this opportunity to work closer and more efficiently with them to help us deliver safer communities.

By working with residents and partners our approach in Kirklees is one of prevention and early intervention. Through shared knowledge, expertise and intelligence we can prevent issues or address them immediately to ensure they do not escalate to wider community safety issues. Kirklees residents deserve to live, work and study in safe communities that they are proud of. I'm determined to ensure the council and its partners work tirelessly to deliver this.

Cllr Carole Pattison

Cabinet Member for Learning, Aspirations and Communities.



Foreword – Chief Supt Jim Griffiths

Having worked in Kirklees for a number of years, I am aware of how many fantastic partnerships there are at both a strategic and practitioner level. This has undoubtedly improved over the last few years with great strides in working together to solve problems and issues that affect the people of Kirklees.

Significant progress has been made in reducing issues of real concern for residents such as violent gang related crime, firearms offending and non-recent sexual offending. The strong links we have forged together are continuing to put suspects before the courts and provide victims with the help they need.



At a local level, close co-operation between the police and Safer Kirklees has resulted in extra police officers in Huddersfield and Dewsbury town centres, and extra funding for recent work in Batley and Spenningsdale to combat anti-social driving.

The successes that have been made over the past few years does not mean that there isn't still work to be done, in fact quite the opposite, there remains a great deal of progress to be made. I am sure that the strength of both strategic and individual partnerships within Kirklees will make this possible.

Increasing the safety of women and girls and reducing domestic abuse in all its forms is just one of these challenges, as is modernising our capabilities for tackling growing threats such as cybercrime. Tackling and adapting to these challenges provides new considerations and opportunities for all of us to support each other in identifying those at risk.

Those committing crime do not stop at the borders of Kirklees or West Yorkshire, making it imperative that we work with our neighbouring Districts to prevent threats including protecting vulnerable people often forced to operate outside of local areas.

My own personal drive has always been to prevent crime from happening but when it does, it is incumbent on all of us to try and identify those who have committed offences so that we can take action to prevent them from offending again.

It is often very difficult for groups or individuals to stand up and provide evidence but by working together, we can gather vital intelligence that allows all of us to make the live so those in communities better and safer.

The strategic priorities within this plan align with those within Policing. They allow us to focus our resources and efforts on key areas where we can make the most impact in improving the experiences of the communities and residents across Kirklees.

Chief Superintendent Jim Griffiths
Vice Chair Kirklees Communities Board

Introduction

About the Partnership Plan

The Kirklees Communities Partnership plan sets out our local community safety partnership priorities for action for the coming 5 years. Kirklees is a great place to live, work, study or visit and we will build on all that is good to address the local challenges that we have. We will tackle violence on our streets where it occurs and disrupt exploitation; we will work together to stop violence against women and girls; work alongside communities to make neighbourhoods safer, and we will focus on working upstream to address the causes of crime. We want everyone to feel they belong and are safe.

The 1998 Crime and Disorder Act places a statutory duty on Community Safety Partnerships to develop a **strategic plan** which addresses multi-agency issues affecting the quality of life for residents. The **Kirklees Communities Partnership Board** (our CSP) fulfils the statutory duty of the Community Safety Partnership for Kirklees and has responsibility for ensuring we deliver our services and programmes of work in line with the principles and approaches emerging from the development of our Inclusive Communities Framework

Our previous Communities Partnership Plan (2018-2021) identified 4 strategic priorities, Reducing Crime, Tackling Anti-Social Behaviour, Protecting People from Serious Harm and improving the Place. This plan was reviewed in October 2020 to develop our new plan which reflects the Kirklees experience of, and learning from, the Covid pandemic. Covid significantly changed both how local people experienced crime and their local neighbourhoods; and also showed us how communities, the Council and our partners can work better together.

Our Approach

Kirklees is committed to working alongside communities. We want to hear local peoples' voices and develop inclusive, safe communities where people want to live, work, study, and visit. For communities to be inclusive, for people to feel they belong, they must feel safe and be safe. Co-producing local solutions to priorities with local people and our elected members is key to the success in our delivery of the Plan. Working upstream as a Council, and addressing systemic inequalities underpins our approach to safe communities. Our emerging Inclusive Communities Framework will support our delivery of this ambition.

Working Regionally to stop Crime

Cross border partnerships with neighbouring authorities and partners help us to do our job better and keep people in Kirklees safer. Joining up resources and funding where appropriate, to tackle our common issues, that do not stop or start at our boundaries is an essential part of the work of the Communities Partnership. Working with the West Yorkshire Mayors Office, in particular via the Violence Reduction Unit

enables us to tackle issues in a cooperative and coordinated manner and contribute to the 2021 – 2024 West Yorkshire Police and Crime Plan¹

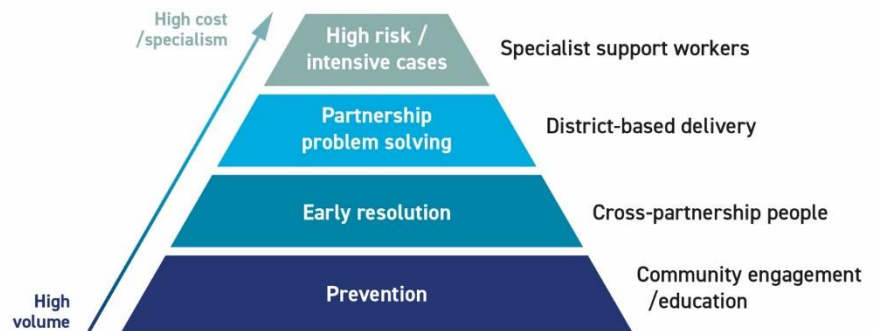
The online challenge

The internet is an integral part of everyday life for so many people. Nearly nine in ten UK adults and 99% of 12 to 15 year olds are online. As the internet continues to grow and transform our lives, often for the better, we should not ignore the very real harm which people face online every day.

In Kirklees we acknowledge the cross-cutting risk posed within the online world and how the internet can be used to spread terrorist and other illegal or harmful content, undermine civil discourse, and abuse or bully other people. Our approach in Kirklees is to work with our partners to raise awareness and build resilience, particularly amongst young people, to the threat posed online, whilst supporting regional and national attempts to reduce risk.

Prevention

The Kirklees Inclusive Communities approach to creating safer communities is based on the principle that the best way to tackle community safety issues and reduce the fear of crime is to prevent issues happening in the first place and where they do occur, address them at



the earliest opportunity alongside local people, before issues become more difficult to tackle and harmful to individuals and communities.

Our approach focuses on prevention, early resolution and help at the initial stages, working with communities to identify potential solutions. We will use all the tools at our disposal to stop crime impacting on people’s lives.

To deliver safer communities in a sustainable and effective way, it is critical that partners, communities and elected members are working together in an integrated way to solve shared problems. Stakeholders and communities need to be fully engaged and actively involved in delivering this plan if we are to achieve our aim of developing Kirklees as a better place to live, work, visit and study.

In some areas of our work the complexities of people’s lives and experiences can make the victim and perpetrator relationship fluid, we are exploring how a trauma informed approach can improve outcomes in complex cases. Drawing on good practice from across the region and our own local expertise in contextual safeguarding

¹ [police-and-crime-plan-online-version.pdf \(westyorks-ca.gov.uk\)](https://www.westyorks-ca.gov.uk/police-and-crime-plan-online-version.pdf)

we intend to develop new ways of working to apply to stop anti-social behaviour that affects people's quality of life.

How We Identify our Priorities

The **Kirklees Communities Partnership Plan** identifies the strategic community safety priorities for the district in collaboration with a wide range of statutory partners (including the Council and its Elected Members, Police, Fire and Rescue Authority and Probation Services) and non-statutory partners (such as community and voluntary sector providers, the wider health sector and housing).

The priorities within this plan are informed by an in-depth analysis of data from a range of sources which are detailed in a Partnership Strategic Intelligence Assessment (SIA) for Kirklees.

On occasion, the data and intelligence does not fit with public concern, but the concerns might be so deep rooted, that we include an issue in the Plan, to dig deeper and better understand why this is the case and establish what can be done to improve the situation.

The Partnership SIA brings together a wide range of data sources relating to crime, anti-social behaviour, environmental issues and substance misuse alongside insight into public confidence and perceptions of safety, inequality, elected member engagement and community feedback. The SIA considers the changing socio-economic and demographic profile of Kirklees to contextualise some of the community safety challenges in the borough. It can be found here²

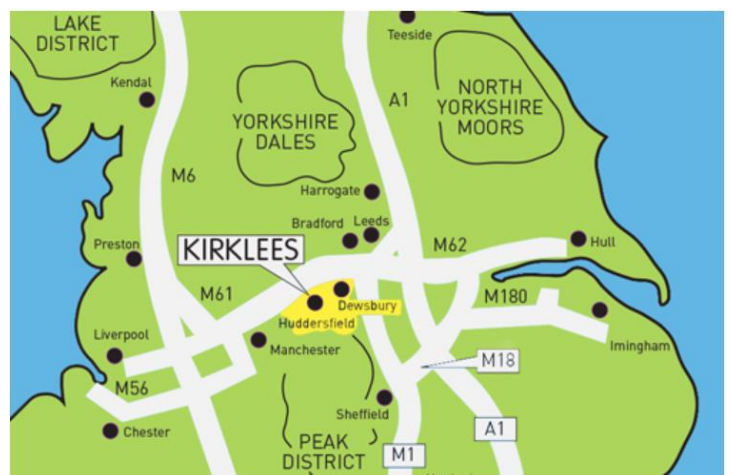
Moving forward our approach to priority setting will embed lived experience of local people and better engage our local places in an inclusive way.

About Kirklees

Part of the Yorkshire and the Humber region, Kirklees is set in the heart of West Yorkshire with 425,500 residents, we are a vibrant and diverse place made up of towns and villages with strong local identities and distinct needs, working with a Place Based approach enables us to work at a hyper local level alongside our communities . This Plan breaks down Kirklees into 4 areas (Batley & Spen, Dewsbury & Mirfield, Huddersfield and Rural). For more information on the Kirklees district please visit [Visitors | Kirklees Council](#)

[Add link to Kirklees stats](#)

[Add link to JSNA](#)



² [Safer Kirklees | Kirklees Council](#)

Kirklees Strategic Priorities 2022-2027; - A Five Year Plan

The 2022-2027 Kirklees Communities Partnership Plan (KCPP) contains 4 **strategic priorities** which will be updated on an annual basis to ensure they remain relevant.

The plan details what we will do, as a partnership, to reduce crime and tackle issues that matter to local people and impact on quality of life in Kirklees.

We will include local communities more effectively in our planning and delivery at a local level, with an approach that will facilitate a clearer focus on the places people live and/or the communities they are a part of. Developing local solutions with our Elected members and local people will be core to our delivery.

For each strategic priority, the Partnership have specific **delivery/ action plans** that detail **multi-agency interventions** to tackle the issue, along with additional performance measures for each. Partners are committed to better communication and engagement, with a stronger focus on lived experience and co-production to ensure effectiveness and sustainability as we move forward. We want to work inclusively with our partners and local people guided by the **Inclusive Communities Framework**.

Within each strategic priority are a number of actions the Communities Board will oversee, along with xx key performance measures.

Underpinning each strategic priority is the Communities Board commitment to:

1. **Develop coordinated** partnership responses to tackling each strategic priority, through the lens of **Prevention and Early Intervention and lived experience**.
2. Be **intelligence, insight and data informed** and give strong oversight and scrutiny to our workstreams.
3. **Embed a place-based approach** working with our partners and ward members to tackle our strategic priorities, recognising the differences and commonalities within our communities and localities, and working alongside local people.
4. Develop stronger strategic links between the **Safeguarding Partnerships for Adults and Children and wider Health partnerships** to ensure a joined-up approach is in place in the delivery of the KCPP.
5. **Identify and address inequalities as part of core business**
6. **Ensure that our statutory duties are met** as a partnership, further developing our shared planning and accountability processes as a Board.



Strategic Priority 1 - Tackling Violence, Abuse & Exploitation

The Partnership in Kirklees will focus on keeping people safe, tackling violence, abuse and exploitation and disrupting organised crime groups. The causes and factors associated with serious violence, abuse and exploitation are wide and far reaching. We will work collaboratively across multiple agencies and geographical boundaries to affect change and tackle the root causes. We will work alongside communities who are disproportionately affected ensuring we have a clear approach to prevention, disruption and enforcement.

What this includes:-

- **Tackling Domestic abuse**
- **Reducing Violence inc.**
 - Youth Violence
 - Serious Violence
 - Violence against women & girls
 - Organised Crime
 - Safer Town Centres
- **Tackling Exploitation**
 - County lines and youth exploitation
 - Modern Slavery

The Kirklees Communities Board will:-

- Disrupt Organised Crime Groups (OCGs) and use enforcement against those that exploit individuals including our children and young people.
- Work with the [West Yorkshire Violence Reduction Unit \(VRU\)](#) to reduce serious violence, and give sharp focus to those involving weapons, working upstream to tackle the causes that draw people into violence.
- Stop violence against women and girls by working together to change attitudes and behaviours that undermine safety
- Work closely with the [Huddersfield](#) and [Dewsbury](#) Blueprint, to develop a vibrant night-time economy free from violence and fear.
- Develop a clear approach to reducing domestic abuse with an additional focus on work with perpetrators and children and young people.
- Safeguard children, young people and vulnerable adults who are being exploited, breaking down the barriers that exist to prevent, identify and report crimes
- Deliver services that meet the needs of victims and survivors, getting the initial response right first time, every time.
- Embed a trauma-informed approach across our work to ensure services are sensitive, empathetic and understand the impact of lived experiences
- Work with our third sector partners and with local communities to deliver locally developed solutions to local priorities
- Increase intelligence reporting to help us tackle Modern Slavery
- Work with our regional partners aligned to the [West Yorkshire Police and Crime Plan](#) to use our resources most effectively

Key Performance measures

- Reduction in violent offences resulting in injury below figure for 2021/22 (4,404 offences).
- Reduction in Violence against women and girls (target to mirror that in the WY Police and Crime Plan)
- Reduction in Knife Crime (target to mirror that in the WY Police and Crime Plan)
- Reduction in the number of repeat Domestic Violence incidents reported to West Yorkshire Police below figure for 2021/22 (47.9%).
- Increase in reports of Modern Slavery to the National Reporting Mechanism (NRM)

Strategic Priority 2 - Reducing Anti-Social Behaviour (ASB) & Neighbourhood Crime

We know that incidents of Anti-Social Behaviour and crime in our neighbourhoods adversely affects communities, we know it can have a significant impact on people's lives and wellbeing. All partners have a role to play, alongside the Police and the criminal justice system, in ensuring our local towns and villages feel safe. To address the root causes of these issues, we must adopt an approach that works with our Housing and Substance misuse service providers as well as increasing our engagement with our third sector partners. We want to develop locally based solutions with our communities. Our approach 'victims first' will remain at the forefront of our delivery around this priority, whilst developing a trauma informed approach to community safety.

What this includes:-

- **Reducing Anti – Social Behaviour (ASB)**
 - Personal i.e. neighbour disputes, threats, intimidation
 - Environmental i.e. graffiti, litter, fly tipping
 - Nuisance i.e. speeding vehicles, rowdy behaviour
 - Arson
- **Tackling Neighbourhood crime**
 - Vehicle Crime
 - Theft
 - Criminal damage
 - Domestic Burglary

The Kirklees Communities Board will:-

- Work with partners to review our ASB process through a trauma informed lens, to improve outcomes for local people and explore better options for neighbour disputes.
- Improve our approach to [Community Triggers](#) to make sure the victims of anti-social behaviour (ASB) receive a high quality, consistent problem solving approach
- Use our full range of partnership tools and powers to enforce and hold perpetrators of crime to account.
- Work with local people to increase a sense of belonging and pride in local areas and build resilience to crime, working with community groups, Neighbourhood watch and elected members.
- Design out crime at the earliest opportunity adopting specialist advice where necessary, using physical measures to keep our communities safe. i.e. Environmental Visual Audits, target hardening.
- Work in partnership to protect those most vulnerable to Cyber-crime including fraud, online abuse and exploitation.
- Using a combination of prevention / early intervention and use of enforcement tools, create places that are clean, free from fly tipping, of which communities can be proud of.
- Develop a team of mediators that can resolve neighbour disputes at the earliest opportunity to reduce further harm and escalation.
- Work with local people to keep their homes, cars and neighbourhoods resistant to crime

Key Performance measures

- Reduce the % of Kirklees Respondents who identify Anti-Social Behaviour (ASB) as a Community Safety Concern in their area below 60%.
- Reduce the number of nuisance incidents reported to the Police below the figure for 2021/22 (5,131 incidents)
- Reduce the number of fly tipping incidents reported to the Kirklees Council below the figure for 2021/22 (6,017)
- Increase the percentage of people living in homes and neighbourhoods estates who are satisfied with services provided by Kirklees Council (2021 : 68% said they were satisfied)
- To reduce the number of deliberate fires (primary and secondary) recorded by WY Fire and Rescue Service below the figure for 2021/22 (1,054 incidents)
- Reduce vehicle offences below the figure for 2021/2022 (1,971 offences)
- Reduce Total Crime below the figure for 2021/2022 (45,418 offences)
- Reduce residential burglary offences below the figure for 2021/2022 (1,307 offences)

Strategic Priority 3 – Building resilient and inclusive communities

Communities in Kirklees continue to show great resilience in the face of the challenges presented by the Covid pandemic, with mutual aid groups, the voluntary and community sector and individuals stepping up from all areas of the borough and all communities to offer kindness and support.

We know that factors such as inequality and hate crime undermine community confidence and that national and international issues can undermine our sense of belonging and of fairness. As a partnership committed to driving forward our Inclusive Communities Framework, we want to work with local communities to ensure people feel they have a voice and are listened to; that people have confidence they will be treated fairly and that all communities feel engaged and supported to build communities that they want to be a part of, in places they feel safe.

What this includes

- **Tackling Hate Crime**
- **Prevent** - Safeguarding against radicalisation
- **Supporting integration and new communities**, including Asylum Seekers and Migrants
- **Building inclusive communities**, strengthening a sense of belonging

The Kirklees Communities Board will:-

- Reduce hate crime by building inclusive communities, whilst holding perpetrators to account and raising awareness of the impact of hate crime.
- Provide leadership and oversight of the Inclusive Communities Framework (ICF) program of work to enhance cohesion and inclusion.
- Ensure communication, engagement and collaborative working with Elected Members, aligned with our Place based approaches, to develop effective neighbourhood solutions, harnessing local knowledge and community connections.
- Listen to and work with local communities in neighbourhoods to build trust and confidence to report issues at the earliest opportunity.
- Work with communities to build transparency and strong partnerships in our delivery of Prevent, reducing the threat of extremism in Kirklees and safeguarding those most vulnerable to radicalisation.
- Develop our partnership infrastructure around inclusion and cohesion to improve coordination and collaboration
- Enable effective support and integration of new and emerging communities, including Asylum Seekers and refugees.
- Celebrate and promote the diversity of communities and faiths within Kirklees with a programme of positive communications, events, commemorations and celebrations.
- Deliver services that meet the needs of victims and survivors, getting the initial response right first time, every time for people of all backgrounds and from all communities.

Key Performance measures

- Reduce the number of repeat victims reports of Hate Crimes to West Yorkshire Police below the figure for 2021/22 (25.9% repeat rate)
- Increase the % of Kirklees respondents who are satisfied with their local area above 72% (CLiK Survey)
- Increase the % Young People who report that they feel safe in their neighbourhood above 75%
- Increase the % of Kirklees respondents who report feeling safe in their local area above 80%
- Increase the % of Kirklees respondents who report that they feel people from different backgrounds get along from above 55%.
- Insert ICF Measures when available

Strategic Priority 4- Reducing Risk

Within this priority are themes which cut across the whole of the Partnership Plan, in addition to emerging areas of work prioritised to reduce risk to local communities. We know that reducing risk at an early stage will help us to reduce the likelihood of critical incidents occurring that have significant impact on communities, such as water safety. Whilst the number of people killed and seriously injured on our roads continues to reduce it remains a priority and concern for local communities. Each of these areas of work has a focus on prevention alongside enforcement. Drugs and Alcohol is often a driver behind many types of crime, by focusing on supporting people away from offending behaviour we will reduce the numbers of people who become victims of crime.

What this includes

- **Reducing Reoffending**
- **Reducing the impact of Substance Misuse**
- **Reducing Water related fatalities**
- **Addressing Road Safety**

The Kirklees Communities Board will:-

- Work with partners such as Yorkshire Water, Kirklees Active Leisure and the Canal and River Trust to reduce the risk of drowning in open water
- Develop more effective collaborative work with specialist services that can help us deal with underlying issues (such as mental health, unemployment and substance misuse) that present challenges to our success in a range of areas including ASB, Domestic Abuse, Neighbourhood Crime and Reducing Re-offending.
- Improve and increase our work with communities to address road safety. This includes both continuing reducing the number of people killed and seriously injured on the roads but also to tackle the issues of key concern for communities including speeding, anti-social parking and dangerous vehicles.
- Ensure the development of a Kirklees Drugs and Alcohol Strategy, acknowledging the impact Drugs and Alcohol can have upon Community Safety issues, addressing prevention, early help and treatment as well as enforcement.
- Refresh the Kirklees reducing re-offending Strategy, with a focus on holistic support to change behaviour
- Working with education settings and providers to reduce school exclusions and the vulnerabilities this creates for our children and young people.
- Deliver services that meet the needs of victims and survivors, getting the initial response right first time, every

Key Performance measures

- Reduction in the number of first-time entrants in the CJS
- Reduce the number of People Killed and Seriously Injured – reduce by 10 Killed or Seriously Injured per year
- Reduction in demand on partnership resources associated with risky behaviours around open water
- Reduce reoffending rates for drug related crime
- Increase the number of offenders referred to drug treatment services

Governance and delivery arrangements

The Kirklees Communities Board, which is elected member led, oversees the implementation of the Partnership Plan and works alongside Kirklees Health and Well Being Board, Children’s and Adults Safeguarding Boards to address shared strategic issues such as serious violence, exploitation, inclusion, wellbeing and equality. The Communities Board makes recommendations to the Councils Cabinet as well as to decision making structures in other partner organisations. The Kirklees Communities Board has a Strategic and legal requirement to:

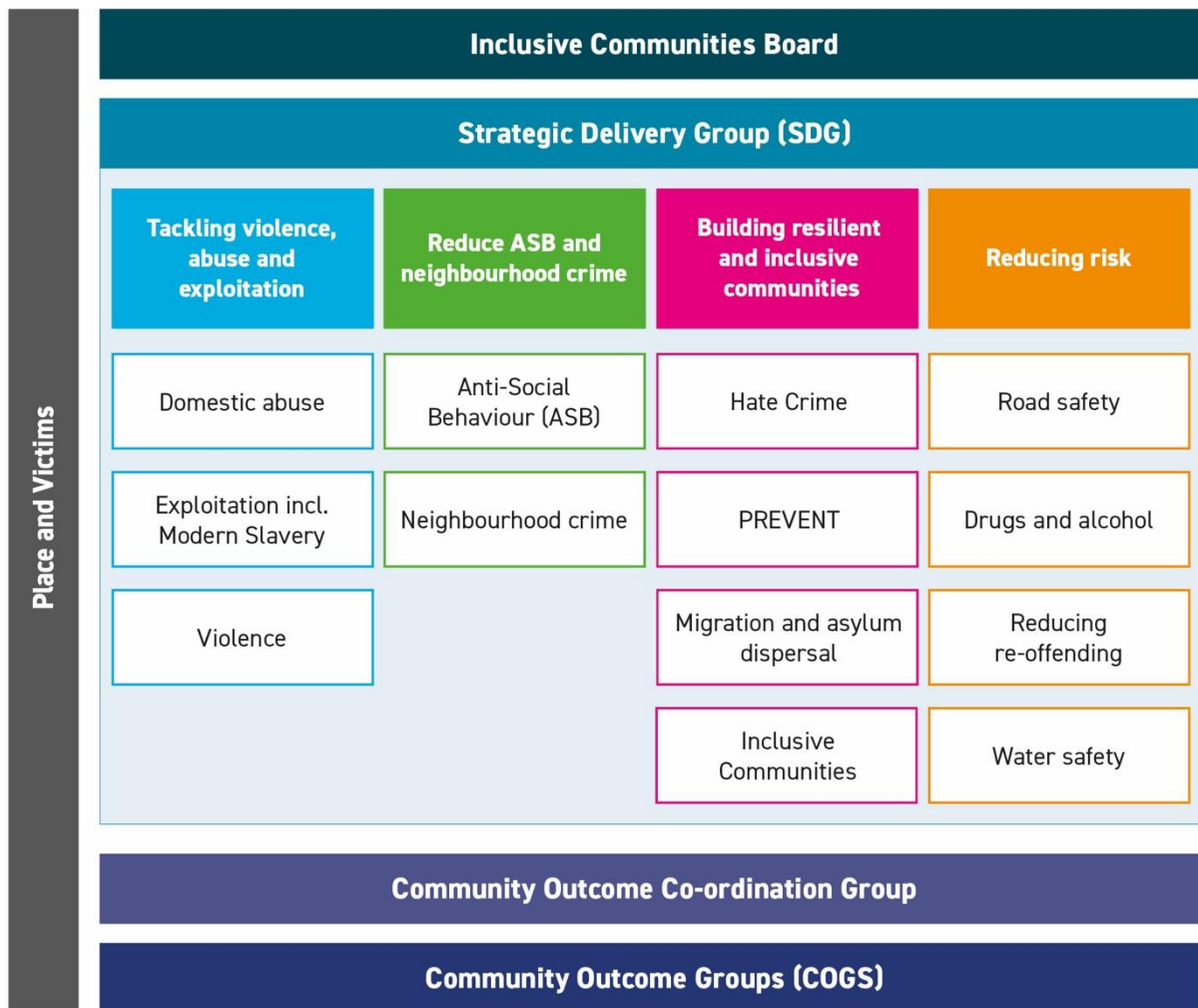
Prepare an annual Partnership Strategic Assessment (SIA)	Prepare and implement a Partnership Community Safety Plan, including how we monitor progress
Prepare and implement a Reducing Reoffending Strategy	Conduct duties relating to community engagement and consultation in development of strategies
Have in place an information sharing protocol	Conduct Domestic Homicide Reviews and apply learning
Review the persons who attend the CSP to ensure they have the requisite knowledge and skill to exercise the functions	Review expenditure of any partnership monies

The Kirklees Communities Board and its Partners work closely with the West Yorkshire Combined Authority, who are core members of the Board, to ensure there is strategic alignment between policies and priorities and the sharing of best practice. This includes supporting the delivery of the West Yorkshire Police and Crime Plan 2021-2024 and its associated outcomes which are strongly linked within this plan.

The Councils overview and Scrutiny function acts as a check and balance for the work of the Communities Board, providing appropriate challenge on performance.

The Kirklees Strategic Delivery Group (SDG) sits underneath the Kirklees Communities Board and provides co-ordination, challenge and support for the delivery of each of the strategic priorities including identifying resources for thematic areas in the Partnership Plan, bringing success and/or challenges to the attention of the wider Board as required.

The Community Outcome Groups (COGs), provide a platform for multi-agency problem solving to take place within each of the 4 localities, using the strong partnership we have in Kirklees to tackle complex issues that cannot be resolved by one single agency alongside the developing approach to ward partnerships and local action planning.



To measure success, the Kirklees Communities Board has a suite of strategic performance indicators for the Partnership Plan and monitor these on a regular basis, in addition to clear deliverables and indicators in each delivery plan. These are detailed at the end of each priority and brought together on page 16 - Partnership Plan Outcome Framework.

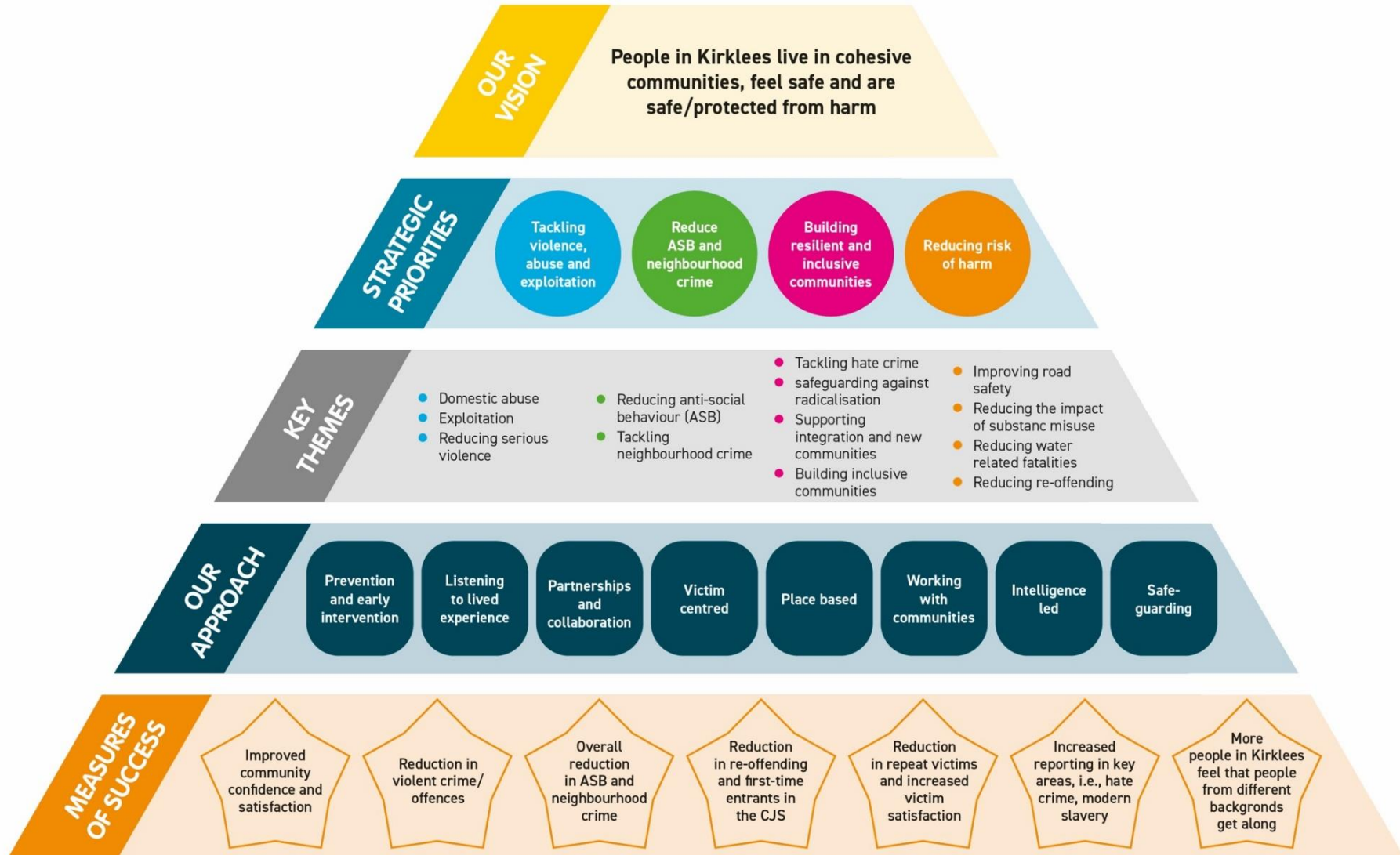
Priority leads will report on progress to the Communities Board and publicly through the Council's Overview and Scrutiny Committee.

The Communities Board will ensure that the Partnership Plan is reviewed on an annual basis to ensure that it remains current and reflective of the concerns and lived experience of local people and emerging threats.

Minutes of the Communities Board are published on the Community Safety Page of the Council's website.

Partnership Plan Outcome Framework

Reducing Serious Violence	Neighbourhood Crime & ASB	Building Resilient & Inclusive Communities	Reducing Risk
Reduction in violent offences resulting in injury below figure for 2021/22 (4,404 offences).	Reduce the % of Kirklees Respondents who identify Anti-Social Behaviour as a Community Safety Concern in their area below 60%.	Reduce the number of repeat victims reports of Hate Crimes to West Yorkshire Police below the figure for 2021/22 (25.9% repeat rate)	Reduction in the number of first-time entrants in the CJS
Reduction in Violence against women and girls (target to mirror that in the WY Police and Crime Plan)	Reduce the number of nuisance incidents reported to the Police below the figure for 2021/22 (5,131 incidents)	Increase the % of Kirklees respondents who are satisfied with their local area above 72% (CLiK Survey)	Reduce the number of People Killed and Seriously Injured – reduce by 10 Killed or Seriously Injured per year
Reduction in Knife Crime (target to mirror that in the WY Police and Crime Plan)	Reduce the number of fly tipping incidents reported to the Kirklees Council below the figure for 2021/22 (6,017)	Increase the % Young People who report that they feel safe in their neighbourhood above 75%	Reduction in demand on partnership resources associated with risky behaviours around open water
Reduction in the number of repeat Domestic Violence incidents reported to West Yorkshire Police below figure for 2021/22 (47.9%).	Increase the percentage of people living in homes and neighbourhoods estates who are satisfied with services provided by Kirklees Council (2021: 68% said they were satisfied)	Increase the % of Kirklees respondents who report feeling safe in their local area above 80%	Reduce reoffending rates for drug related crime
Increase in reports of Modern Slavery to the National Reporting Mechanism (NRM)	To reduce the number of deliberate fires (primary and secondary) recorded by WY Fire and Rescue Service below the figure for 2021/22 (1,054 incidents)	Increase the % of Kirklees respondents who report that they feel people from different backgrounds get along from above 55%.	Increase the number of offenders referred to drug treatment services
	Reduce vehicle offences below the figure for 2021/2022 (1,971 offences) inc by place	Insert ICF Measures when available	
	Reduce Total Crime below the figure for 2021/2022 (45,418 offences)		
	Reduce residential burglary offences below the figure for 2021/2022 (1,307 offences) inc by place		



Appendix 1

Summary of the Strategic Intelligence Assessment

Kirklees Strategic Intelligence Assessment

We have developed our priorities with due regard to our data and intelligence, consultation with partners and through on-going community engagement. The priorities are informed by work throughout the year with our Elected Members. We have considered a wide range of data including crime, anti-social behaviour and public perceptions which can be seen in the [Kirklees Strategic Intelligence Assessment](#). The next section of the Partnership Plan identifies key themes emerging from this analysis.

The SIA highlights how lockdown restrictions had a significant impact on recorded crime with overall offences not sure what overall offences means? reducing by 13% in 2020 compared with 2019 (the trend for the 5 years prior to 2019 was year-on-year increases), which is a similar trend to other West Yorkshire authorities. Nationally as well?

Having said this, the overall reduction did not apply to all offence types:

- Offences where Covid restrictions meant there were fewer opportunities to commit crimes (more people at home / town centres largely closed) saw significant **decreases** – for example theft offences (from person / vehicles), shoplifting and burglary offences.
- However, there were **increases** in recorded drugs offences (attributed to more proactive and targeted policing), stalking / harassment offences and online offending (such as fraud).

A further theme emerging from the SIA relates to the impact of Covid and associated restrictions on ways of working and individuals / communities more generally.

Many of our services adapted to new ways of working in the pandemic. Reduced face to face contact with our communities has meant that the prevention and early help approaches we would usually have in place were not always possible, and some issues escalated more quickly that we would have seen pre-pandemic. The increase in people being at home for longer periods of time also created some increase tensions. ASB and hate crime reports were much more focused on where people lived (neighbour disputes), as opposed to town centres.

Covid 19 and associated restrictions has resulted in significant changes to how people live their lives and interact with others in their neighbourhood. The SIA recognises the impact on communities which saw a significant increase in volunteering and neighbourliness, although there have also been examples of division and blame over issues such as following rules and vaccination take up. At an individual level, the SIA suggests people being more connected with their neighbourhoods but also recognises the risks relating to physical and mental health which include negative perceptions of the area and fear of crime.

The next section groups together some of the key findings from the SIA that has led to the 4 priority areas for action in the Plan.

Tackling Violence, Abuse & Exploitation

The SIA tells us that violence against the person accounts for 44% of overall crime although nearly 80% of these offences do not involve any physical injury being sustained (such as assaults without injury, malicious communications and harassment).

Using a combination of local analysis and informed by wider policy development, the SIA recommends the need to focus on particular types of violence against the person – namely violence against women and girls and tackling serious violence.

The SIA restates the fact that victims of **domestic abuse** typically experience abuse for several years before coming forward, often going to several agencies before accessing the right support services.

Although domestic abuse (which now includes coercive and controlling behaviours) can affect both men and women, the most prevalent abuse remains that men are the perpetrators and women are victims/survivors. Link to DA strategy? Needs assessment

Analysis in the SIA shows the number of recorded cases of **Modern Day Slavery** (where someone is trafficked for forced labour, sexual exploitation or domestic servitude) in Kirklees remains static, although significant spikes associated with targeted operations and historic cases were evident. The SIA also recognises the likelihood of significant under recorded as the issue is often “out of sight” with lower levels of public awareness. Modern Day Slavery often has significant links to organised crime and does not stop or start at the Kirklees boundaries and the priorities we have detailed in the Plan reflects some common themes with our neighbouring boroughs that are brought together in the West Yorkshire Mayors Community Safety Plan

Reducing Anti-Social Behaviour (ASB) & Neighbourhood

The SIA provides a comprehensive assessment of current risks relating to **Anti-Social Behaviour (ASB)**. When this is broken down by the 3 main categories, the key issues identified are:

- **Personal ASB** (which is targeted towards individual or household e.g. noise / neighbour disputes) – more people at home combined with less in person mediation contributed towards an increase in noise complaints and neighbour disputes.
- **Nuisance ASB** (impacting on the wider community e.g. rowdy behaviour / fireworks) – more people at home for longer period meant increased experience of these issues resulting in more reports of issues such as nuisance motorcycles

- **Environmental** (impacting on the physical environment e.g. fly-tipping / graffiti) – significant increase in fly-tipping (in the first lockdown) which reduced over time although repeat hotspots remain.

The SIA highlights that crimes and ASB are clustered in neighbourhood hotspots, most commonly in more deprived areas with higher unemployment, poverty and less quality greenspaces. The SIA suggests a combination of more opportunities and more people spending time in their own neighbourhoods has contributed to the higher incidences of neighbourhood issues.

Building resilient and inclusive communities

The SIA spotlights how COVID and associated restrictions has seen both positive (increased volunteering) and negative (scapegoating) impacts on **community tensions**. A wide range of factors impact on tensions – both national and international issues and policy as well as local incidents which impact on people's lives. Alongside the connectivity it offers, the on-line space can also play a part in increasing tensions, spreading misinformation and fuelling prejudice.

The reporting of the murder of George Floyd and the subsequent Black Lives Matter protests has raised the profile of anti-discrimination activities and the impact of racism on our communities. Over the summer of 2021, there were a number of racially motivated online abuse cases targeted at high profile individuals in particular football players and Black politicians. In Kirklees we saw peaceful protests in support of this and other movements such as environmental causes. This shone a light on local inequalities, amplified the need to focus on lived experience and to better listen and understand communities, this has informed the emerging Inclusive Communities Framework.

In common with the national picture (which saw an 8% increase over the last year), Kirklees saw a 10% increase in recorded hate crimes. This could be interpreted as a positive sign of increased confidence in partnership responses but needs closer assessment, and the SIA does highlight that repeat incidents were more frequent in transphobic and disability related incidents.

The SIA highlights that Kirklees sits in the top quartile of most deprived districts in England and that this disadvantage is concentrated in urban neighbourhoods around Huddersfield and parts of North Kirklees. Residents living in these deprived areas are more likely to experience multiple inequalities such as crime, anti-social behaviour and wider health outcomes.

The current **counter terrorism / extremist** national threat level was raised to substantial for a significant period, meaning that a terrorist attack is judged as a strong possibility. The most significant threats to national security are assessed by Government as Daesh / Al Qaida inspired groups, extreme right-wing groups and an increasing threat from other individuals/groups with no particular ideology.

Reducing Risk

The SIA identifies several areas where people can be at risk without sustained intervention and/or prevention – this includes accidental fire deaths, water safety,

road safety and re-offending. It also highlights issues that affect other cross cutting priority areas such as drugs and alcohol that cause harm to individuals, families and communities.

Road traffic casualties have decreased by 58% over the past decade, the majority of which sustain slight (as opposed to serious / fatal) injuries. This trend was particularly noticeable over the lockdown period, generally associated with a large reduction in traffic volume. Having said this, road safety remains a key concern for local people which is demonstrated through consistently showing as the top priority emerging from perception surveys and more recently through local campaigning about dangerous driving and protecting vulnerable road users.

Covid and associated restrictions has impacted on work to address **drug and alcohol misuse** in terms of health (increased misuse) and links to other community safety issues including violent crime, domestic abuse and organised criminal gangs. The SIA recognises both immediate (such as drug related deaths) and longer term (impacting on health services and quality of life) issues relating to problematic use of drugs and alcohol.

Contact and further information

Safer@Kirklees.gov.uk

01484 221000

<https://www.kirklees.gov.uk/beta/community-safety-partners/kirklees-community-safety-partnership.aspx>



EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy:	
Communities Partnership Plan 2022-2027	
Directorate:	Senior Officer responsible for policy/service:
Customers and Communities	Jo Richmond
Service:	Lead Officer responsible for EIA:
Communities Service	Lee Hamilton/ Chris Walsh
Specific Service Area/Policy:	Date of EIA (Stage 1):
Safer Kirklees	17th June 2022

Brief outline of proposal and the overall aims/purpose of making this change:

The Kirklees Communities Partnership Plan identifies the strategic community safety priorities for the district through engagement and consultation with a wide range of statutory partners (including the Council and its Elected Members, Police, Fire and Rescue Authority and Probation Services) and non statutory partners (such as community and voluntary sector providers, the health sector and housing). This is a new plan, based upon the most recent Strategic Intelligence Assessment (SIA) for the district, outlining the key community safety priorities to be tackled over the next 5 years.

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	6	2.4	8.4	0	0	0	No
Environment		4.2	4.2	0	8	8	No

NATURE OF CHANGE

WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	YES
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	NO
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	NO

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Kirklees Partnership Strategic Intelligence Assessment 2021

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Executive Summary

The purpose of the PSIA is to provide a robust evidence base of these issues to inform the partnership priorities in the Communities Partnership Plan. The assessment is developed through analysis of multi-agency data, perceptions and wider research including socio-economic factors.

Kirklees as an area is made up from distinct areas which have range from rural villages to urban towns, some of which have higher (and in some cases increasing) levels of deprivation which in general experience more community safety issues.

The overall population in Kirklees is increasing (with noticeable increases in older age groups) and becoming more diverse although there has been a decrease in registrations from EU citizens. Huddersfield has a fairly significant transient population with over 17,000 people studying at the University.

Recorded Crime

Lockdown restrictions had a significant impact on recorded crime with overall offences reducing by 13% in 2020 compared with the previous year – the level of crime in Kirklees is in line with other similar areas.

However, this reduction did not apply to all offence types –

- Offences where lockdown meant there were fewer opportunities (more people at home / town centres largely closed) there were significant **decreases** – for example theft offences (from person / vehicles), shoplifting and burglary offences.
- However, there were **increases** in recorded drugs offences (attributed to more proactive and targeted policing), stalking / harassment offences and online offending (such as fraud).

Violence against the person accounts for 44% of crime – although approaching 80% of offences do not involve any physical injury being sustained (such as assaults without injury, malicious communications and harassment).

The SIA highlights particular risks to be considered relating to both violence against women and offences committed in the online space.

Anti-Social Behaviour

Personal ASB is targeted towards an individual or household – for example noise and neighbour disputes. Personal ASB increased over the lockdown period – caused by more people being at home for longer periods but also because remote working meant issues not addressed at early stage. This was compounded by tools such which threatened eviction not being available over the lockdown period.

Nuisance ASB impacts on the wider community and covers issues such as rowdy behaviour and fireworks. Although there were spikes in nuisance behaviour over the summer months of 2020, incidents are generally decreasing although there remains a seasonal dimension and risks with the reopening of the night-time economy.

Environmental ASB relates to issues such as graffiti and fly-tipping which impact on fear of crime and tend to increase if not dealt with quickly. Fly-tipping saw a significant increase over the lockdown period – a combination of more rubbish generated as a result of people at home, recycling centres closed and people walking round their local area and therefore reporting issues (which also included pro-active clearances in the figures for the first time).

Deliberate Fires are often connected with fly-tipping (where items are not removed). Fires are broken into Primary (where property such as buildings or vehicles are involved) or secondary (where the target is most frequently grassland or outdoor furniture such as bins). The majority of **primary fires** targeted vehicles (65%) and sheds / garages (26%) and tend to peak over night. **Secondary fires** were most associated with bins (61%) or grassland (16%) – these fires tends to have a seasonal dimension although there are spikes (which as a result of partnership work are far less apparent) at times such as Halloween / Bonfire night.

COG Priorities – within Kirklees, multi-agency problem solving groups called COGs bring together partners to collectively address shared issues. Some of the recurring themes across the 4 areas in Kirklees include: Youth ASB including off road motorcycles, environmental ASB – particularly around fly-tipping hotspots and ASB / criminal behaviour in some Estates through the District.

Homes & Neighbourhoods Estates – Whilst there was 20% reduction in reported incidents, housing officers worked remotely over a large part of the lockdown (and associated restrictions) period meaning there were fewer opportunities to pick up (and deal with) incidents. The main types of incidents reported over the past 3 years were noise, verbal abuse / threats and hate incidents.

Perceptions

Based on **National Research** (Opinions and Lifestyles Survey), people tend to feel less safe in busy public places during the day but least safe in parks and open spaces after dark. This is particularly noticeable for people aged over 75 and younger women who also reported higher levels of harassment such as catcalls and sexualised comments.

Latest results (March 2021) from the “**Your Views**” survey conducted by the West Yorkshire Mayor’s Office 76% of Kirklees respondents felt safe in their local area and 66% were satisfied with their neighbourhood as a place to live. The top 3 priorities identified are dangerous driving, litter and problem parking.

These fairly positive results are supported by those which emerged from the consultation **Homes and Neighbourhoods** undertook with its tenants. This showed that 3 of 4 respondents were satisfied with their neighbourhood as a place to live.

Analysis of **Place Standard** results highlighted common concerns relating to gangs / ASB, petty crime and drugs issues. The two most frequently cited solutions are activities for young people and improvements to local greenspace.

Road Traffic Collisions

In common with the national picture, numbers of road casualties has decreased significantly over the past decade (down 58%). Whilst the figure for 2020 is broadly in line with previous reductions, it is true to say that traffic volumes were significantly reduced over the lockdown period which impacts on these figures.

Of the 607 people who sustained an injury as a result of a Road Traffic Collision in Kirklees, the majority of these (84%) were slight as opposed to serious or fatal. It is important to note that vulnerable road users including pedestrians, cyclists and motorcyclists remain a priority.

Accidental Dwelling Fires

Analysis of dwelling fires show increased numbers at times where cooking is likely to happen (between 3 and 5) although there is some evidence of peaks later in the evening. There have been decreases in smoking related fires and more incidents in more deprived wards.

PREVENT

The current threat level remains at substantial, meaning that a terrorist attack is judged as a strong possibility. The most significant threats to national security are from Daesh / Al Qaida inspired groups, extreme right-wing groups and increasing from other causes with no particular ideology.

Lockdown has increased the range of threats evident with the emergence of civil liberties (around lockdown) groups, environmental protests, possible risks connected with the return of the Taliban in Afghanistan and Extreme right wing (which has started to see an increased anti-Semitic narrative evident).

Community Tensions

The experience of COVID and associated restrictions has seen both positive (increased volunteering) and negative (scapegoating) impacts on communities and associated tensions. There were example of communities blaming others for not following rules or vaccination take up – at time this had a racial dimension for example on social media platforms.

The reporting of the murder of George Floyd and the subsequent Black Lives Matter protest has raised the profile of anti-discrimination activities. Over the summer of 2021, there were a number of racially motivated online abuse cases targeted at high profile individuals in particular football players.

Hate Crimes

In common with the national picture (which saw an 8% increase), Kirklees saw a 10% increase in recorded hate crimes. This is generally regarded to be a positive sign of increased confidence although the number of incidents recorded is still likely to be significantly less than the actual number of incidents recorded.

Broken down by incident characteristics, proportionately more were racist incidents (70%), although repeat incidents were more noticeable with transphobic and disability related incidents. Restrictions associated with COVID meant that there were proportionately less incidents in town

centres with more closer to where people live including an increase in neighbour related incidents which intensified over the lockdown period.

Domestic Abuse

The definition of domestic abuse continues to include a wide array of coercive and controlling behaviours including physical and mental abuse, threats and restricting financial independence. Although domestic abuse can affect both men and women, the most common forms are with men subjecting women to some form of abuse.

Some of the key messages in the SIA emerging from analysis of local and national data sources are:

- Victim's typically experience domestic abuse for a number of years before coming forward, meaning the first report is highly unlikely to be the first time the abuse happened.
- Victims often go to several agencies over a prolonged period of time before accessing the right support services.
- Experiencing domestic abuse has significant financial costs and pressures on support services
- Perpetrators of domestic abuse often have a history of negative life experiences including abusive childhood, anti-social behaviour and instable employment, housing and substance misuse
- Within Kirklees, domestic abuse incidents have increased steadily over the past 3 years with noticeable spikes over summer months and Christmas / New Year (although COVID restrictions meant this was far less evident in 2020).
- Closer analysis of incidents in Kirklees highlighted: majority of victims female / majority of suspects male, peak ages in 20s & 30s and a repeat victim rate of 47%.

Modern Day Slavery (MDS)

MDS involves forcibly moving or trafficking people for the purposes forced labour, sexual exploitation or domestic servitude. Within Kirklees, the number of MDS offences is fairly stable although there are significant spikes associated with targeted operations and historic cases coming to light. It is recognised that MDS is significantly under recorded as it is often "out of sight" – therefore training and awareness for front line workers and communities remains a priority.

Drugs & Alcohol

Key issues emerging from the recent Drug and Alcohol assessment in Kirklees were:

An increase in **drug** related deaths with an increase in psychoactive substance and prescription medicines. In terms of treatment, the majority of referrals were self-made with the majority of interventions being delivered in the community.

Drawing on the same assessment, the SIA highlights health risks (including deaths) associated with alcohol misuse which is most frequently associated with males who are middle aged and over (although problematic use by females (often citing mental health issues) is increasing).

Partnership Strategic Intelligence Assessment (PSIA)

About the PSIA

The 1998 Crime and Disorder Act and other subsequent legislation places a statutory duty on Community Safety Partnerships to develop a strategic Plan which addresses multi-agency issues affecting quality of life for residents. The purpose of the PSIA is to provide a robust evidence base of these issues to inform the partnership priorities in the Communities Partnership Plan.

The PSIA pulls together a wide range of data sources relating to crime, anti-social behaviour, environmental issues and substance misuse alongside perceptions information concerning public confidence and reassurance. The PSIA considers the changing socio-economic and demographic profile of Kirklees to contextualise some of the community safety hotspots in the district.

Contextual Information

In terms of socio-economic characteristics, Kirklees (map 1 in the appendix shows the geography) may be best viewed in three distinct areas:

- North Kirklees, which includes the urban centres of Mirfield, Dewsbury, Batley and Cleckheaton along with the more rural Spen Valley:
- Huddersfield; the largest town in Kirklees with about 143,200 residents
- The rural and semi-rural area south and west of Huddersfield, including small towns such as Holmfirth, Slaithwaite and Denby Dale.

According to the 2019 Index of Deprivation, Kirklees is the 62nd most deprived district of 317 districts in England. In 2015 using the same 'extent' measure Kirklees was 82nd out of 326 districts; Kirklees has therefore become relatively more deprived.

The PSIA highlights increased levels of crime and other community safety issues in many of these areas.

Population

The latest (2020) population estimates suggest there are around 441,300 people living in Kirklees.

Kirklees' minority ethnic communities make up 20.9% of its resident population with the majority living in the District's urban centres. Kirklees' Muslim population of 61,280 is one of the highest in the country.

Since 2004, there has been a significant arrival of people from the EU Accession States (mostly from Poland) coming to work in the district, and there are also refugees and asylum seekers from Africa, the Middle East and parts of the former Yugoslavia.

However, the latest (2020/21) National Insurance Number figures showed a sharp decline in registrations, nearly half that of the previous year. Registrations from the European Union declined by 59%. However, increased registrations did occur for a few nationalities; Nepal, Nigeria and El Salvador were highest.

According to the 2018 Subnational Population Projections, the population of Kirklees is projected to grow by 6% by 2043 - below the regional (7%) and national averages (10%). The number of people of aged 65 and over is the only age group which is expected to grow significantly, those aged 0-15, 16-24 and 25-44 are expected to decrease, while numbers in the 45-64 age band show a small increase of around 1%.

In addition to the usually resident population, Kirklees has a significant transient population of 17,305 people studying at the University of Huddersfield. This includes 12,315 full time undergraduate students of which approximately 15% are from overseas (many of which from non-EU countries). This has a potential impact for community safety both in terms of victims of crime and also possible anti-social behaviour.

Analysis of Multi-Agency Issues

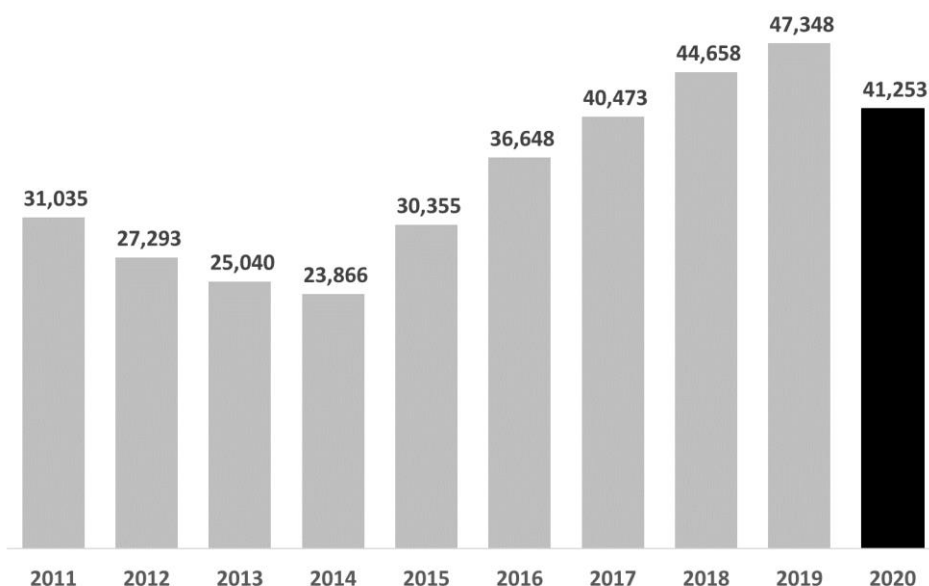
Police Recorded Crime

Chart 1 shows the long-term trends in recorded crime in Kirklees and highlights the number of crimes recorded in 2020 reduced by 13% compared with the previous year.

In common with the national picture, this reduction did not apply to all offences and as will be explored later in the SIA, this varied by offence type:

- There were **increases** in recorded drugs offences (attributed to more proactive and targeted policing), stalking / harassment offences and online offending which is detailed later in the report.
- There were significant **decreases** in offences where lockdown led to reduced opportunities such as theft offences (from person / vehicles), shoplifting and burglary offences.

Chart 1 – Long Term Trends in Recorded Crime



When this annual trend is studied in more detail (as shown in chart 2), there is a noticeable increase in offending to July 2020 which then decreases to January 2021 before increasing to the

summer of 2021. These trends are largely explained by fluctuations in public order and in particular non-injury violence which account for a significant proportion of overall crime.

Chart 2 – Seasonal fluctuations in Recorded Crime

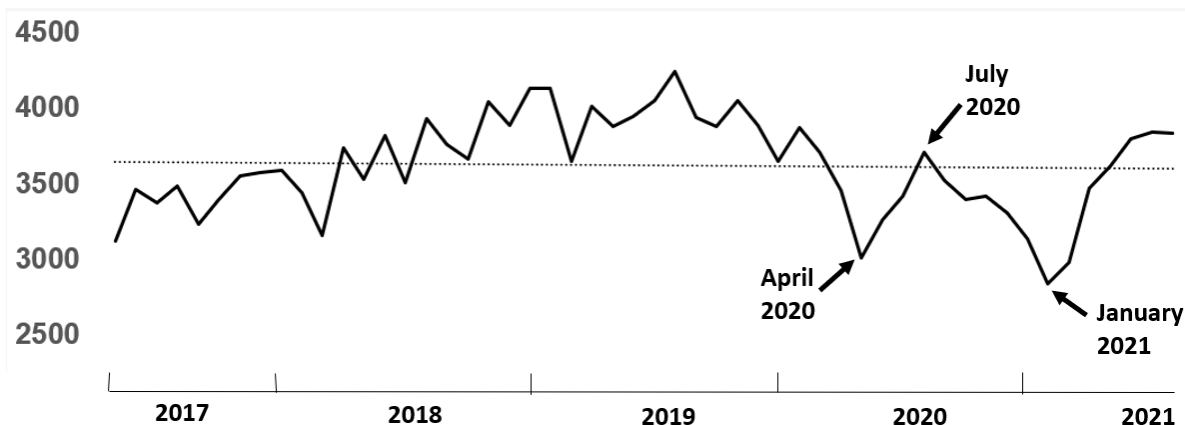


Chart 3 shows that the level of crime in Kirklees is broadly similar to that of comparable areas in the IQUANTA¹ family.

Chart 3 – IQUANTA Family Position – Total Crime

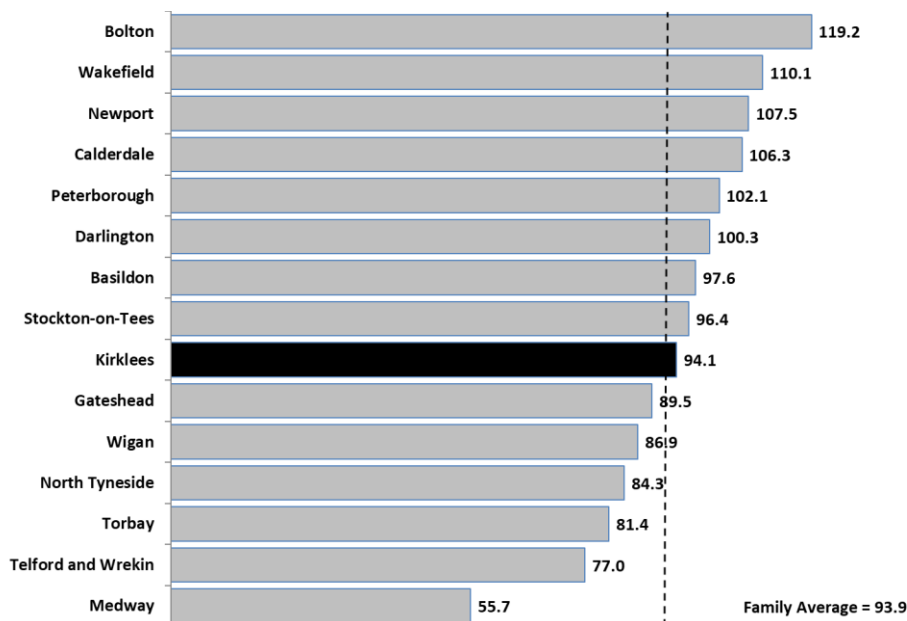
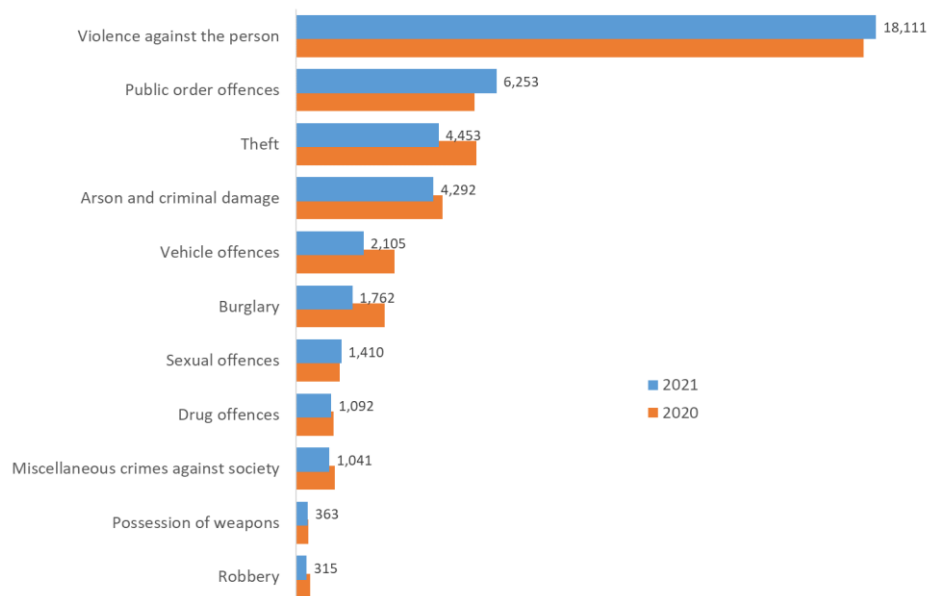


Chart 4 provides a breakdown of recorded crime by offence type with a second bar showing the previous year’s figure. This shows that the majority of offences saw fewer offences recorded although public order and violence against the person (mainly non-injury) saw the largest increases and account for nearly 60% of all recorded crime.

¹ IQUANTA groups together similar areas based on socio-economic characteristics to benchmark levels of crime

Chart 4: Recorded crime in Kirklees (12 months to July 2021 vs previous year)



The next section of the SIA will take a more in-depth look at property and personal crimes to highlight key risks.

Property Based Offences

The next section of the PSIA considers key themes relating to crimes against property (as opposed to people). The Crime Survey for England and Wales indicates that property crimes are more concentrated in areas / households which most commonly have:

- High unemployment areas
- Household income (lower than £10,000 or less)
- High incivility in the area
- Urban rather than rural area

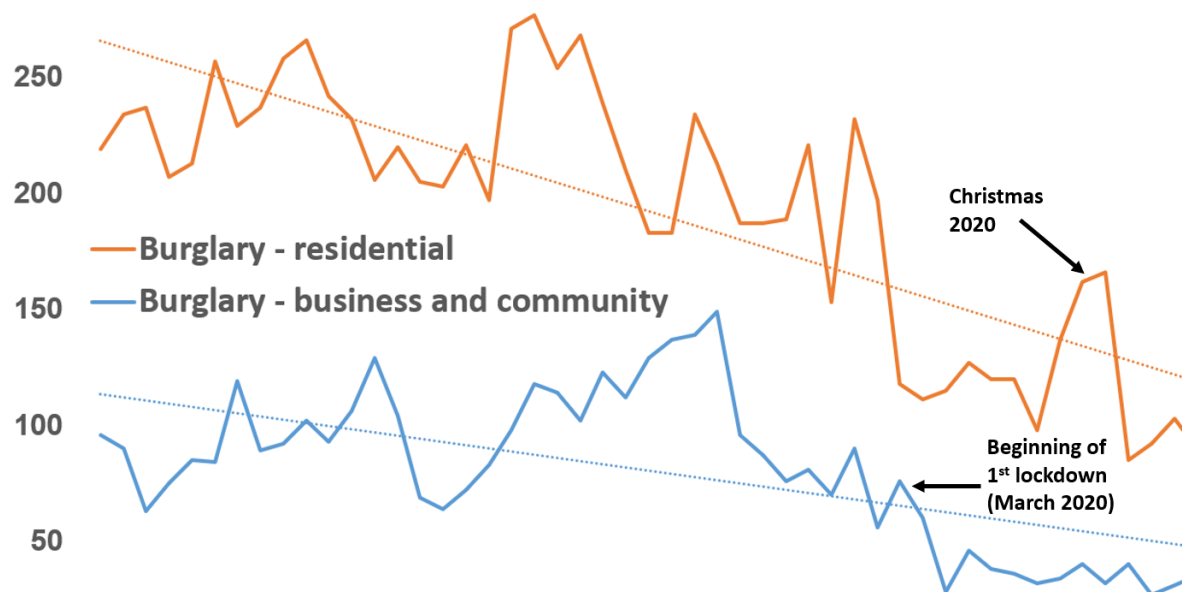
Burglary Offences

Burglary offences involve an offender entering a building with the intent of stealing something or with some other criminal intent. Burglary offences are divided into residential burglary where a home or other residential property (including sheds within the boundary of a property) is entered or business / community offences where the building is used for purposes such as shops, community centres and storage units on a building site.

It is also worth highlighting that attempt burglaries (where entry to the property is unsuccessful) are included in the count of burglaries and multiple offences can be recorded against the same building (for example if an offender gains access to a hall of residence and burgles (or attempts to burgle) 4 rooms, 4 burglary offences are recorded).

Chart 5 highlights the fluctuations in burglary offences by month and the overall reducing trends in offences.

Chart 5 – Fluctuations in Burglary Offences



When compared with other similar Community Safety Partnership areas in the IQUANTA family (shown in chart 6), Kirklees is better than average (6th lowest of 15) for overall burglary. Performance is better for Commercial / Community Burglary (4th lowest) compared with residential burglary (9th lowest) – having said this, performance in all areas is better than the average for the group.

Chart 6 – IQUANTA Family – Burglary Offences

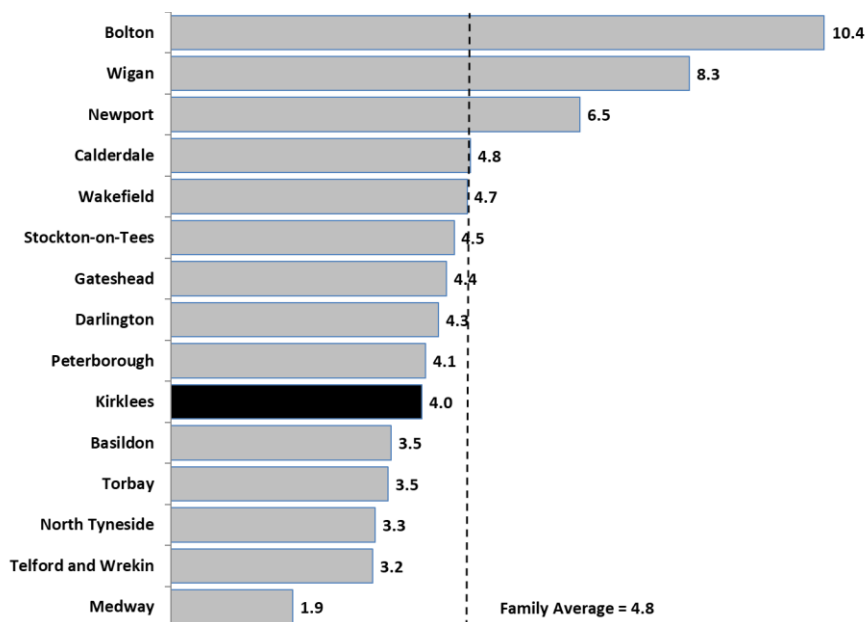
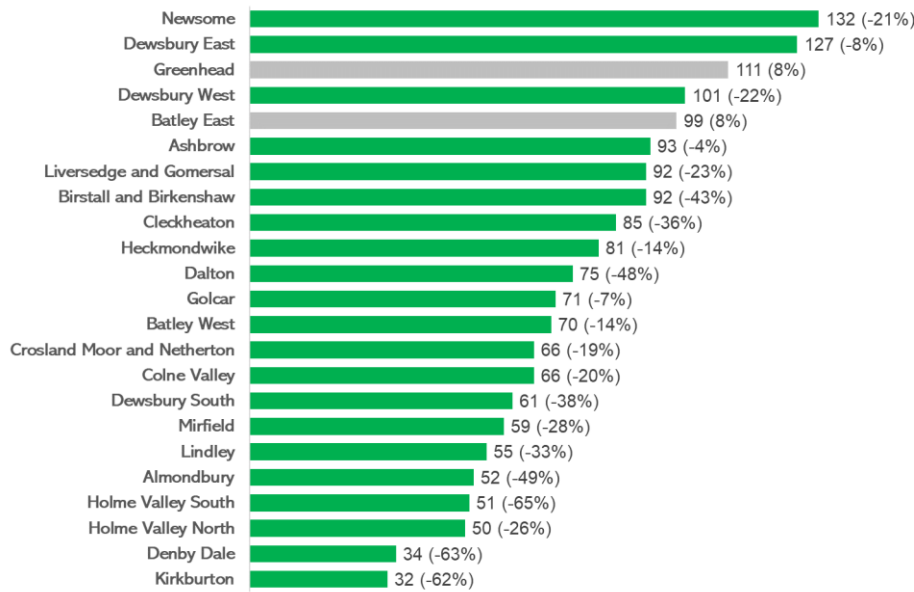


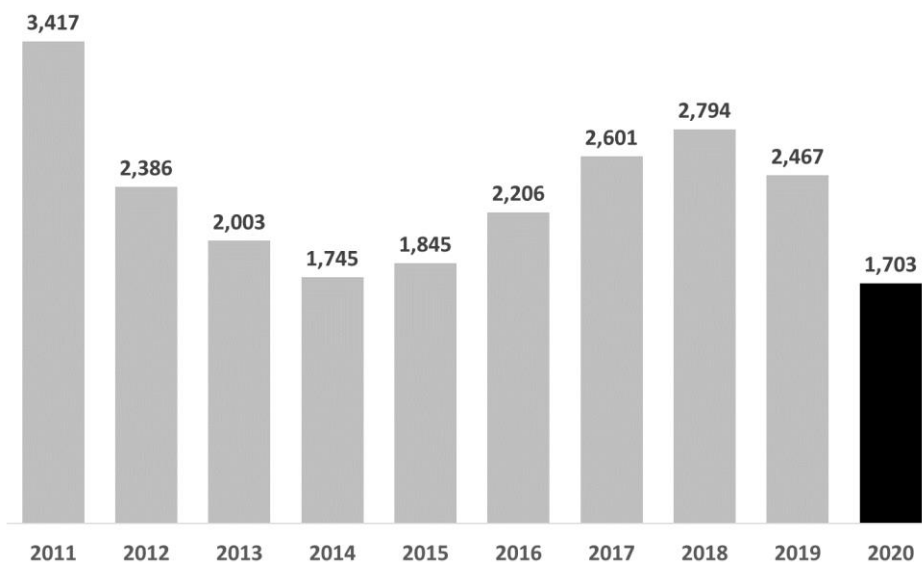
Chart 7 – Burglary by Ward



Residential Burglary

Chart 8 shows how residential burglary has reduced year on year since 2018. It should be noted that lockdowns and more people working from home during 2020 meant there were more “eyes and ears” to spot suspicious behaviour and also offenders would recognise the increased risks of being caught which would also serve as a deterrent.

Chart 8 – Longer Term Trends in Residential Burglary

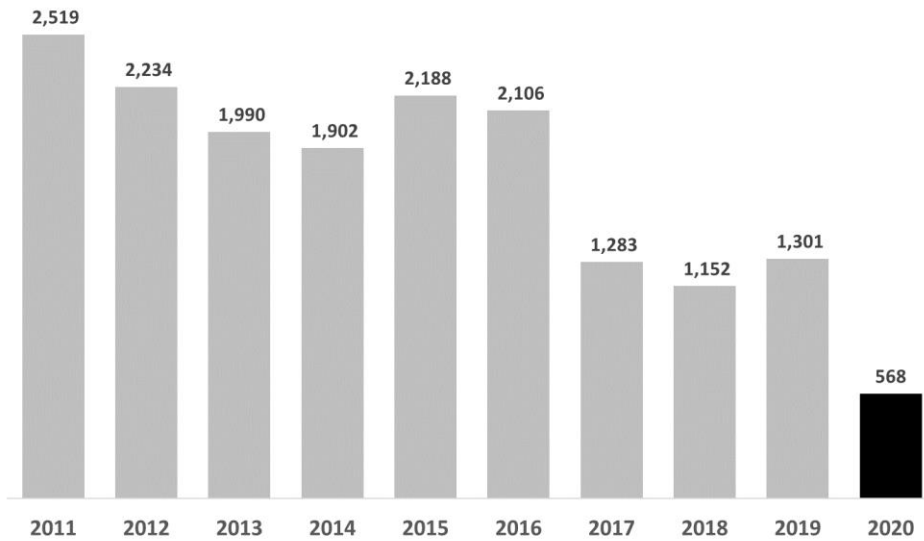


Burglary (business and community)

Chart 9 shows the trends in business and community burglaries over the past decade. Two significant reductions are evident:

- (1) In 2017 the category of “Burglary Other” changed to “Business & Community Burglary” – this resulted in burglaries of sheds and outbuildings within the boundary of a property was recorded under residential burglary (a similar increase in residential burglary is evident)
- (2) A significant reduction in 2020 when lockdown restrictions were in place and many businesses were closed. This significant reduction (56%) has been attributed to some proactive targeting of key nominals, restrictions in town centres meaning people more noticeable and possible switch in offending from burglary to other offence types.

Chart 9 – Longer Term Trends in Business and Community Burglary

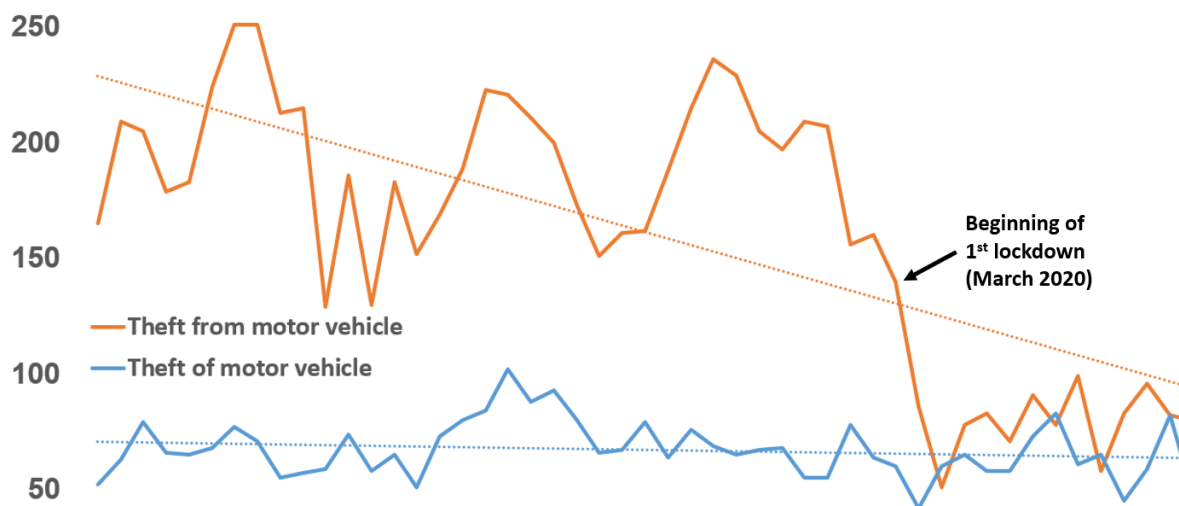


Vehicle Crimes

Vehicle crimes involve unlawful theft of vehicles or property from vehicles. Traditionally, the majority of offences have related to thefts from vehicles (such as bags, tools etc) as opposed to thefts of vehicles.

However, as shown in Chart 10, lock down restrictions had led to an unprecedented fall in thefts from vehicles (due to less use of vehicles which were often at home) which for a few months was under the number of thefts of vehicles.

Chart 10 – Fluctuations in Vehicle Offences



In comparison with other similar Community Safety Partnership areas (shown in chart 11), Kirklees is better than average (5th lowest of 15) for all vehicle crime. When this is broken down by type, performance is better for thefts from vehicle (6th lowest) compared with thefts of vehicle (11th lowest) which is slightly above average for the family.

Chart 11 – IQUANTA Family – Vehicle Offences

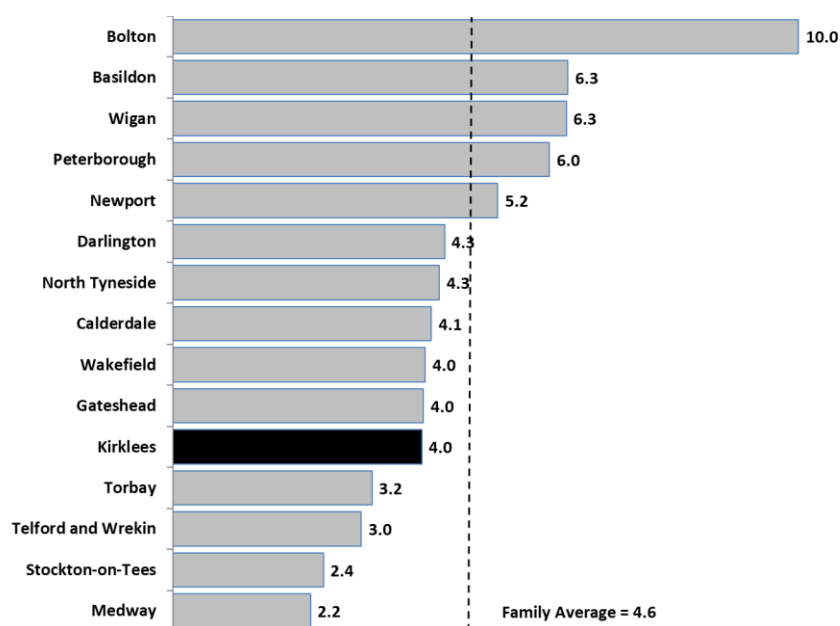
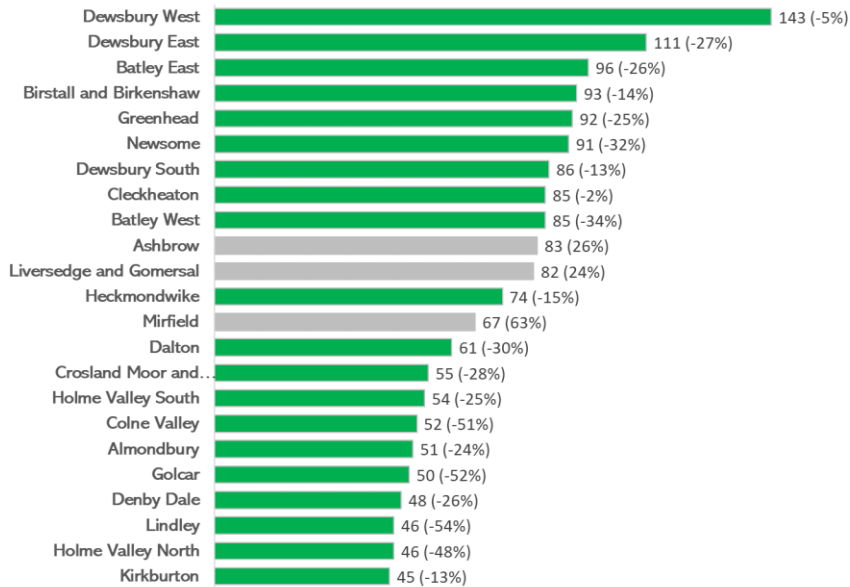


Chart 12 below shows the breakdown of vehicle offences at a Ward level. The chart shows how the majority of areas have seen a reduction in offences although the top 4 highest areas are all in North Kirklees. When the Ward level figures are investigated in more depth, there are some area based offences such as targeting of 4x4 and prestige vehicles.

Chart 12 – Vehicle crime by Ward (12 months to September 2021 vs previous year % change)

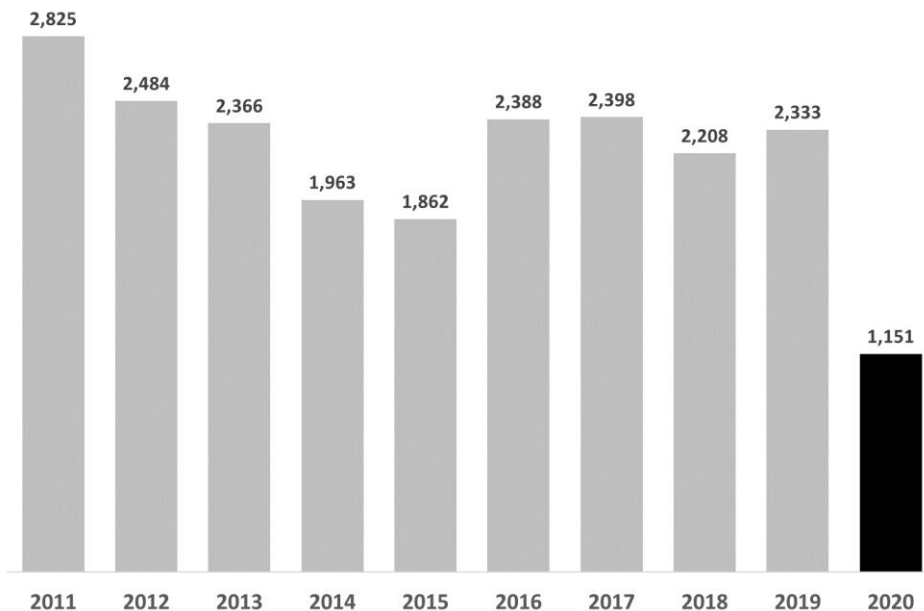


The next section of the SIA will explore vehicle offences in more depth.

Theft from Vehicles

As Chart 13 shows, figures since the end of 2020 have started to increase slightly but changes in commuting and travel more generally appear to still having an impact on levels of recorded offences.

Chart 13 – Longer Term Trends in Thefts from Vehicles



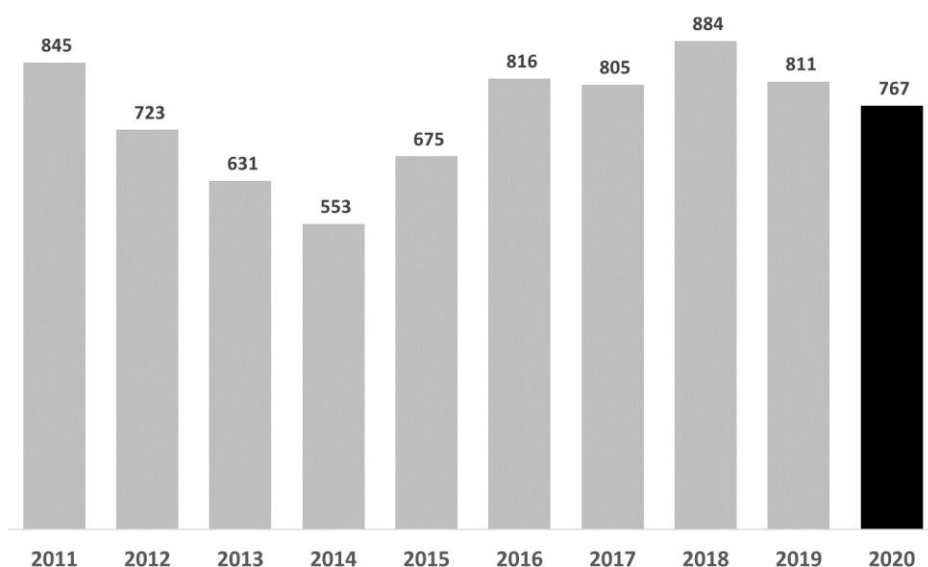
Where vehicles are targeted, it is usually where items have been left in the vehicle (sometimes on display) such as bags and power tools from commercial vehicles although there have been instances of theft of fuel and vehicle parts such as catalytic converters.

Since a lot of the volume offending is associated with travel into town centres and surrounding areas where cars are parked, there have been fewer opportunities for these offences.

Theft of Vehicles

The reduction in **thefts of vehicles** has been less noticeable (shown in chart 14) with a 7% (58 offences) reduction in offences compared with the previous year – in fact with the exception of January 2021, monthly figures have been higher than the previous year from September 2021.

Chart 14 – Longer Term Trends in Thefts of Vehicles



Theft of motor vehicles continue to be committed by obtaining owners’ keys or thefts of older vehicles which do not have inbuilt security measures. Where keys are used, this is often targeted high value vehicles (which can include Plant vehicles) and can involve offenders travelling to commit offences which include domestic burglary targeting keys although technological changes to key fobs have meant cloning is also possible.

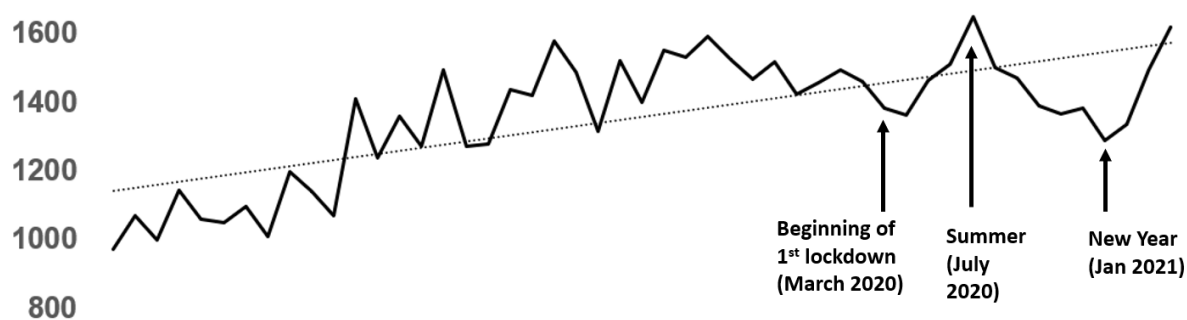
Person Based Offences

Violence against the person

Due to changes in the crime categories relating to violent crime, it is not possible to provide long term historic trends as the broader “violent crime” is now “violence against the person”.

Chart 15 illustrates the fluctuating nature of violence against the person offences associated with a peak in incident in July 2020 and an increase in offences since the beginning of 2021.

Chart 15 – Fluctuations in Violence against the person



However, it is important to note that the category of violence against the person incorporates incident where injury is caused and also a larger number where there is no injury sustained. Chart 16 shows that, when broken down by injury, both the volume of offences and any increasing trends are associated with violence without injury.

When broken down more fully, the main types of offence associated with non-injury violence are assaults without injury, malicious communications and harassment.

Chart 16 – Split between injury and non-injury violence

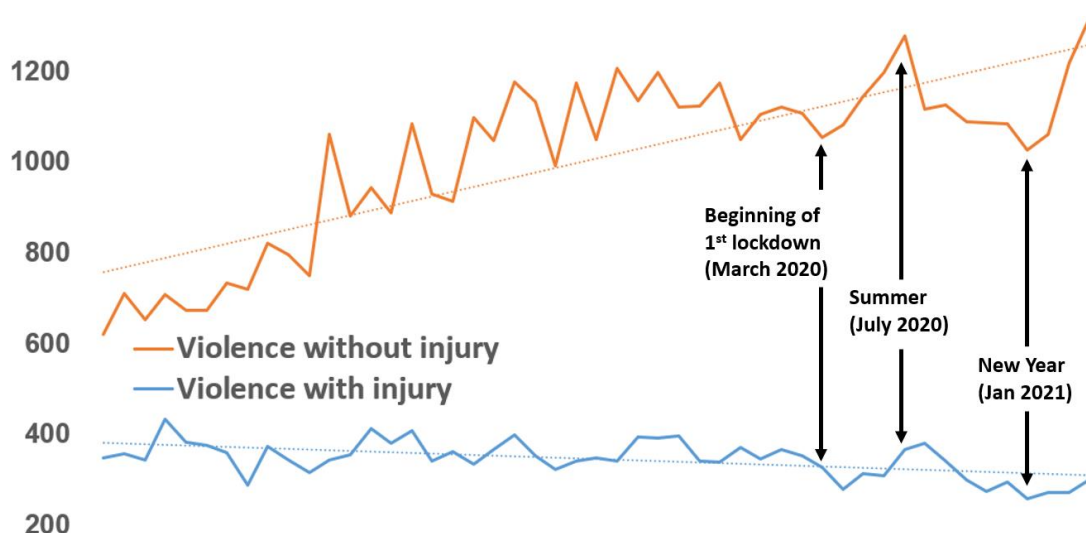
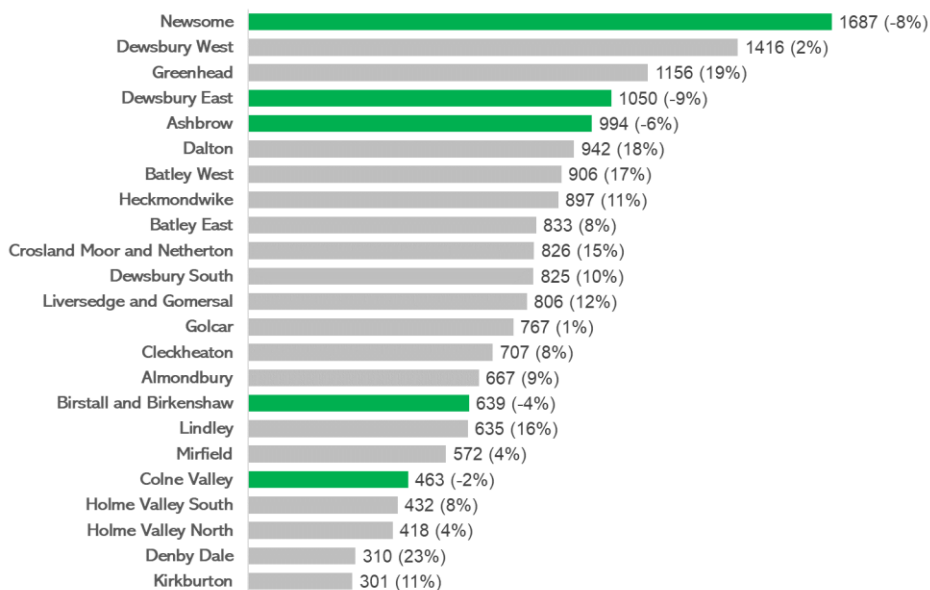


Chart 17 –Violence against the person offences by Ward (12 months to September 2021 vs previous year % change)



Violence Against Women and Girls

In July 2021, the Government produced the national strategy² to tackle the issue of violence against women and girls. The strategy includes a range of offences which disproportionately affect women and girls (e.g. rape & sexual offences, stalking, domestic abuse, “revenge porn” and “up-skirting”) but also the fact that women and girls feel less safe and therefore avoid spaces and have to alter their behaviour to feel safer.

The evidence based used to inform the national strategy highlights the fact that offences can take place in public places, in the victim / offender’s home or increasingly online (this was an issue picked up in Kirklees over the lockdown period).

Cyber Crimes

More people accessing internet from their homes over the lockdown – both working at home and filling time whilst being furloughed has presented opportunities for cyber offences. Typically, offences will occur when the victim is duped into clicking a link or inadvertently downloading a file which then initiates financial fraud.

Results from the latest Crime Survey for England and Wales (December 2020) highlight a significant (68%) increase in “remote banking” fraud where fraudsters will take advantage of the increased opportunities created by more online account management. Other cyber related offences also showed noticeable increases such as “Hacking” (up 26%) and viruses / malware (up 30%).

At a more local level, analysis continues to show issues relating to cyber enabled offending including malicious communications and online fraud / scams – some of which related to COVID e.g. sharing bank details to receive services.

² [Tackling violence against women and girls strategy \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Information has continued to be disseminated through social media and engagement with staff / community groups regarding cyber-crime issues relating to malicious communications, fraud and security awareness.

Anti-Social Behaviour

The format of this section of the PSIA which looks at ASB will be to firstly provide a definition of ASB before focussing on the three main areas of personal, nuisance and environmental ASB to highlight key risks.

Definition of ASB

The PSIA will continue to use the definition of ASB introduced under the Anti-Social Behaviour, Crime and Policing Act (2014) of behaviour which:

- has caused, or is likely to cause, harassment, alarm or distress to any person,
- is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- is capable of causing housing-related nuisance or annoyance to any person

This definition covers a host of selfish and unacceptable behaviours which can blight the quality of community life. The Act recognises that definitions of anti-social behaviour fall into 3 categories:

Personal – where behaviour is deliberately targeted at an individual or group and has an impact on them (as opposed to the wider community) – this will vary from mild annoyance through to significant impact on mental or emotional well-being.

Personal ASB includes;

- **Noise** affecting neighbours
- **Abuse, intimidation, threats, rowdy behaviour** (where this affects individual families – the same behaviour affecting the wider community falls within the next category)

Nuisance – where incidents cause annoyance and suffering to the local community generally rather than to specific individuals. This behaviour will contravene expectations – the tolerance of what this constitutes will vary between communities.

Nuisance ASB includes;

- **Traffic** (speeding and parking, particularly around schools at the beginning and end of the school day)
- **Noise** affecting the wider community, particularly from the **behaviour of groups** (much of which is alcohol-related) and from the misuse of **motorcycles and fireworks** (these can have a disproportionate effect on a large number of people)

Environmental – this includes incidents which have an impact on surroundings – natural, residential and social environments. This relates to both private space but also public and shared spaces and centres around signal offences such as graffiti, litter, fly-tipping and abandoned vehicles

which negatively impact on fear of crime and lead to further deterioration of neighbourhoods including criminal damage and arsons if left unchecked.

The PSIA will draw on data from West Yorkshire Police, Kirklees Council Environmental Service, Kirklees Neighbourhood Housing and West Yorkshire Fire & Rescue Service to identify key risks and threats under each of the three main categories of ASB.

Personal ASB

As previously stated, personal ASB is targeted towards an individual or household – typically this will be through noise or other neighbour related complaints.

In common with the national picture, reports of personal ASB increased over the lockdown period and have continue subsequently (although there have been monthly fluctuations).

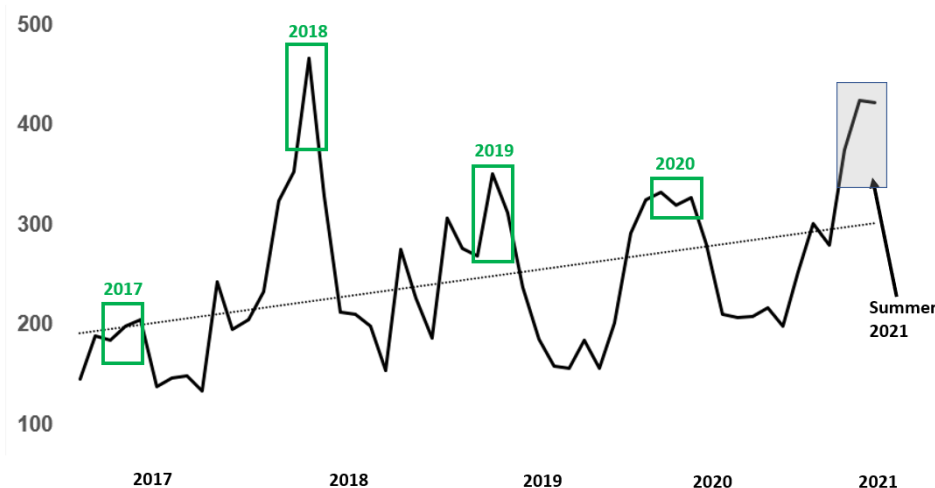
Some factors associated with include

(1) As shown in Chart 18 – noise household noise complaints increased over the lockdown period. When this was explored in more depth it was associated with people being at home for longer periods of time with complaints over DIY noise and rowdy behaviour.

(2) Neighbour disputes escalated due to some frontline staff working remotely and therefore not being able to “nip things in the bud” through doorstep engagement – equally less access to some enforcement tools particularly where it might result in eviction during the lockdown period.

(3) some cases of personal ASB increasing in intensity and there were examples where this escalated into hate crimes.

Chart 18 – Monthly trends in Domestic Noise Complaints

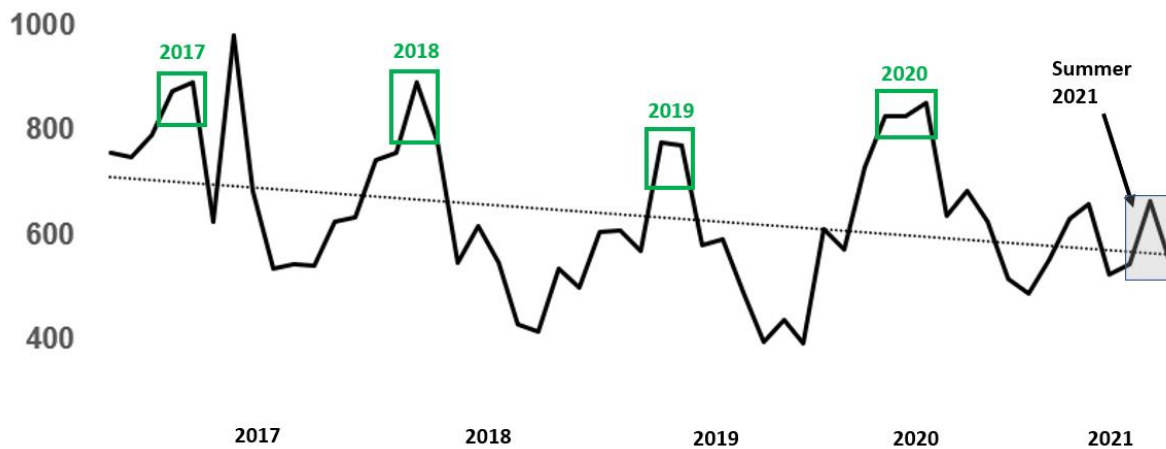


Nuisance ASB

As stated earlier, nuisance ASB impacts on the local community generally rather than to specific individuals. This includes issues such as rowdy behaviour, speeding traffic, fireworks and off-road motorcycles.

Chart 19 shows a generally decreasing trend in the number of nuisance calls received by West Yorkshire Police. Having said this, there are peaks in incidents over the summer months and around Halloween (although these are significantly less noticeable in 2020 compared with previous few years).

Chart 19 – Long term trends in Nuisance Behaviour (recorded by WY Police)



COVID-19 and the lockdown period in particular saw a 6% increase in nuisance complaints. This is likely to be connected with two factors;

1. Some reports of breaking lockdown rules may have been recorded as nuisance ASB as there was no specific incident category for breaches and
2. an increase in reports of nuisance due to more incidents (e.g. youth nuisance / off road motorcycles / noisy vehicles) occurring and possibly more reporting due to people being at home / in their neighbourhood (many of whom furloughed) and therefore more likely to witness / report incidents.

As stated earlier, Nuisance ASB usually follows a seasonal pattern – increasing when the weather improves and lighter nights – in particular issues such as nuisance motorbikes and youth nuisance tends to peak over the summer.

There is a potential for Nuisance ASB to increase further as the night time economy returns to pre-pandemic working practices – it is likely that this will be evidence over the festive period.

Environmental ASB

As stated earlier in the PSIA, where environmental ASB such as fly-tipping and graffiti is not addressed, it has a direct and detrimental impact on perceptions (and fear of crime) in neighbourhoods.

Most probably, the major type of environmental ASB evident over the lockdown period and beyond relates to fly-tipping which will be the focus of the next section in the PSIA.

Fly-tipping

Fly-tipping involves illegal dumping of waste (liquid or other materials) on land (or in the water) which is usually near to (or on) public highways such as laybys, alleyways and remote rural locations. On the whole fly-tipping is carried out to avoid paying disposal fees or for convenience.

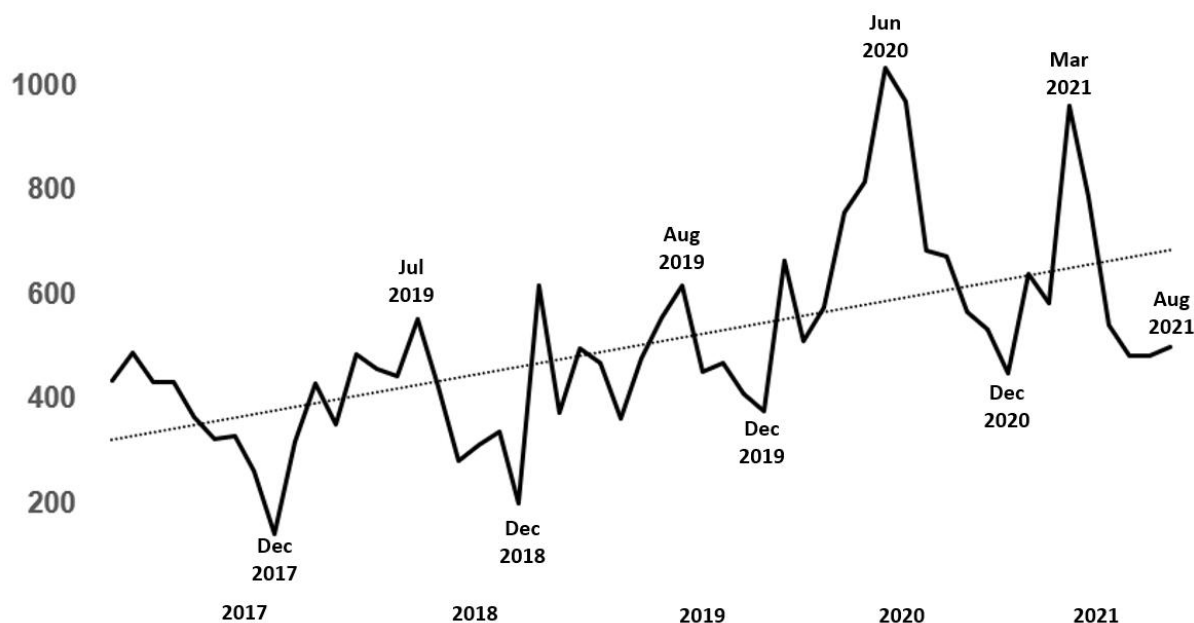
As shown in chart 20, reports of fly-tipping fluctuate on a monthly basis although (1) it is generally increasing and (2) there are seasonal spikes when people are trying to dispose of things – January and Summer months are most noticeable.

Over the past 18 months, fly-tipping increased significantly (up 60% compared with previous year) in the summer of 2020 which was partly to do with new recording methods (teams now record proactive removal of fly-tipping not reported by the public) but also increased whilst the recycling centres were closed with people decluttering their houses and more people walking in their area and therefore reporting incidents.

Analysis of incident locations highlights highest levels of fly-tipping in Wards such as Greenhead, Crosland Moor and Dewsbury West, although there are also locations where there is repeat and recurrent issues in both urban and sometimes rural locations with less chance of being witnessed.

Work has been ongoing with communities to promote speedy reporting of issues and enhancements to systems of clearing has resulted in faster removal of items to try to reduce build up in hot spot areas.

Chart 20 – Levels of Fly-tipping in Kirklees



In Kirklees, regular multi-agency problem solving groups called Community Outcome Groups (COGs) work collaboratively to address current community safety issues within each of the 4 partnership areas in Kirklees. The main issues being addressed over the past 18 months area outlined below.

Batley and Spen –

- Youth ASB and Nuisance Motorbikes with a particular focus on the Fieldhead area of Birstall
- Secondary fires in various areas of Batley and Spen
- Criminal activity within certain bed factories
- ASB and criminal behaviour on Manor Way estate

Huddersfield –

- Youth related ASB in parts of Almondbury, including Mereside, Waterloo and Fernside Park.
- Huddersfield Town Centre – ASB (street-drinking and begging in particular), litter and fly-tipping.
- Secondary Fires in Birkby.
- ASB and other criminal activities in parts of Crosland Moor, mainly Walpole and Lockwood.
- ASB in parts of Greenhead, including Birkby.
- Fly-tipping and waste in gardens in parts of Newsome.

Dewsbury and Mirfield –

- Street drinking, waste, poor housing and labour exploitation in Dewsbury Town Centre.
- Fly-tipping Drug use/dealing and intimidation on London Park Estate Mirfield.
- Youth related ASB in Mirfield Town Centre.
- Gang/drug related ASB and Crime in Ravensthorpe.
- Nuisance motorbikes in Thornhill.

Rural –

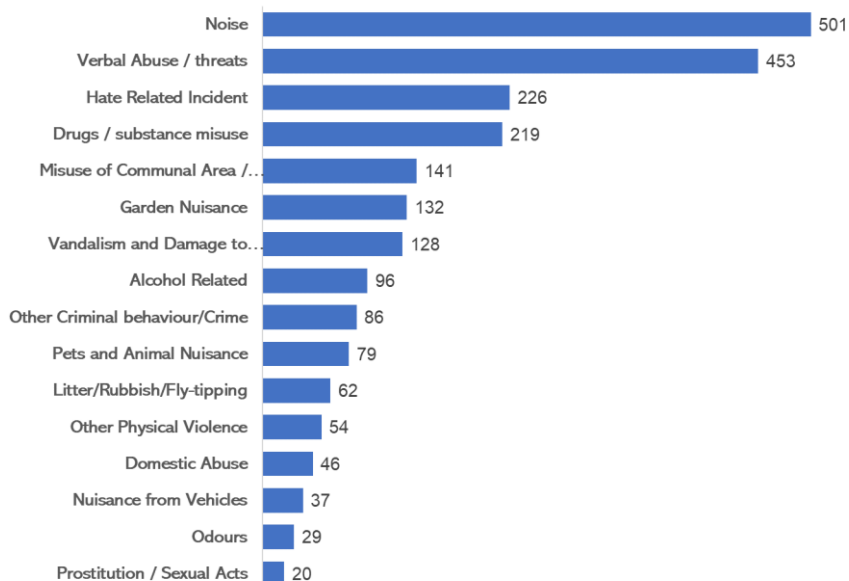
- Target vehicle theft of high end 4x4, older classic Land Rover Defender and vans.
- Off road vehicles using “green lanes” in the Colne / Holme Valley.
- Youth related ASB in Golcar.
- Gatherings and swimming in local reservoirs – this has also been linked with irresponsible use of BBQs and the risk of moorland fires.

Kirklees Neighbourhood Housing (KNH)

From data provided by KNH, in the 12 months to 31st July 2021, it was possible to identify 803 anti-social behaviour incidents – this is a reduction 20% reduction on the number of report for the previous year. It is however important to note that housing officers worked remotely for a large proportion of this time and therefore the reduction in incidents is unlikely to reflect the experience of residents in terms of actual ASB experienced.

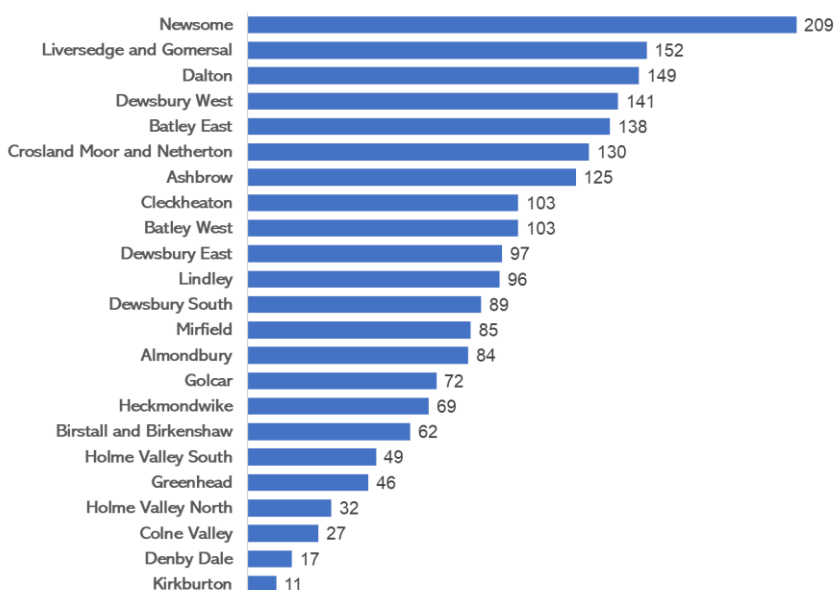
As shown in chart 21, the most common incidents recorded over the past 3 years continue to be (1) noise, (2) verbal abuse / threatening behaviour and (3) Hate Incidents. The majority of noise complaints continue to be related to loud music, although there were a noticeable proportion relating to banging and loud footfall (between floors in flats).

Chart 21: Anti-Social Behaviour complaints to Kirklees Neighbourhood Housing by Type



When broken down by Ward, Chart 22 shows the highest number of ASB reports were recorded in Newsome and Liversedge & Gomersall (note that these are totals and not a rate based on number of houses). When this is explored in more detail, the estates with the highest number of reports of ASB were Soothill Estate, Windy bank and Bradley.

Chart 22: Anti-Social Behaviour complaints to Kirklees Neighbourhood Housing by Ward

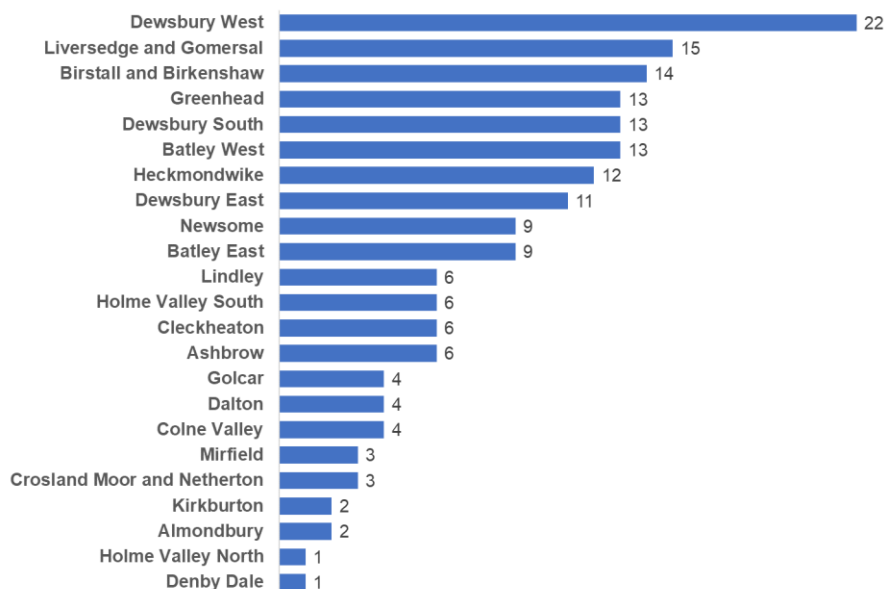


Fire Service

Deliberate Primary Fires - For the period Sep 20 to Aug 21, the main targets for these fires continue to be vehicles (65%) and dwellings / other premises such as sheds / garages (26%). Incidents are fairly equally distributed through the week although, the previously reported peak time for incidents is even more pronounced with 58% recorded between 9pm and 3am. Chart 23

shows the 3 wards experiencing higher numbers of deliberate primary fires in the North of the district.

Chart 23: Deliberate Primary Fires by Ward

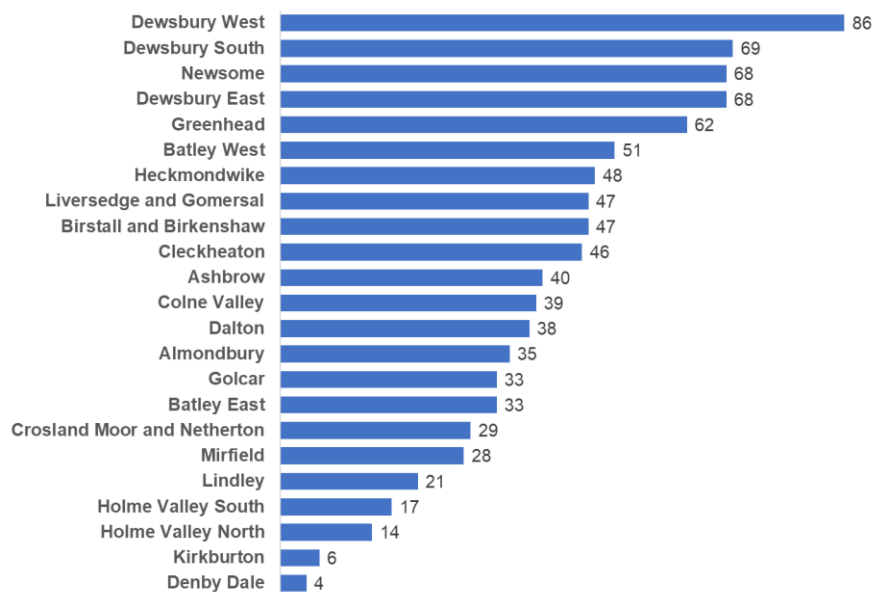


Deliberate Secondary Fires – Secondary fires target grassland, refuse / refuse containers, derelict buildings and other outdoor structures such as phone boxes and playgrounds.

Of the 878 incidents (7% increase from the period Sep 19 – Aug 20 to Sep 20 – Aug 21), the main targets were refuse containers (61% compared with 62% reported in previous SIA) and grassland (16% compared with 17% in previous SIA).

There continues to be a seasonal dimension to grassland fires in particular with 86% fires recorded between April and September (associated with warmer and drier conditions). Chart 24 shows secondary fires by Ward and closer inspection showed a higher concentration of Refuse fires in North Kirklees (55% of total) with Dewsbury West / East and South having higher rates than other areas.

Chart 24: Deliberate Secondary Fires by Ward



Perceptions

Crime Survey for England and Wales

It is widely recognised that the national Crime Survey for England and Wales provides the most reliable measure of people's experiences of crime³. The survey does highlight the impact of lockdown with reductions in personal and property crime (due to changes in social behaviour) although this was offset by a significant (36%) increase in fraud and computer misuse offences. The most significant reductions in offences were those with less opportunity i.e. person theft (less people out and about) and burglary (more people at home).

Opinions and lifestyles Survey (June 2021)

The Opinions and lifestyles Survey⁴ is national survey completed by respondents themselves online although telephone interviews are also conducted. The results are based on over 16,000 people aged over 16 and provide some useful wider context relating to community safety issues.

The survey asks people about their feelings of safety in different settings. Key results are:

People feel least safe walking in a public space **during the day** but conversely feel least safe in a park or other open space **after dark** – people feel most safe on a quiet street near their home.

When this is **broken down by gender**, women feel twice as unsafe as men in all settings – particularly after dark – this is even more pronounced for women aged 16 to 34 and those over 75.

As a result of this fear, people reported modifying their behaviour including not leaving home alone, not going to certain places and staying in after dark.

³ [Crime in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/crime-in-england-and-wales)

⁴ [Perceptions of personal safety and experiences of harassment, Great Britain - Office for National Statistics](https://www.ons.gov.uk/perceptions-of-personal-safety-and-experiences-of-harassment-great-britain)

The report provides some insight into people's experiences of harassment (such as catcalls, unwanted sexual comments and whistles):

Women are significantly more likely to experience harassment – in particular sexualised comments by a stranger and feeling have been followed – those that had experienced harassment were more likely to be fearful in public space.

Your views Survey

Since the election of the Mayor for West Yorkshire, the duties previously undertaken by the Police and Crime Commissioner are delivered through this role. The Mayor's office undertakes regular surveys to establish local priorities although the monthly postal survey was suspended in March 2020 due to COVID.

In place of this, an online survey started in March 2021 which provides some indication of current feelings although results are not directly comparable with previous results (in the past respondents were selected at random whereas they self-select to take part in the online survey – results appeared more negative).

From the latest available results (March 2021), **76.2%** of respondents said they **felt safe in their local area** (3% reduction on previous year) which is almost identical to the figure of 76.3% for West Yorkshire.

Survey results show that **66.4%** of respondents say they are **satisfied with local area** (down 7.9%) which is similar to the figure for West Yorkshire of 66.8% (down 8.5%)

The result of the extent to which people from **different backgrounds get on well together** is **53.6%** (down 1.1%) is slightly less than the figure of 56% for West Yorkshire (down 1.2%)

The **top 3 concerns** for respondents from Kirklees (which mirror those for WY) are (1) Dangerous driving, (2) litter and (3) problem parking.

Place Standard

Over the past few years, Kirklees Council has engaged with local people to identify what are the most important issues for them in terms of the area in which they live. A summary of the top priorities for them are shown in tables 1 and 2 in the appendix.

The first table shows the top 3 priorities differ between areas although some common themes relating to (1) gangs and ASB, (2) petty crime and (3) drug dealers / users do feature across the majority of areas.

The second table focuses on solutions – two stand out as most often cited : (1) Activities for young people and (2) Improve Greenspace / environment.

Kirklees Homes and Neighbourhoods Resident Survey

In June 2020, a comprehensive survey was carried out which went to every resident living in council housing. A total of 2,505 respondents completed the survey which includes a question on satisfaction their local neighbourhood.

Results from the survey show a total of 3 out of 4 respondents were satisfied with their neighbourhood as a place neighbourhood as a place to live. When these figures were looked at in more depth, respondents might be seen in one of three groups (positive, negative or mixed):

More negative	Mixed feelings	More Positive
<ul style="list-style-type: none"> Almondbury Crosland Moor Dewsbury West Newsome 	<ul style="list-style-type: none"> Batley Central Birstall Cleckheaton Dalton Dewsbury East Ravensthorpe Thornhill 	<ul style="list-style-type: none"> Colne Valley Dearne Valley Deighton Heckmondwike Holme Valley Huddersfield Central

When these results were analysed by characteristics of respondent, there was no noticeable between male / female respondents (females slightly more negative but not significantly) although there was significant variation with age – satisfaction levels of younger respondents (18 – 34) were half that of those over retirement age – in particular those aged over 75,

Road Traffic Collisions

National Picture

According to the latest national figures, there was a total of 115,333 casualties as a result of road traffic collisions in 2020 – this was a 25% reduction from 2019. Of these, 23,486 people were killed or seriously injured nationally in 2020 which represents a reduction of 22% compared with the previous year⁵.

Of those killed or seriously injured, there were 1,472 fatalities which is a reduction of 16% compared with 2019 although when vehicle miles are taken into account, the rate of fatalities per mile travelled increased in 2020.

The same report highlights that this is in part due to a 21% reduction in vehicle miles in 2020 compared with the previous year – this was particularly evident over the lockdown (with the exception of cycling) but continued after this due to the impact of working from home and more localised living.

When the figure for all casualties is broken down by road user, there was a significant reduction in car casualties, a noticeable reduction in motorcycle / pedestrian casualties and a slight decrease in pedal cycle casualties (again largely linked to relative volumes of use).

All groups of road user saw a reduction in fatalities in 2020 with the exception of pedal cyclists who saw a 40% increase compared with 2019. However, this is connected with the fact that people reported cycling more over the pandemic⁶, which is demonstrated by the rate of fatalities

⁵ [Reported road casualties Great Britain, provisional results: 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-provisional-results-2020)

⁶ [National Travel Attitudes Study: Wave 4 \(final\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/national-travel-attitudes-study-wave-4-final)

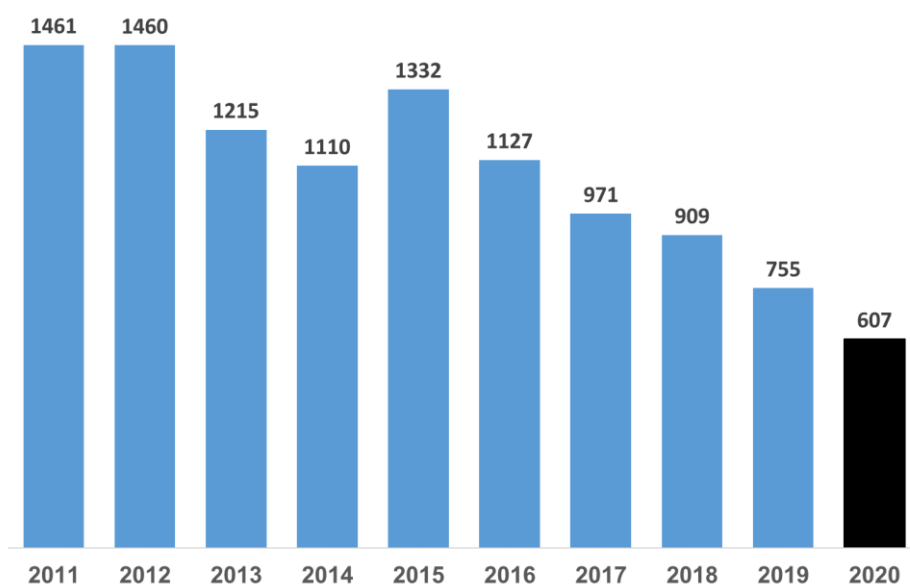
per mile travelled which saw a slight 4% reduction in fatalities involving cyclists (there was a more pronounced reduction for casualties (34%).

Kirklees Picture

It is worth re-iterating the findings of the “Your Views” survey undertaken by the Mayor’s office that speeding vehicles and problem parking are top priorities for respondents in terms of community safety.

Chart 25 shows that road casualties continue to reduce over the longer term. Figures for 2020 are 58% lower than they were 10 years ago, although it should be noted that lockdown periods and subsequent changes in driving behaviour led to reduced traffic volume on roads in 2020.

Chart 25 – Long term trends in road casualties



Casualties are divided into killed / seriously injured (16%) or “slight” (84%) – it is likely that the number of “slight” injuries is an underestimate due to under-reporting. Some of the key issues for each of the types of road user for 2020 are outlined below:

Pedestrians:

The most common injuries were sustained whilst crossing the road, children and senior citizens were most frequently involved. Of the 89 pedestrian injuries recorded, 76% (68) were slight, 18% (16) were serious and 6% (5) were fatal.

Cyclists:

The number of cyclist casualties have been reducing over the past few years although due to an increase in cycling over lockdown, the number of casualties was fairly stable in 2020 (the number of slight injuries increased). The most common type of junction for collisions to occur was a T-Junction – most commonly associated with “Driver/Rider error” such as “failure to look properly”.

Motor Cyclists

There was a significant (40%) reduction in motor-cycle casualties in 2020 compared with 2019. It was apparent that the months where lockdown restrictions were in place meant that monthly peaks in casualties were not as evident due to less traffic volume. Risk factors are similar to those already highlighted for cyclist collisions.

Not surprisingly, collisions tend to happen more frequently with higher traffic volumes (e.g. commuting times) but also with risk factors such as darker nights (e.g. for vulnerable road users such as cyclists and pedestrians).

Highest risks are associated at junctions and moving position in the road (including crossing) – collision are most often associated with lack of driver concentration and travelling too fast.

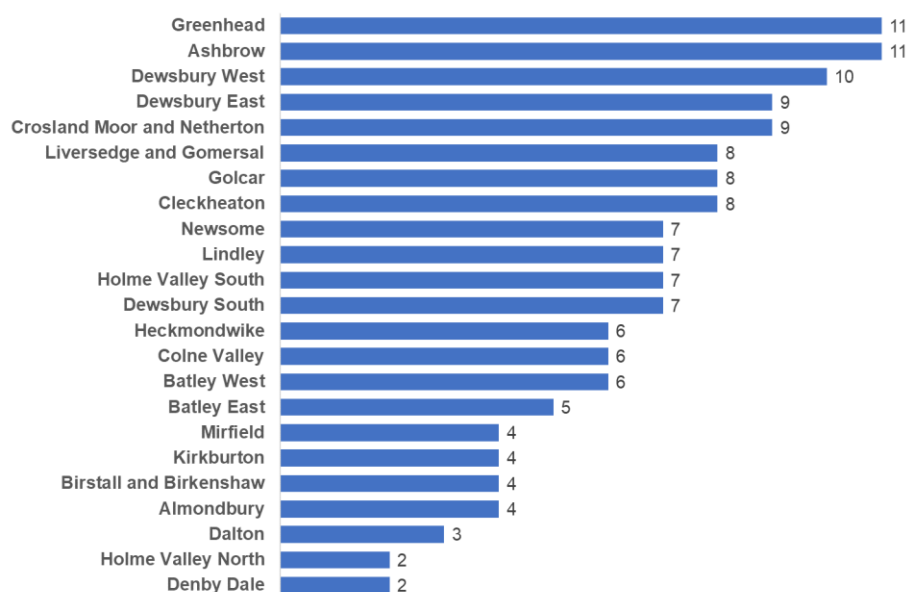
Accidental Dwelling Fires

There were 148 accidental dwelling fires recorded in Kirklees between Sep 20 to Aug 21. Incidents continue to be fairly evenly distributed by month and days of the week – incidents do increase at times associated with cooking with the most significant one between 3 and 5pm (possibly associated with school times).

The most common cause of accidental fires is cooking (47%) including the use of chip pans although both have increased since the previous period. There has been a decrease in fires associated with appliances and distribution (some of which associated with faulty charges and by-passing meters for cannabis cultivation). The number of fires associated with smoking has also decreased, possibly due to the increase in popularity of smoking ‘alternatives’ such as e-cigarettes.

Chart 26 shows accidental dwelling fires are understandably more prevalent in more urban wards – they also tend to be higher in more deprived areas of these wards.

Chart 26 – Accidental Dwelling Fires by Ward



Community Tensions and Violent Extremism

PREVENT

PREVENT is part of the Government's wider Counter Terrorist Strategy (CONTEST) and aims to identify people at risk of being drawn into radicalisation and deliver interventions to safeguard and support them to reduce this risk.

The current National Threat Level remains substantial, meaning that a terrorist attack is judged as a strong possibility.

For the last few years, the most significant threats to national security are from Daesh / Al Qaida inspired groups, extreme right-wing groups and increasing from other causes with no particular ideology – for example environmental protests. The most significant threats which have been undertaken and continue to be of greatest concern relate to planned actions and from lone actors using readily available equipment such as bladed instruments.

A key area of concern in creating an environment for developing extremist ideologies is through online platforms including chat rooms associated with online gaming. – this was particularly apparent over the lockdown period which resulted in more Channel referrals involving an online link. There have been well publicised cases of hate speech over mainstream platforms including Twitter although some prominent figures have had their accounts closed and therefore started to use less widely used platforms which are less “policed”.

Over the lockdown period (from March 2020), there were fewer opportunities to spot signs of radicalisation through face-to-face contact – such as when schools were closed (where a significant number of referrals come from). As a result of this, there was a significant reduction in referrals to the Channel panel (which puts in place interventions to support people at risk of radicalisation), although referrals have returned to pre-pandemic levels as contacts have returned to normal.

Over the lockdown period, PREVENT staff have continued to support people at risk through the Channel process and also delivered services differently such as delivering the WRAP awareness raising to partnership staff through online training sessions.

Lockdown has increased the range of threats evident with the emergence of civil liberties (around lockdown) groups, environmental protests, possible risks connected with the return of the Taliban in Afghanistan and Extreme right wing (which has started to see an increased anti-Semitic narrative evident).

Kirklees Migration and Resettlement Programme

Kirklees (particularly Huddersfield town centre) has a long history of receiving asylum seekers and refugees through a range of programmes. Some the Council has control over and some they do not (asylum and unaccompanied asylum-seeking children). As well as those seeking protection people also make their own choice to migrate into Kirklees to work, to study and to join families

Kirklees Communities Service Migration and Refugee Resettlement Team has an enabling and supportive role to work with partners to support vulnerable people and those seeking sanctuary to access the support that is available to them in Kirklees.

In terms of general characteristic of people arriving in Kirklees:

- The main general migration, Pakistan remains the top country of origin with 429 arrivals in the last 12 months, Romania is in second place with 319 arrivals and India moves into third place with 170 arrivals (which is a change from Poland)
- In 2019 2,366 new arrivals came to Kirklees from 56 Countries settling in the main around Huddersfield Town Centre, Ravensthorpe and Fartown (40% were from the EU).
- For those arriving seeking humanitarian protection (Asylum seekers) top countries : **Iraq, Iran, Albania** - language's: **Kurdish, Arabic, Mandarin**

There a range of reasons why people arrive and settle in Kirklees – an overview of the main ones are outlined below:

Asylum Dispersal

Kirklees has been an asylum dispersal area since 2000. The Home Office commission a company called Mears to provide Housing and Welfare Support and Migrant Help for over the phone advice, assistance with the asylum process and to report any issues and concerns.

The majority of asylum seekers are dispersed into private rented accommodation in South Kirklees, although there are growing numbers in the North of the district. The numbers of asylum seekers in dispersed accommodation in Kirklees have remained fairly stable over the past few years with roughly at any one time between 700 -800 individuals living in the district.

There is always pressure across the region and the UK for asylum properties and therefore cheaper, large houses of Multiple Occupation are often used, ideally with access to community, health and mental health services.

Since August 2020 Kirklees has seen the use of Hotels by the Home Office for housing asylum seekers. This has seen a sudden increase in July/August 2021 with 130 new individuals arriving in Kirklees in need of support – the majority are very new to the UK and quarantine on arrival. Those in Hotel accommodation have no access to any money, they live on a bed and board basis which makes them more vulnerable to exploitation.

UK Refugee Resettlement Programme (UKRS)

Kirklees Council and partners have supported the programme since 2015. A decision has been taken to pause new arrivals for 6 months whilst the focus moves to Afghan Relocation programmes. Currently, 40 families are being supported with issues such as housing and intensive support on arrival with interpreters to ensure access to key services and support, support community integration, for children to start school and for parents to have the chance to quickly learn and develop their English language provision and ensure specialist health and mental health support is in place.

Afghan Relocation Programme

Kirklees Council agreed to be a part of the Afghan Relocation Programme and is supporting 79 individuals (from 16 families) over the next 12 months. Families could be located anywhere across Kirklees, although in the main this will be in Huddersfield, Batley and Dewsbury to enable people to access support services. The programme has a very similar approach to refugee resettlement in that we provide and prepare housing and provide intensive support. A partnership approach and programme and working group meetings are in place to support the development of this work

EU Settlement Scheme

People have arrived in Kirklees from the EU for many years and as a result of Brexit significant changes and implications to a person's immigration status would apply unless people choose to apply to the EU Settlement Scheme.

Much work with the EU community has taken place over the past 18 months to support people and the target of 13,000 to sign up to EUSS which has now been exceeded.

Some of the common challenges for new arrivals include:

- Learning a new language
- Adapting to a new country/new culture
- Managing without a familiar support network
- Family responsibilities in the UK or country of origin
- Education and work experience in another country
- Visa conditions which restrict entitlements
- Parents vs peers expectations for young migrants
- Safeguarding issues- Trafficking, forced marriage, FGM, honour violence
- Hostility from host community, community cohesion tensions
- Victims of hate crime
- Isolation and vulnerability to radicalisation
- Accessing immigration advice including maintaining valid immigration status
- Accessing appropriate services - especially health and mental health services

The main risks and challenges in this area are outlined below:

- (1) Continued significant pressure with asylum dispersal in particular with:
 - Properties procured by Mears in areas that have no local support infrastructure such as specialist asylum and immigration advice and health/mental health support and could create community tensions
 - Continued use of Hotels to house a significant number of single males and the added pressure this is providing locally on contracts and resources that were intended for those who had arrived in to dispersed accommodation, wider refugees and vulnerable migrants.
 - Added vulnerabilities for those living in hotels on limited income re exploitation
 - To take into consideration when planning any local operations or community responses the make-up of the local community and to link in with the

accommodation and welfare support provider Mears

(2) Planning and delivery of the Afghan Relocation programmes

- All partners are aware and involved in planning a local response, there is a capacity issue as the need is to move people out of hotels in the next 12 weeks so pressure is on services all round as more resources are agreed and brought in over the next few months.

(3) Mental health pathways and support for those seeking asylum

- Mental health and access to support and services has at times been very problematic.

Community Tensions

A Community Tensions monitoring system is in place to identify issues which have the potential to cause conflict within communities. The next section of the SIA provides a summary of some of the key events which have been flagged through the process over the past 18 months.

As reports of a global pandemic emerged from China, national and international studies have highlighted an increase in hate crime targeted at Chinese individuals. The fact that Kirklees has a relatively small Chinese community means that this was not evident to a significant volume in Kirklees. Having said this, in the period just before the first lockdown, the Community Tensions monitoring reports picked up several reports of Chinese people (including overseas students) being targeted for verbal abuse and some boycotting of businesses.

As lockdown progressed, there were incidents / issues concerning perceived lack of social distancing / rule following which was attributed to Black and Minority Ethnic (BME) communities and business – this was mainly evident on social media platforms.

In terms of actual vaccination uptake rates, they are significantly lower in the most deprived areas compared with our least deprived areas, and significantly lower for non-White British ethnicities compared with White British ethnicity (particularly Black and Pakistani ethnicities). These patterns are consistent across all age groups. Vaccination uptake is also significantly lower for males compared with females, for all age groups below 70 years. In line with the rest of the country, uptake rates are lower in the younger eligible age groups.

Although uptake rates are significantly lower in non-White British ethnic groups, actual numbers of people not vaccinated are much higher within our White British population. There are almost as many unvaccinated White British people (age 18+) in Kirklees as there are in all other ethnic groups combined.

More recently, there has been a noticeable increase in the amount of anti-vax stickering particularly around Birkby, Greenhead Park and Huddersfield Bus Station areas, and also some small, regular gatherings of groups to protest against the vaccine in general.

The reporting of the murder of George Floyd and the subsequent Black Lives Matter protest has raised the profile of anti-discrimination activities. This alongside publicity associated with the

disproportionate impact of COVID-19 on BME communities has the potential to increase awareness and therefore reporting of race hate offences.

Over the lockdown period, there has been an increase in online abuse which has also been seen at a national level. This is targeted at individuals by people they know but also by “keyboard warriors”. The majority of football clubs recently undertook a 48-hour boycott of social media in protest of the volume of online hate and their feeling that technology companies were not taking the issue seriously.

A protest took place in March 2021 outside Batley Grammar School in connection with a teacher within the school showing caricatures of the Prophet Muhammad during a religious education class. A number of parents complained to the school about what was taught during the lesson and demanded that the teacher to be removed from their position within the school. The issue was one of the themes in campaigning in the Batley and Spen by-election and some comments on social media are still questioning what support is in place for the teacher in question. These comments are more likely to be seen on Twitter rather than in the local community groups on Facebook, suggesting that the commenters are less likely to be local to the area.

In May 2021, there was a by-election for the Parliamentary seat of Batley and Spen. Candidates from 15 parties were put forward including some far-right parties and former MP George Galloway stood as one of the candidates. There was a lot of community discussion on social media in the build up to the by-election, much of it quite tense with several incidents occurring including the Labour candidate Kim Leadbeater being subjected to abuse (some of which was homophobic) during campaigning. Tensions were raised during the by-election period and there was a spike in hate incidents.

In July 2021, a pedestrian was killed in a road traffic collision with a car driven at speed in Batley. This caused tensions in the area and resulted in the formation of a local protest group (Reclaim Our Area’s Roads - ROAR) which stages weekly peaceful protests that are held at various locations in the area to highlight the issue of speeding cars and work with local agencies to address this.

Ongoing reporting of court cases relating to child sexual exploitation cases and subsequent arrests of predominately Pakistani heritage males. Local and national media covered this story and there was a Yorkshire Patriots demonstration in Dewsbury against grooming gangs. There have been hundreds of comments on social media although locally tensions in the community were low.

There has continued to be a number of gang related knife / shooting incidents ongoing within Huddersfield, mainly in the town centre and North Huddersfield, however this has reduced significantly during 2020. There have been several serious arson attacks in North Kirklees over the past year, targeting cars and property.

Anti-social behaviour has been an ongoing issue in various parts of the district in 2021. In Almondbury, an incident involving a young person with a weapon (possibly a BB gun) was reported in the local press, raising tensions in the area and portraying the area as “lawless”.

In North Kirklees, there have been ongoing anti-social behaviour issues in parts of Batley such as groups of men gathering in cars at night using and dealing drugs. Tensions escalated and a community spokesman was worried that some members of the community might “take matters into their own hands”. A significant piece of work was undertaken by partners to address the issues and reassure the local community. This work has so far proved successful, and the community have noticed a reduction in the amount of anti-social behaviour in that area.

Possible Future Tensions

COVID19 and associated restrictions on people are highly likely to be a concern for local people with the strong possibility of tensions developing in relation to this.

It is anticipated that developments relating to the Brexit implementation may cause tensions and possible negativity between communities.

There has been an increase of far right stickering and graffiti in Kirklees, particularly in places where people gather such as Parks.

Child Sexual Exploitation continues to be an ongoing concern for people in Kirklees. Trials are currently ongoing, and it is likely that there will be others arrested for historic CSE which is highly likely to result in tensions.

Hate incidents / crimes

Definition of Hate Crime

The definition of hate incidents in the SIA is the shared definition Police / Crown Prosecution Service one, where a hate incident / crime is where the “victim (or anyone else) think it was motivated by hostility or prejudice based on one of the following things:

- disability
- race
- religion
- sexual orientation
- transgender identity”.

It should be noted that hate incidents based on other characteristics such as age, gender and subculture e.g. Gothic are not currently recorded as hate incidents although this is currently under review.

Recent National trends in recorded hate crimes

The latest hate crime report from the Home Office⁷ (covering the 12 months to March 2020), show a continued year on year increase in hate crimes recorded by the Police (8% increase on previous year). The reasons for this continued increase are attributed to better recording and awareness of reporting mechanisms.

⁷ [Hate Crime Statistics - House of Commons Library \(parliament.uk\)](https://www.parliament.uk/library/research-briefings/briefing/snippets/2020/hate-crime-statistics)

The latest Home Office Statistical Bulletin relating to the prevalence of Hate Crimes highlights a reduction of incidents in early lockdown (March / April / May) and then a noticeable increase in June / July (compared with the previous year) – more recent figures are not currently available.

The same report highlights that West Yorkshire recorded the highest number of hate crimes in 2019 / 20 nationally (although figures for Greater Manchester are not available) and for each of the strands of hate crime. It should be noted that this may be to do with better recording practices as opposed to an indication of more hate incidents occurring.

The Crime Survey for England and Wales⁸ estimates that around 47% of hate incidents are reported to the police (which is higher than the 38% for broader crime). Therefore, data from this report is generally regarded as a better measure of actual victimisation.

The latest (2019/20) Crime Survey report combines data from the previous 3 years (to provide a more robust dataset) and highlights a long-term reduction in the number of hate incidents (down 38% in the past 10 years). Conversely, there have been year on year increases in hate crimes recorded by the police, demonstrating improved identification and recording of incidents.

Results from the Crime Survey for England and Wales identifies a higher proportion of victims saying they were emotionally affected by the incident: 36% of hate crime victims said they were “very much” affected compared with 15% of broader crime victims.

The same report highlights lower victim satisfaction with handling of hate incidents: 55% of victims said they were satisfied compared with 66% for broader crime.

According to the latest available data (up to March 2021) from the Crown Prosecution Service⁹, nearly 80% of people taken to court were charged in West Yorkshire which compares with 86% nationally. It should be noted that whilst these figures appear to be positive when cases get to CPS, latest figures for Kirklees in terms of charge rates for incidents reported falls to 21% - this is likely to be associated with the definition of hate incidents where someone needs to perceive there was an incident as opposed to firm evidence of intent.

The latest CPS data shows that of those people who were prosecuted, over 88% were convicted of the offence in West Yorkshire compared with 87% nationally.

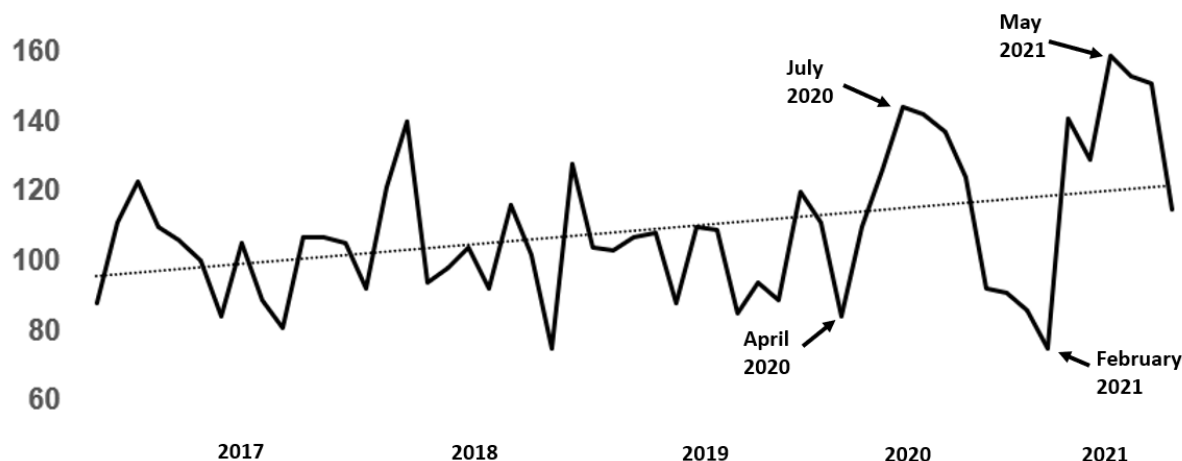
Trends in Hate Crimes within Kirklees

The number of hate crimes recorded in Kirklees in the 12 months to August 2021 (1,453) was 10% (129) higher than in the previous 12 months.

⁸ [Hate crime, England and Wales, 2019 to 2020 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁹ [CPS data summary Quarter 4 2020-2021 | The Crown Prosecution Service](#)

Chart 27: Trends in hate crimes recorded by West Yorkshire Police



As can be seen in Chart 27, it is evident from the monthly breakdown of incidents that there was a spike in incidents over the summer of 2020 before a decrease to February 2021 and then sharp increase to May 2021.

Exploring these incidents in more depth, the latest police data that was available (December 2020), showed the highest proportion of incidents continue to be racist (70% racist, 12% sexual orientation, 11% disability, 5% faith and 1% transphobic).

Looking at trends by category, with the exception of transphobic which saw a 30% (6 incidents) fall, all categories saw an increase in recording – the highest being for faith incidents (58%, 19 incidents).

The profile of victims is similar previously reported trends:

- Under representation of **females** as victims and (in particular) suspects
- Over representation of **males** as victims and (in particular) suspects
- Under representation of **white** population as victims and (to lesser extent) suspects
- Over representation of **Black and Minority Ethnic** groups as victims (in particular) and suspects (to lesser extent)

Broken down by Ward, Newsome continued to see the highest number of incidents reported although it also saw the largest (32%) reduction in incidents (it contains Huddersfield Town Centre). 8 out of 23 Wards saw a decrease in incidents, of those that saw an increase, this was highest in Mirfield (70%), Holme Valley North (80%) and Batley West (126%).

Possible reasons / pressures in hate crimes

There have been several key events and considerations worth highlighting in relation to the spikes in reports of hate crime over the past 18 months which will be outlined below.

As reports of a global pandemic emerged from China, national and international studies have highlighted an increase in hate crime targeted at Chinese individuals. The fact that Kirklees has a

relatively small Chinese community means that this was not evident to a significant volume in Kirklees. Having said this, in the period just before the first lockdown, the Community Tensions monitoring reports picked up several reports of Chinese people (including overseas students) being targeted for verbal abuse and some boycotting of businesses.

As lockdown progressed, there were some tensions concerning perceived lack of social distancing / rule following, some of which was attributed to BME communities and business – this was mainly evident on social media platforms.

Over the last 12 months, the summer of 2020 reporting of the murder of George Floyd and the subsequent Black Lives Matter protest has raised the profile of anti-discrimination activities. This alongside publicity associated with the disproportionate impact of COVID-19 on BME communities has the potential to increase awareness and therefore reporting of race hate offences.

Nationally, there has been an increase in online abuse of prominent figures including football players particularly following the Euro 2020 finals and more generally in response to footballers “taking the knee” before matches. There have been widespread complaints of Social Media companies for not dealing with hate posts appropriately.

Within Kirklees, there has been an increase in incidents between neighbours over the lockdown period. These may be incidents which have escalated from historic disputes and compounded by the pressures of lockdown, increased noise and less doorstep engagement (to resolve issues) by staff as they are working differently over lockdown.

Domestic Abuse

The definition of domestic abuse in Kirklees is “Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality”.

This makes it clear that this abuse is far wider than violent incidents and can encompass but is not limited to the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

This definition of abuse also includes controlling behaviour which is defined as “a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

It is recognised that both males and females can be victims or perpetrators and this abuse can take place in heterosexual or same sex relationships. Having said this, it is true to say that women are far more likely to face severe violence and controlling behaviour from their abusive partners than men are.

It is also evident that domestic abuse severely impacts on the whole family unit and can have lifelong negative consequences for children. The next section of the SIA will consider the findings of key current research evidence relating to domestic abuse.

Research findings on Domestic Abuse

According to the most recent (November 2020) results from the Crime Survey¹⁰ for England and Wales:

- Estimates 2.3 million adults (aged 16 to 74) experienced domestic abuse in the past 12 months (slight decrease compared with previous year)
- Nearly 759,000 domestic abuse related crimes – slight increase compared with the previous year, reflecting better recording
- Increased demand for support services: 65% increase in calls to national support line, 700% increase in visits to national domestic abuse website during start of lockdown period

Similarly, the latest published figures (January 2019)¹¹, the estimated cost of domestic abuse for England and Wales is £66 billion. These costs are based on 3 factors (70% of costs relate to emotional and physical harm to victims):

- **Anticipation** – to support protective and preventative measures
- **Consequence** – including property damage, physical and emotional harms, lost output, health and victim services
- **Response** relating to police and criminal justice system costs

Although these costs are based on the methodology used to estimate the costs of crime¹², it is probably a conservative estimate as it is likely that domestic abuse will be experienced on multiple occasions over an average of 3 years as opposed to a single event / crime.

According to research from SafeLives¹³, there is often a long period of experiencing abuse before outside support is accessed:

- Victims living with domestic abuse for between 2 and 3 years (experiencing over 50 incidents) before seeking support
- 85% of victims sought help from professionals an average of 5 a year before getting necessary help to stop the abuse
- 23% high risk victims attend A&E (often on multiple occasions) before accessing support.

The latest Kirklees Joint Strategic Assessment from Public Health recognises the negative impact that domestic abuse has on health outcomes and the emotional and financial costs to a variety of services to attempt to reduce the longer-term harm caused.

¹⁰ [Domestic abuse in England and Wales overview - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/domestic-abuse-in-england-and-wales-overview)

¹¹ [The economic and social costs of domestic abuse \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

¹² Heeks, M., Reed, S., Tafsiiri, M. and Prince, S. (2018) 'The Economic and Social Costs of Crime'. London: Home Office.

¹³ [Getting it right first time - complete report.pdf \(safelives.org.uk\)](https://safelives.org.uk/getting-it-right-first-time-complete-report.pdf)

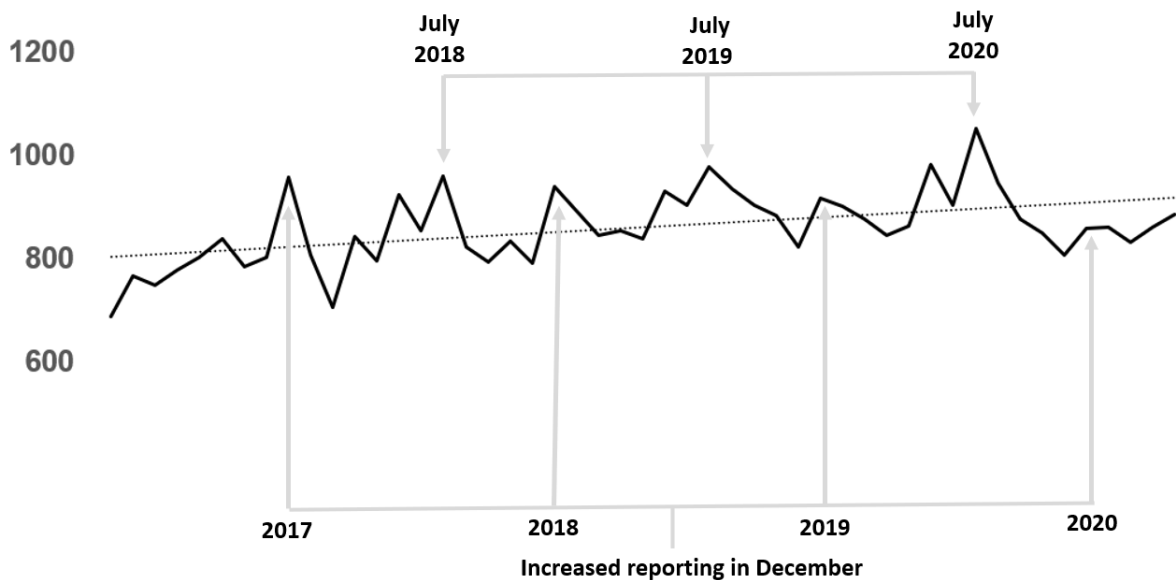
Some of the Risk factors associated with committing domestic abuse identified in the KJSA include history of violent behaviour, anti-social behaviours and attitudes, relationship instability, employment instability, mental health problems and personality disorder, an abusive childhood, low self-esteem, and hostile attitudes towards women.

Police Data on Domestic Abuse

Domestic Abuse incidents recorded by West Yorkshire Police have shown a steady increase over the past 3 years. Chart 28 highlights the fluctuating nature of incidents but also seasonal spikes both in the Summer and over Christmas.

During the lockdown period, recorded incidents peaked in July 2020 and then decrease in the latter part of the year before generally increasing in the past few months.

Chart 28 – Seasonal Spikes in Domestic Abuse reported to the Police



Locally, awareness support continues to be given to staff working with communities (including at COVID testing / vaccination centres) concerning spotting signs and where to report.

Produced posters and leaflets on available services for staff to distribute within the community, GP surgeries & COVID testing / vaccination centres.

Service delivery continues through (increasing) in person contact and virtual connection – meetings such as MARAC continue to be delivered over conference calls and feedback from participants indicates general consensus that this has improved the process.

According to the latest figures, there were 10,637 domestic abuse incidents recorded by West Yorkshire Police in the 12 months to May 2021 (up 3% from previous year). In terms of characteristics of these incidents:

- The majority of victims were female (74%) and the majority of suspects were male (73%)
- Peak ages of individuals involved in incidents (as victims or suspects) was 20's and 30's

- Repeat victim rate is 47.5% and repeat suspect rate is 46.3%
- Incident arrest rate is 26.2%

In the summer of 2021, a Domestic Abuse Needs Assessment was carried out to identify support needs to enable survivors of domestic abuse to live in safe accommodation. This comprehensive research drew in data from service providers including Pennine Domestic Abuse Partnership, Kirklees Rape and Sexual Advice Centre, WomenCentre and various specialist housing support services. The key findings around current provision (and gaps in this) are outlined below.

The need for **additional posts** that had been lost in critical areas such as family support working and dealing with complex underlying issues. Additionally, there is also an opportunity to increase the “out of hours” provision that is available to enhance access to support.

A recurrent theme emerging from data analysis exercise was that there are significant gaps in the data and issues relating to the **quality of the data** in order to develop deeper insight.

The research studies reviewed in the Needs Assessment highlights the **impact of COVID-19** on domestic abuse in terms of creating an environment for controlling behaviour combined with changed working for some agencies.

Domestic abuse continues to be **under reported** meaning it is critical that the services available to support victim-survivors needs to be communicated widely and pathways to support need to be accessible to all.

Analysis of the data provided highlighted a need to **engage with marginalised groups** where engagement with services is lower – for example the relatively low take up of services with the African Caribbean communities and also other groups including those that identify as LGBT+ and people with disabilities.

In terms of **support services**, the first and perhaps most prominent relates to the area of **mental health**. This issue featured in both the analysis of data and the interviews with key stakeholders. In terms of provision, it was felt there is a need for additional capacity to provide more specialist high-quality counselling and 121 services to address more complex issues (including substance misuse).

An integral part of this was **listening to the survivor experience** and engaging with communities including third sector organisations in a meaningful and productive manner.

A common theme emerging from the interviews were the needs to provide support interventions to the whole family with a focus on the **needs of children**. This relates to both current and historic abuse and needs to be both generic early support / signposting and more specialist provision.

A key area highlighted in interviews was the importance of **training for staff** (and communities) both to spot the signs of possible abuse but also more specialist support relating to the trauma associated with domestic abuse.

Finally, but crucially, the issue of taking a **holistic view of the abuse** means that there is a focus on working with perpetrators to stop the cycle of abuse at the earliest opportunity.

Forced Marriage

The definition of forced marriage used by the Home Office is “where one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used”.

The pressure put on people to marry against their will can be;

- Physical including threats, actual physical violence and sexual violence
- Emotional and psychological for example, when someone is made to feel like they're bringing shame on their family
- Financial abuse such as taking wages or not giving someone any money

In some cases, people may be taken abroad without knowing that they are to be married. In these cases, when they arrive in that country, their passport(s) / travel documentation may be taken to prevent them returning to the UK.

An arranged marriage is not the same as a forced marriage. In an arranged marriage, the families take a leading role in choosing the marriage partner, but both parties are free to choose whether to enter into the marriage or not.

According to the latest figures available relating to forced marriage¹⁴, during 2020:

- 759 cases received nationally – representing a 44% decrease in cases (this has been attributed to impact of COVID19 such restrictions on weddings and overseas travel)
- The Forced Marriage Unit delivered training to over 450 professionals although this was delivered online
- Countries judged to be at heightened risk of forced marriage by the FMU included: Pakistan, Bangladesh, India, Afghanistan and Somalia
- On the whole (62%), cases were reported by professionals such as social care, police, borders & immigration, education and health care
- Ordinarily, cases peak in school holidays but this was less evident in 2020 (less opportunity for travel)
- 79% of cases relate to women although men are more represented where they are LGBTQ (63% male) or there are mental capacity issues (55% male)

Modern Day Slavery & Human Trafficking

The National Crime Agency defines Human Trafficking as the “movement of a person from one place to another (both cross border and within a country) into conditions of exploitation, using deception, coercion”. The themes in this definition largely mirror the 3 elements in the most frequently used international definition from the United Nations Convention (2000);

- The **movement** – recruitment, transportation, transfer, harbouring or receipt of people

¹⁴ [Forced Marriage Unit statistics 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/forced-marriage-unit-statistics-2020)

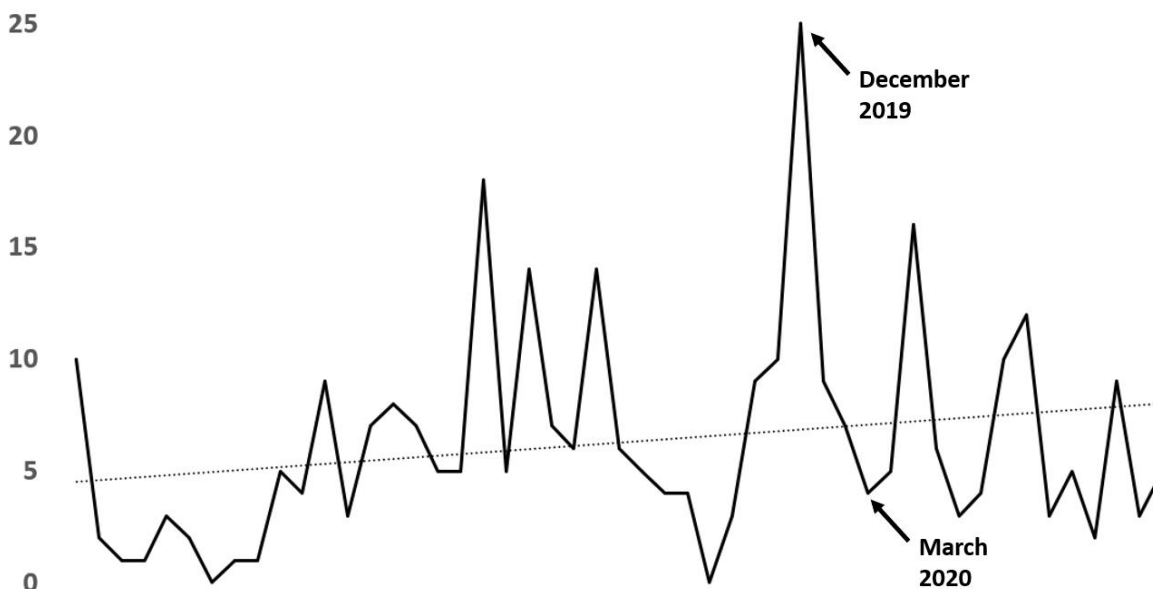
- The **control** – threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim
- The **purpose** – exploitation of a person, which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, and the removal of organs

All three elements need to be present for an adult to be defined as a victim of human trafficking. Only the Act and Purpose need to be present for a child to be deemed a victim of human trafficking.

According to the latest (2020) nationally available figures¹⁵ relating to modern day slavery, a total of 10,613 possible victims of modern-day slavery were referred through the National Referral Mechanism. This figure was almost identical to that of the previous year and went against a generally increasing trend – this is attributed to impact of lockdown restrictions. The same report indicates a fairly equal split between adult / children referrals although adults referrals are more likely to be connected with forced labour whereas children are more likely to be associated with criminal exploitation.

Chart 29 shows significant fluctuations in the number of modern day slavery offences recorded on a monthly basis in Kirklees. The spikes are connected with either the recording of historic cases or the resulted of targeted operations. There is some evidence that the visits to businesses over lockdown around COVID advice resulted in intelligence relating to modern day slavery been submitted as a result of concerns raised by front line workers.

Chart 29 – Trends in Modern Day Slavery Offences



¹⁵ [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2020 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

It is vital that partnership officers remain aware of the signs of possible modern day slavery and therefore the continued multi-agency briefing sessions (which are now delivered through video conferencing facilities) are key to raised awareness.

Referrals continue to be made through the National Referral Mechanism with 12 made between January and March 2021 (6 from police and 6 from the council).

Female genital mutilation (FGM)

FGM is a collective term, also known as genital cutting and female circumcision, for all procedures that involve partial or total removal of the external female genitalia or other injury to the female genital organs for cultural or non-medical reasons. The practice of FGM is illegal in the UK under the Female Genital Mutilation Act 2003.

FGM is a deeply rooted tradition, widely practised mainly among specific ethnic populations in Africa and parts of the Middle East and Asia. It serves as a complex form of social control of women's sexual and reproductive rights.

The World Health Organization estimates that more than 200 million girls and women worldwide have experienced FGM and around 3 million girls undergo some form of the procedure each year in Africa alone.

Women and girls in the UK from the following communities are at heightened risk of FGM:

- Egyptian;
- Eritrean;
- Ethiopian;
- Indonesian
- Kenyan;
- Kurdish;
- Nigerian;
- Sierra Leonean;
- Somali;
- Sudanese;
- Yemeni.

The age at which girls undergo FGM varies enormously according to the community. The procedure may be carried out when the girl is new born, during childhood or adolescence, just before marriage or during the first pregnancy. However, the majority of cases of FGM are thought to take place between the ages of five and eight and, therefore, girls within that age bracket are at a higher risk. FGM has significant, sometimes fatal, physical and mental health consequences for women and young girls experiencing it.

According to the latest available national figures¹⁶, between April 2020 and March 2021:

- 5,395 women attended health service where FGM was identified
- 80% cases picked up through services associated with pregnancy or child birth
- Over 90% of FGM procedures were undertaken when the girl was under 18
- There is usually a large gap in time between the procedure and identification by health services

¹⁶ [Female Genital Mutilation \(FGM\) Annual Report - April 2020 to March 2021 \(experimental statistics report\) - NHS Digital](#)

It is widely acknowledged that official figures on FGM are likely to be an underestimate of actual levels and lockdown is likely to have reduced opportunities for picking up cases in some health care settings.

Drugs & Alcohol

Findings from the review of drugs use / markets undertaken by Dame Carol Black provide a useful insight into current trends and market pressures associated with current drugs use in the UK¹⁷: The main points relating to this are outlined below:

Heroin:

The majority of Heroin used in the UK is imported from Afghanistan. Globally, production of heroin increased by around 45% over the past 5 years and it is unclear what the impact of regime changes in Afghanistan will be in terms of supply. Distribution of heroin in the UK is on the whole undertaken by Organised Criminal Gangs often through County Lines (where often vulnerable and commonly young people are used to transport goods). Distribution of heroin is more likely to have violence associated with it due to the large amounts of money associated with its supply. Users often have multiple issues such as mental health, unemployment, homelessness and offending histories. The UK has significantly more opiate users per head of population in Europe – it is estimated there are 261,000 users in England. The average annual spend for a user is estimated to be £12,538.

Crack cocaine

Crack Cocaine is derived from Cocaine which is on the whole produced in South America and smuggled via Southern Europe. This is usually imported as cocaine and then transformed into crack cocaine in the UK. Production of cocaine has increased significantly (5x) and as a result purity has increased. Methods of supply are similar to those involved with heroin as are the levels of violence and higher levels of use compared with other European countries. There are an increasing number of drugs related deaths related to crack and the number of people in treatment is relatively low. It is estimated there are 181,000 users in England. The average annual spend for a user is estimated to be £6,263.

Powder Cocaine

Methods of production and trafficking of cocaine have already been outlined in the paragraph on crack cocaine. Levels of organised criminal gangs is high with much of the market controlled by Albanian OCGs (although British OCGs are involved at the street level). Proportionately more users of cocaine earn higher incomes, often younger and most frequently will use a couple of times a month. It is estimated there are 976,000 users in England. The average annual spend for a user is estimated to be £2,152.

Synthetic Drugs (MDMA, amphetamines, New Psychoactive Substance - NPS)

Produced in laboratories throughout the world although majority of MDMA / amphetamine in the UK are made in Europe e.g. Belgium / Netherlands and synthetic cannabinoids and other NPS come from India / China. Supply is either through some of the OCGs supplying other drugs or alternative via the internet (and dark web). Users of MDMA / amphetamines tend to be younger and associated with night-time economy, users of NPS are often on the fringes of society e.g. homeless or prisoners. Use of MDMA has varied over the past decade (estimated there are 524,000 users), amphetamines has fallen (approximately

¹⁷ [PowerPoint Presentation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

188,000 users) and NPS use fallen significantly (approximately 152,000 users). The average annual spend for a user (MDMA) is estimated to be £90.

Cannabis

Cannabis is either grown outside (Morocco / Afghanistan) or indoors in domestic properties (cannabis farms). There has been a shift towards “home grown” cannabis which is increasingly strong due to higher THC levels. Production is controlled by organised criminal gangs and often people are trafficked to either work in cannabis farms or to supply drugs. It is estimated that 2,572,000 people using cannabis in England and Wales although this is lower than comparable European countries. The average annual spend for a user (MDMA) is estimated to be £914.

The recent assessment of key issues in relation to Drugs and alcohol in Kirklees are outlined below:

Drugs

- Hospital admissions for drug poisoning were lower in Kirklees compared to England.
- **Drug related deaths have steadily increased** both locally and nationally - opiates contribute to the largest proportion of drug-related deaths although the number of deaths from new psychoactive substances and prescription medicines is rising
- Similar to alcohol misuse, the most common route into treatment in Kirklees for drug misuse was via **self-referral**.
- 99% of drug misuse interventions were **delivered in the community**.
- The proportion of successful treatments for non-opiate users has declined in Kirklees from 49% in 2017 to 35% in 2018. This change may be reflective of increased distribution of non-opiate, psychoactive drugs.

Alcohol

- Hospital admission rates for alcohol misuse are similar to national levels; however, **alcohol-specific mortality is significantly worse in Kirklees** than national figures. Suggests that people who are misusing alcohol may not seek treatment for their misuse leading to the higher levels of mortality and lower levels of admissions for episodes.
- Alcohol misuse is **more common in males than females**. There has been an increase in the number of admissions for alcohol-related conditions specifically in males aged 40-64 years old, although the highest rates of admissions are in persons aged over 65-year old.
- **Alcoholic liver disease is on an upwards trend**. There has been an increase in the admission rates in females which may indicate increased alcohol consumption in females. However, admission rates for alcoholic liver disease continue to be highest in males.
- More females who entered treatment for alcohol misuse reported a **mental health** need compared to males.

Appendix 1

Figure 1 : Map showing Town and Ward locations

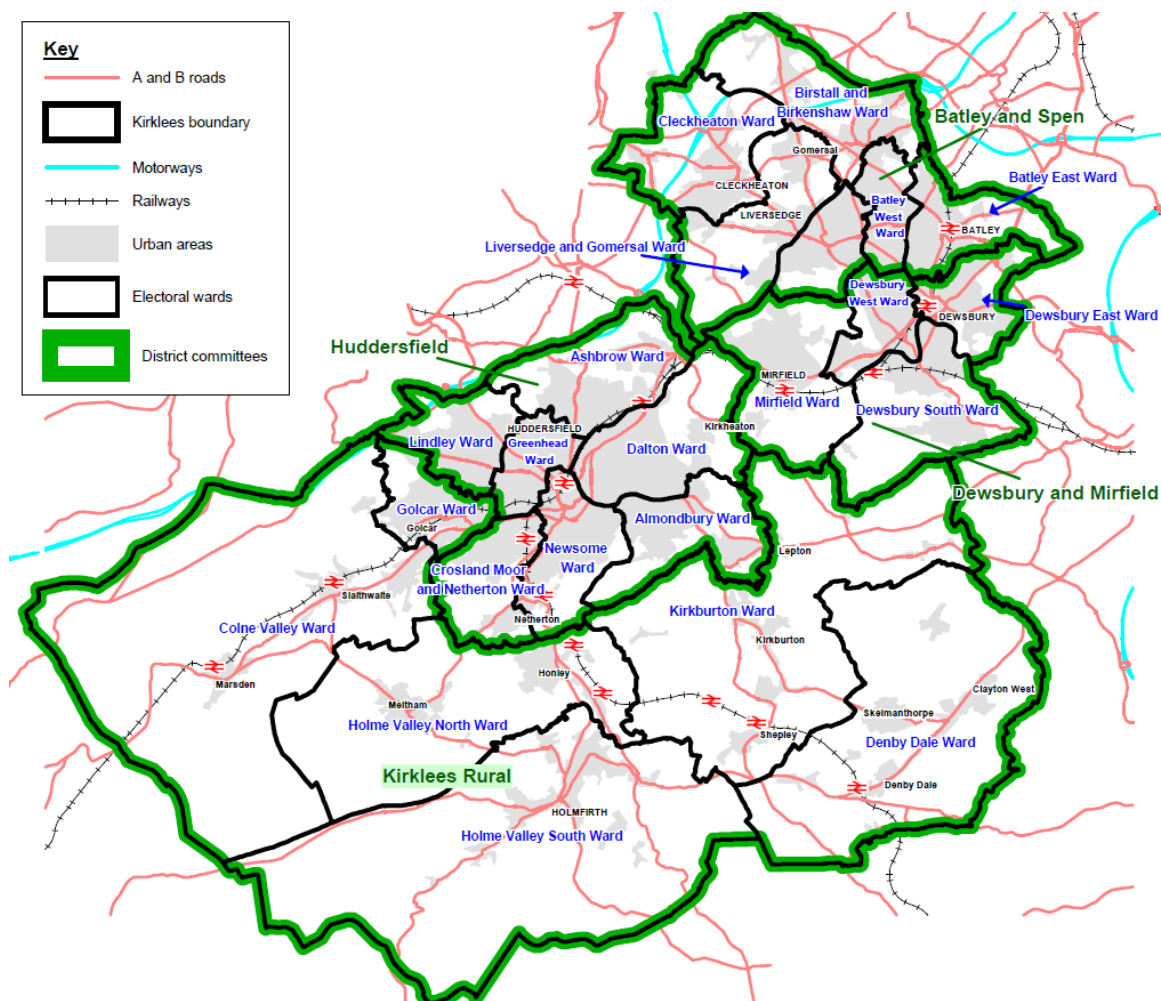


Table 1: Place Standard priorities

Area	Priority 1	Priority 2	Priority 3
Birstall and Birkenshaw	Gangs and ASB (22) 31.43%	Motorbikes. Quads and Scooters (21/70) 30%	Rising petty crime (10) 14.29%
Golcar	Drug dealers/users (10) 33.33%	Gangs and ASB (8) 31.26.67%	Rising petty crime (4) 13.33%
Kirkburton	Rising petty crime (31/58) 53.45%	Speeding cars (11) 18.97%	Gangs and ASB (8) 13.79%
Berry Brow	Drug dealing/users (10/22) 45.45%	Drunks (6) 27.27%	Rising petty crime (4) 18.18%

Colne Valley	Gangs and ASB (32/56) 57.14%	Rising petty crime (15) 26.79%	Drug dealing/users (4) 7.14%
Ashbrow	Gangs and ASB (15/29) 51.72%	Rising petty crime (11) 37.39%	Knife/violent crime (6) 20.69%
Meltham	Gangs and ASB (71/188) 37.77%	Rising petty crime (46) 24.47%	Drug dealing/users (25)13.30%
Huddersfield (TC)	Knife/violent crime (87/326) 26.69%	Homeless people/beggars (66) 20.25%	Gangs and ASB (64) 19.63%
Honley	Gangs and ASB (62/172) 36.05%	Drug dealing/users (42) 24.42	Speeding cars (30) 17.44%
East Bierley	Rising petty crime (27/64) 42.19%	Speeding cars (25) 35.94	Motorbikes/ Quads /Scooters an issue (7) 10.94%
Netherton & South Crosland	Gangs and ASB (32/107) 29.91%	Rising petty crime (26) 24.30%	Drug dealing/users (26) 24.30%

Table 1: Place Standard Solutions

Area	Solution 1	Solution 2	Solution 3
Birstall and Birkenshaw	Activities for young people	Police presence	Improve Greenspace / environment
Golcar	Activities for young people	Improve Greenspace / environment	Community activities
Kirkburton	Activities for young people	Tackle speeding traffic	Improve Greenspace / environment
Berry Brow	Activities for young people	Improve Greenspace / environment	Community activities
Colne Valley	Activities for young people	Improve Greenspace / environment	Community activities

Ashbrow	Activities for young people	Community activities	Improve Greenspace / environment
Meltham	Activities for young people	Improve Greenspace / environment	Police Presence
Huddersfield (TC)	Improve Greenspace / environment	Police Presence	Activities for young people
Honley	Activities for young people	Police Presence	Community activities
East Bierley	Road Safety	Improve Greenspace / environment	Activities for young people
Netherton & South Crosland	Improve Greenspace / environment	Activities for young people	Sports facilities

Name of meeting: Cabinet
Date: 21/09/2022
Title of report: Social Value Policy

Purpose of report

This report presents the draft Social Value Policy for approval by Cabinet.

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
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director & name	Rachel Spencer-Henshall, Strategic Director for Corporate Strategy, Commissioning, and Public Health - 8 th September 2022
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 8 th September 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 9 th September 2022
Cabinet member portfolio	Cllr Davies, Corporate Portfolio Holder

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? N/A

1. Summary

- 1.1 The new Social Value Policy seeks to update the policy statement adopted in 2013 as the Social Value Act 2012 came into force.
- 1.2 The Social Value Policy and Procurement Strategy are very closely related pieces of work. Together they support a key Corporate Portfolio objective to drive holistic benefits for our residents and communities through the Council's work.
- 1.3 The Procurement Strategy will be brought to Cabinet separately in October to underline the separation between the issues of social value and procurement.

2. Background

- 2.1 The Social Value Policy Statement adopted in 2013, which was supported by Social Value Guidance, was focused on commissioning and procurement. While this supported achievement of social value (SV) in a range of initiatives, this has relied more heavily on the procurement service considering social value at the procurement stage than on building in social value through service design and commissioning processes.
- 2.2 Since 2013 the Council has developed its understanding of social value and the opportunities to achieve it while good practice by other councils has also developed and been drawn on. Through this process it has become clear that other areas of council work including our employment practices, our use of assets and the role of the authority in local development planning processes provide significant opportunities to achieve social value. The new policy seeks to articulate these opportunities and how the Council intends to capitalise on them.
- 2.3 The definition of SV that the Council has developed to cover the breadth of opportunities this policy addresses is included at paragraph 3.2. In addition, it is important to note that the policy takes as its starting point the assumption that the decision to pursue the introduction or change of a service, or a given construction has already taken into account the potential positive and negative impacts of that decision. The considerations of the policy seek to achieve additional benefits that could result from this. As such it is not possible to have 'negative social value' whereas the benefits analysis of different delivery models themselves could have negative social impacts as well as positive.

3. Content of the Social Value Policy

- 3.1 The Social Value Policy sets an ambitious position taking the Council well beyond the procurement focused Social Value Act.
- 3.2 Having been unable to identify a satisfactory definition of social value, officers have created a Kirklees definition describing social value as:

"...the broad set of economic, social and environmental benefits that may be delivered in addition to the original goods or service being provided. They may include jobs and training, support of local businesses and community organisations, and to our environment. These benefits may be delivered through procurement, our employment practices, our grants and investments or other processes."

- 3.3 In contrast to the primarily commissioning and procurement focused policy statement of 2013, the new policy explicitly considers how SV can be delivered through seven areas:

- Our employment practices;
- Commissioning;
- Procurement;
- Planning and development;
- Grants to businesses and voluntary and community sector (VCS) organisations
- Asset transfers; and
- Non-treasury investments.

- 3.4 It is also important to note that SV is a key lever in delivery of our inclusive economy and net zero ambitions. Officers have been working closely with Third Sector Leaders to increase voluntary, community and social enterprise (VCSE) capacity to engage with and benefit from social value approaches in line with the VCSE Investment Strategy.
- 3.5 Central to this is shifting the emphasis away from procurement so that social value benefits are considered in much earlier stages of commissioning.
- 3.6 Updated guidance will be developed with the directorate leads.

4. Capacity to Deliver Social Value

- 4.1 Engagement with services has consistently demonstrated the need for both training of officers to understand social value and how it may be achieved but also the need to create specific capacity. This need is reinforced by another clear message throughout Senior Leadership Team (SLT) discussions and wider service engagement that there cannot be a 'one size fits all' approach to social value meaning that greater consideration is needed to how SV can be achieved in different service areas and even different projects.
- 4.2 It is proposed initially to identify SV leads within directorates who will be first to receive training in social value and be closely involved in the refresh of the Council's Social Value Guidance. This process will also be used to assess whether there is a business case for creating dedicated SV capacity through recruitment either within directorates, centrally or both.
- 4.3 Once leads have been identified within services the Council will engage with external stakeholders those leads will need to interface with. This will optimise the approach to be taken in that area of work to ensure it fits effectively with the structures and ways of working in that sector. As an example, the social value lead for the Planning Service will liaise with the social value leads within major residential developers from whom the council will be seeking to achieve social value commitments.

5. Performance Reporting and Measuring Impact

- 5.1 It was identified within SLT discussions that there is insufficient visibility of social value commitments and the extent to which these are realised. It is understood that increased visibility would play a role in strengthening consideration of SV within commissioning and contract management processes. The SV leads identified in section 4 will also play a key role in supporting contract management activity and ensuring SV is monitored and reported effectively. While this is currently only relevant within a procurement setting it may be possible to extend consideration of social value across the other areas identified within the policy for achievement of SV.
- 5.2 It is therefore proposed to incorporate SV key performance indicators (KPIs) into the Corporate Reporting Framework.
- 5.3 As part of this process the Council will also look to identify how to benchmark the organisation against others in terms of SV.

6. Implications for the Council

6.1 Working with People

Understanding of the needs of Kirklees residents is built up on an ongoing basis by the Council and partners through a range of engagement processes. Social value priorities will

be reviewed periodically to ensure these remain in alignment and opportunities will be sought to engage residents on priorities particularly in the case of major place-based projects as described below.

6.2 Working with Partners

The Social Value Policy is focused on how the Council will operate to maximise social value achievement, it describes how we will work with VCS partners to benefit from SV but also how the Council can promote SV approaches to other anchor organisations and equip them to adopt similar methods.

6.3 Place Based Working

The Social Value Policy describes how major commissioning projects that are place-focused (e.g. Cultural Heart) will take into account both the particular needs and opportunities presented by their context.

6.4 Improving outcomes for children

Various aspects of social value impact on outcomes for children including adding value to the communities in which they live and the wider environment. Most directly social value can support school visits by industry representatives, work experience and other careers related opportunities.

6.5 Climate Change and Air Quality

Environment is one of the facets of social value. Strengthening our SV approaches is expected to have positive impacts both directly in our service delivery and through our supply chain.

6.6 Financial Implications for the people living or working in Kirklees

The economy is one of the facets of social value. Strengthening our SV approaches is expected to have positive impacts on local education, skills, and jobs.

6.7 Other (e.g. Integrated Impact Assessment/Legal/Financial or Human Resources)

While we anticipate increased value for money through strengthening the quality of our procurement, social value is about taking a holistic view of the value delivered by our commissioning and working practices. As such it is anticipated that adopting social value approaches increases direct cost but also value for money by creating positive impacts across a broader range of measures than might otherwise be considered.

The need for social value training will require funding. The cost of this is to be established.

Any future recommendation to create dedicated social value capacity would have an associated direct cost.

The Social Value Act 2012 referred to above is the legal basis for this alongside (as relevant) procurement and other legislation depending on the activity

A Stage 1 Integrated Impact Assessment has been completed and will be published on the Council's website alongside this report in the papers for the 20th September 2022 Cabinet meeting: [Agenda for Cabinet on Tuesday 20th September 2022, 3.00 pm | Kirklees Council](#)

7. Consultees and their opinions

7.1 The policy has been informed by:

- Discussions with the Corporate Portfolio Holder;
- Extensive discussions with the Head of Procurement;
- Early discussions at Corporate Scrutiny and Economy & Neighbourhood Scrutiny;
- Early discussions at Corporate and Growth & Regeneration SLTs;
- Further discussions with all five Strategic Directorate SLTs;
- Extensive discussions with Helen Orlic, author of the VCSE Investment Strategy;
- Discussions with a range of commissioners across Council services;
- Discussion at ET on 14 June 2022;
- Discussion at LMT on 01 August 2022; and
- Discussion at Corporate Scrutiny on 15 August 2022.

7.2 The draft policy has been discussed at all five Strategic Directorate SLTs to ensure support across the board given its broad ranging impacts. These conversations were positive and issues identified have been reflected in the attached version of the document. In particular these relate to:

- Social value capacity within the organisation and each directorate;
- The need for training in social value in all areas; and
- The need for improved reporting to provide visibility of the impacts of procurement and social value.

7.3 Discussions at ET focused on the need to ensure sufficient capacity within directorates to engage with social value approaches and the need to ensure commitments on planning requirements were aligned with what was possible through current planning policy.

7.4 The most recent discussion at Corporate Scrutiny raised a number of issues which can be divided into those directly relevant to this policy and those primarily related to the Procurement Strategy to be considered later.

7.5 Those related to the Procurement Strategy were:

- How suppliers' failure to deliver on SV commitments will be contract managed;
- The balance between project cost and social value;
- The extent to which the Council is being more prescriptive of the SV it hopes to see delivered rather than leaving the market to determine this;
- The extent to which the Council is ready to deliver SV on larger projects; and
- How smaller voluntary and community sector organisations will benefit from social value.

7.6 Those directly related to the Social Value Policy were:

- Needing to be clear of the difference between the current and the new policies;

- How to benchmark the Council's SV achievements;
- The idea of 'negative social value'; and
- The impact of the Council's SV work on non-council services (e.g. ensuring demand for apprentices does not outstrip supply).

8. Next steps and timelines

The next steps for this policy following Cabinet endorsement are:

- Identify directorate social value leads (September);
- Deliver social value training/action learning programme (Q3); and,
- Complete development of social value guidance (Q4).

9. Officer recommendations and reasons

9.1 For Cabinet to approve the draft Social Value Policy.

10. Cabinet portfolio holder's recommendations

10.1 The Portfolio Holder agrees with the officer recommendation.

11. Contact officer

Chris Duffill, Head of Business, Economy and Growth
chris.duffill@kirklees.gov.uk 01484 221000 ext 72354

Jonathan Nunn, Policy and Partnerships Manager
jonathan.nunn@kirklees.gov.uk 01484 221000 ext 76528

12. Background Papers and History of Decisions

Social Value Policy, Corporate Scrutiny, 15 August 2022 ([link](#)).

13. Service Director responsible

Andy Simcox, Service Director for Strategy and Innovation
andy.simcox@kirklees.gov.uk

EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy: Social Value Policy	
Directorate: Corporate and Public Health	Senior Officer responsible for policy/service: Andy Simcox
Service: Policy, Partnerships and Corporate P	Lead Officer responsible for EIA: Jonathan Nunn
Specific Service Area/Policy: Policy	Date of EIA (Stage 1): 28/07/2022

Brief outline of proposal and the overall aims/purpose of making this change:

The new Social Value Policy is intended to replace the Social Value Statement 2013 to broaden the consideration of social value (SV) within the Council's work. It emphasises the importance of considering SV at the early stages of service design and commissioning rather than at the procurement phase while also identifying other areas in which SV can be achieved.

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	4	2.7	6.7	0	2	2	No
Environment		3.6	3.6	0	4	4	No

NATURE OF CHANGE

WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	NO
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	YES
To change a service, activity or policy (i.e. redesign it)	NO
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	NO

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KIRKLEES COUNCIL
SOCIAL VALUE POLICY 2022
VERSION 2.5

Purpose

This policy sets out how Kirklees Council will harness its purchasing power, investment decisions and role as a major employer to maximise the economic, social and environmental benefits to our residents, communities and businesses. This is known as **social value**.

Maximising social value goes through every area of work whether commissioning, procuring or delivering services or playing a supporting role.

While this policy is primarily about how we as a Council operate, we will work alongside our partners to encourage others to embed social value in their operations, and to ensure our residents, voluntary and community sector partners and businesses are able to access the benefits.

What is social value?

Social value is the broad set of economic, social and environmental benefits that may be delivered in addition to the original goods or service being provided. They may include jobs and training, support of local businesses and community organisations, and to our environment. These benefits may be delivered through procurement, our employment practices, our grants and investments or other processes.

Local and National Policy Context

The legislative basis for social value in the UK is provided by the Public Services (Social Value) Act 2012¹. The 2012 Act introduced the requirement for public bodies to consider the social value that could be achieved through procurement decisions in a proportionate manner. There is therefore a very close relationship between this policy and our Procurement Strategy. It is also anticipated that social value will play a central part in the new National Procurement Strategy when this is published in 2023. We will review the policy to take this into account.

Social value is a key tool in supporting our People, Partners, Place approach and wish to extend its application well beyond the legislative requirements of the 2012 Act. As such we consider social value to be of relevance in all of our work and will be embedded in and play a key role in the delivery of our key partnership strategies:

- Inclusive Communities Framework;
- Inclusive Economy Strategy;
- Environment Strategy; and,
- Joint Health and Wellbeing Strategy.

Social value is one of our principal tools in ensuring that tackling the climate emergency underpin every aspect of our work. We also know that the COVID-19 pandemic has further exposed health and other inequalities with a disproportionate impact on many already disadvantaged communities, including young people and Black, Asian and Ethnic Minority

¹ <https://www.legislation.gov.uk/ukpga/2012/3/enacted>

residents. In this context, social value has a vital role to play as we recover from the pandemic and work to make Kirklees resilient.

Our Approach to Social Value

Our policy seeks to apply social value as widely as possible to maximise the impact of the Council in shaping our places; the context in which our communities come together; and the way our businesses operate. In this way social value will impact on:

- **Residents:** ensuring the creation of local jobs, the provision of training and raising the aspirations of young people as well as creating routes into employment and training for a range of disadvantaged groups. It also means ensuring our investments create good jobs that pay a fair wage, and that support workers' physical and mental wellbeing, and that inequalities within our workforce are reduced.
- **Communities:** strengthening local community organisations through volunteering, financial and in-kind donations and mentoring. Building community spirit and collaboration to reduce poverty and social isolation.
- **Businesses:** increasing opportunities for Kirklees businesses, within our supply chains – including voluntary sector organisations and social enterprises – and promoting positive business practices.
- **Environment:** improving the quality of our environment – our air quality, biodiversity and reducing our reliance on natural resources – and supporting our goal of reaching net zero by 2038. This all contributes to making our places ones we can be proud of while empowering our residents, communities and businesses to play their part.

The Council's approach to social value will be:

1. **Reflective of local need:** the Council will use social value approaches to deliver against the Kirklees shared outcomes and the specific needs identified through the Kirklees Partnership's top-tier strategies.
2. **In partnership:** the Council works in partnership with a range of public, private and voluntary sector organisations who employ local people and procure services. The Council will seek to achieve the greatest impact for Kirklees by establishing a shared understanding of social value and our priorities, and where appropriate providing shared resources that equip partners and their suppliers to achieve social value.
3. **Considered from the start:** effective delivery of social value requires it to be considered at the earliest stages of service evaluation, design and commissioning allowing it to be realised through the most appropriate mechanisms.
4. **Innovative:** we know that achieving the step change in outcomes we are seeking will require us to be innovative and test new approaches.

Our Shared Outcomes

The Council Plan² sets out eight shared outcomes (plus one – ‘efficient and effective’ for the Council) which frame all our work with people, partners and places towards achieving our vision of a strong, sustainable economy and great quality of life for our residents. Social value will make an increasingly important contribution to achieving these outcomes.

The table below highlights some of the types of social value activity we expect to realise and how they relate to the shared outcomes. While the core work of each of our services may align to only one or two outcomes, taking a social value approach means considering how we can maximise positive impacts across all of them.

	Shaped by people	<ul style="list-style-type: none"> • Providing growing opportunities for individuals and communities to shape the social value being delivered through services that impact them and the places they live and work.
	Best start	<ul style="list-style-type: none"> • Support to care leavers and children with special educational needs and disabilities
	Well	<ul style="list-style-type: none"> • Actions that tackle social isolation • Support health and wellbeing of local people
	Independent	<ul style="list-style-type: none"> • Programmes that support digital inclusion • Business advice to voluntary and community sector organisations • Supporting communities and VCS organisations’ COVID recovery
	Aspire and achieve	<ul style="list-style-type: none"> • Initiatives that support apprenticeships and supported employment • Employment, training, mentoring, and work experience for unemployed young people and adults, particularly for care leavers, ex-offenders and other Council priority groups • Commitment to paying the local living wage
	Sustainable economy	<ul style="list-style-type: none"> • Support for business start up/enterprise • Use of local supply chains • Promoting opportunities for micro businesses, SMEs and VCSEs • Promotion of ethical procurement • Championing fair work
	Safe and cohesive	<ul style="list-style-type: none"> • Increasing community volunteering • Support to enable communities to engage in local decision making and active citizenship • Initiatives that address poverty and homelessness
	Clean and green	<ul style="list-style-type: none"> • Green travel initiatives • Emission reduction programmes • Energy efficiency actions • Tree planting and biodiversity programmes • Waste reduction/recycling initiatives • Volunteering to support green infrastructure • Commitment to reduce the use of single use plastics • Support for sustainable procurement
	Efficient and effective	<ul style="list-style-type: none"> • Maximising the impact of all our investments for the benefit of Kirklees, its residents, businesses and communities.

² www.kirklees.gov.uk/beta/delivering-services/council-plan.aspx

Where we will consider Social Value

Social value benefits are most commonly sought through the Council's purchasing (procurement) processes. They can also be considered when services are being delivered directly by the Council, through grant making, or by third parties where the Council holds influence such as through planning policy.

We want to embed social value in a much wider range of Council activities to optimise the benefits for residents, businesses and the environment. We will therefore consider social value in:

- Our employment practices: as a key local employer through pay and conditions, enabling our staff to maximise their wellbeing, professional development, and to undertake volunteering and other activities which support our communities;
- Commissioning services, beginning at the design stage;
- Procurement of all goods, services and works contracts with a value requiring a formal tender process;
- Discretionary grants to businesses and voluntary sector organisations;
- Non-treasury investments including shares, loans and property;
- Transferring assets to community groups and other asset disposals; and,
- Planning and development – particularly for major planning applications.

Optimising the social value of our investment decisions and other actions will require a step change in the Council's approach in this area. Our aspiration is to become an exemplar Council in our approach to social value, embedding social value through co-design in each stage of our processes and at the earliest opportunity, and exceeding the minimum requirements set out in legislation.

In this way the Council will aim to lead social value in Kirklees, pro-actively sharing good practice case studies and resources to support partners in seeking social value to maximise their positive impact in the district, and especially where services are commissioned in partnership.

Our Employment Practices

We're Kirklees and we're proud. That's the way we want people to feel around here, we want all our workforce to truly feel part of Team Kirklees, where people work well together to deliver our shared outcomes for the benefit of our communities.

Our People Strategy's vision is that we will achieve our shared outcomes through people with the right skills, values and behaviours working in partnership in our places.

Underpinned by our values of Inclusion, Kindness and Pride it sets out four pledges:

- **Inclusive employer of choice:** Our people are proud to work for Kirklees. Kirklees is a great, inclusive place where we attract, support and retain people who represent our communities. Our commitment to advancing inclusion in everything we do is clear, and our people feel their differences are valued and respected.
- **Effective and compassionate leadership:** Our people are led and managed effectively by skilled, people focused, compassionate and emotionally intelligent leaders at all levels. Our leaders create inclusive working environments where individuals can grow, develop and thrive.
- **Skilled, flexible and engaged people:** Our people are skilled, flexible and engaged in the work they do and the part they play in making Kirklees a great place. Wherever they work, our people are supported to be the best they can be in their job of today and tomorrow.
- **Healthy and well people:** Our people matter: wherever they work, their wellbeing and safety is our priority. Our approach to supporting physical, mental, social, financial and digital wellbeing is person centred, supportive, proactive and preventative to enable our people to thrive.

In addition to these pledges that contribute to creating good work which is inclusive for Kirklees residents, the Council is also committed to increasing take up of our Employee Supported Volunteering programme that gives all staff two days paid leave per year to participate in volunteering that supports local voluntary and community sector organisations.

Commissioning

We will require service commissioners to consider the opportunities to increase social value through the design of services and the most appropriate approach to realise it in delivery.

We will:

- Develop approaches to social value leadership appropriate to each service to embed social value principles and practice in new programmes/projects at the commissioning stage, share learning and good practice and provide challenge and support;
- Develop a social value toolkit that equips officers to consider and deliver social value throughout the commissioning cycle; and,
- Build a catalogue of good practice examples that supports consistent approaches and increasing impact.

Procurement

Procurement activities are a critical enabler of our social value policy. Building on emerging Government procurement policy, we will:

- Set out clear expectations to all suppliers in relation to their compliance with all relevant legislation and good business practice in relation to modern slavery, equalities and diversity, health and safety and fair working practices – meeting these requirements is a fundamental pre-requisite for suppliers and they will not be considered as part of any social value assessment;
- For all contracts with a value over £100,000 a minimum social value weighting of 10% where appropriate will be applied to the tender evaluation process; the standard weighting will be considered on a case-by-case basis and increased where appropriate, e.g. where the social value benefits are disproportionate to the contract value;
- Where possible, dividing larger contracts into smaller lots to optimise the opportunities for local suppliers to bid; and,
- Ensure social value commitments are built into all procurement contracts and are legally binding, with appropriate monitoring for the purposes of compliance.

Planning and development

We recognise that the Council must be an exemplar in its approach to social value if we are to seek a step change in the commitment of private sector developers and investors. We will:

- Ensure social value is considered in the first Local Plan review to optimise the planning policy framework for delivery of social value through major planning applications;
- Require applicants for major developments to prepare a social value statement as part of the information required to validate their planning application;
- Negotiate social value obligations for all major developments, within the exiting Local Plan policy framework and subject to meeting legal tests of the S106 process, and use Section 106 agreements and other levers to ensure commitments are achieved;
- Provide advice and support on social value through the Council's pre-application service and during scheme implementation.

Grants to businesses and voluntary sector organisations

Discretionary grants will continue to provide an opportunity to deliver social value. The Council's business grant schemes already build job outcomes and other social value benefits into the appraisal/decision process. We will:

- Adopt a consistent approach to social value across our various grant schemes to ensure fairness and equity;
- Require all applicants for grants of £50,000 or more to provide a statement of social value benefits and how these will be realised, for consideration as part of the investment decision process; and,
- Monitor grant recipients for compliance and take action, potentially including clawback of funds, where appropriate.

Asset Transfer

The Council owns a significant number of assets across the district. We recognise that community-owned and community-run assets act as a catalyst for realising local aspirations by improving local assets, supporting local initiative and building new connections. We have therefore committed in our Asset Transfer Policy to:

- Empower communities through asset transfers;
- Find ways to promote asset transfers in our place-based community engagement work as an option for communities to achieve their aspirations; and,
- Build and maintain a relationship with groups before, during, and after transfer to ensure that the asset continues to be available for the community.

Non-treasury investments

The Council invests its surpluses and reserves in both short and long-term investment funds with a focus on risk, liquidity and yield and in accord with its annually approved Treasury Management and Investment Strategy. The Council's long-term investments are made in funds with ethical and sustainability objectives, taking full account of environmental, social and governance standards and the Council will continue to ensure its investments generate income in an ethical and sustainable manner.

The Council will also seek to agree a review of West Yorkshire Pension Fund investments with the other member authorities to maximise social value opportunities.

Building our capacity

Unlocking the benefits of social value through the Council's procurement and investment decisions and its role as an employer will require investment in our systems and capacity to champion and support social value at each stage of project development, commissioning and implementation. We also need to strengthen the links between suppliers and key Council/partner services to optimise the delivery of social value, improving coordination and removing duplication of activity. We will:

- Appoint an Executive Social Value Champion to ensure consideration of social value in all executive decisions;
- Identify social value leads in each directorate of the Council to support social value providing them with training to understand the concept and how it applies to their areas of work;
- Work with directorate social value leads to develop clear and practical guidance;
- Further consider the possibility of creating central capacity to support delivery of social value in key projects;
- Reinvigorate partnership work with anchor institutions (including the University of Huddersfield, Kirklees College, NHS partners) to maximise and coordinate social value delivery; and,
- Establish a Social Value Programme Board, chaired by the relevant Council Portfolio Holder, to monitor the implementation of the Social Value Policy and oversee preparation of an annual monitoring report.

Measuring our impact

Improving the way we measure social value is essential to driving the step change in our approach and to realising the benefits for residents, voluntary and community organisations, businesses and the environment. We will:

- Apply the National TOMs Framework (Themes, Outcomes, Measures) where suitable supported by appropriate tools and systems;
- Use alternatives drawing on best practice and where possible maximising alignment with the TOMs, where the TOMs Framework is less relevant to the projects/services being commissioned; and,
- Report on social value committed and delivered within our corporate reporting framework.

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Name of meeting: Cabinet

Date: 21st September 2022

Title of report: Community Plus Investment Scheme “Do Something Now” Amendments

Purpose of report: This report seeks Cabinet approval for amendments to the existing scheme which invests in community activities delivered by individuals and community organisations in Kirklees’ Voluntary, Community and Social Enterprise sector (VCSE)

Contact Officer: Carol Gilchrist, Head of Local Integrated Partnerships

carol.gilchrist@kirklees.gov.uk

Service Director: Jill Greenfield, Service Director, Customers and Communities,

jill.greenfield@kirklees.gov.uk

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, the scheme is in excess of £250,000 over a financial year and covers all Kirklees Wards
Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? YES Is it also signed off by the Service Director for Legal Governance and Commissioning? YES	Director of Children’s Services Mel Meggs SLT – 16.03.22 Director for Adults & Health Richard Parry – 14.03.22 Service Director for Legal, Governance & Commissioning Julie Muscroft – 07/07/2022 Finance Service Director Eamonn Croston – 07/07/2022
Cabinet member portfolio Health and Social Care	Cllr Musarrat Khan 11.07.22 & 08/08/22

Electoral wards affected: All

Ward councillors consulted:

Public or private: Public

Has GDPR been considered? The Report does not include personal data that identifies a living individual

1. Summary

Improvements

Following an internal audit of the Fund in early 2021, Community Plus took action to implement the recommendations. In May 2021, we appointed a Community Partnership Manager (CPM) as a single-point-of-contact, a move which is already improving consistency and clarity around our approach and processes. The CPM is establishing and nurturing relationships with community groups and carrying out project-monitoring to ensure groups deliver on-time, on-budget and in-line with eligibility and sustainability criteria.

We have worked closely with Finance and Audit & Risk to re-design the CIF application and monitoring documentation and implement robust internal processes and audit trails. We have also collaborated with the Community Investment Manager and Third Sector team to establish new procedures to avoid duplication of VCSE funding by different services within the Council.

Whilst we are clear we want to ensure financial regulations are met we want to strike a balance with the understanding that the process is not onerous for groups to complete thus having a negative impact on their ability to apply for the funding against the need for proportionate governance.

Reasons for requesting changes

Based on learning from the first implementation phase of the CIF, the exponential expansion of the Fund during the Covid-19 pandemic and the internal audit, we seek Cabinet approval for various amendments to the scheme as detailed below.

Most importantly, from the start, we have developed these amendments in co-production with the VCSE, in line with the vision of the draft VCSE Investment Strategy. We have listened to feedback and sought opinions and valuable insight from Councillors, volunteers and VCSE workers who are entrenched in the day-to-day front-line work of our Third Sector. These amendments reflect the Sector's wishes for the funding to go further, with fairer allocation, a wider criterion which includes supporting existing and thriving projects and clearer, more simplified processes throughout the bidding, Panel and monitoring procedures. We have listened to our VCSE and sought mutually agreeable ways forward to make the Fund a fair and equitable resource available for all and we will continue to listen, reflect and look for opportunities to improve and develop.

The current cost of living crisis is not only impacting on individuals and businesses, but our VCSE partners are feeling the financial pressure, including the increased demand for support from within communities. This grant funding resource provided directly into communities will inevitably help ease some of the current difficulties faced by our communities in Kirklees.

2. Information required to take a decision

Proposed change	Reason for change
<p>Change the fund name to: Community Plus Fund with the strapline <i>“Supporting Good Life projects in Kirklees”</i></p>	<p>Based on anecdotal and survey evidence (Appendix A) common confusion around the existing title/s, multiple names being used, lack of ownership and phonetic duplication with the <i>SIF</i> fund run by Homes & Neighbourhoods</p>
<p>Large grants will be capped at £25,000 (previously £50,000) and available for projects lasting up to 24 months (previously this was 12 months)</p>	<p>To enable broader distribution of the funding pot and give groups opportunity to be supported and develop over a longer period. Panel has recommended this to be a positive change due to learning that smaller awards often have the most community benefit/return on investment.</p> <p>The average grant amount for 2021-22 was £12,500 and only 4 bids over £25K were approved by panel.</p>
<p>As CIF grant payments can overlap financial years, it has been acknowledged that unspent but committed funds can be rolled forward at year-end and held in a central reserve account to ensure funds are available in future years</p>	<p>This roll-over has occurred previously but, as it was not officially stipulated in the original Cabinet report, we would like to add it now for clarity</p>
<p>Any applicant awarded a Small or Large grant cannot bid again within 12 months of the end date of their funded project</p> <p>This also links with the following clause</p>	<p>This encourages self-sustainability for groups and funded projects. Ensuring projects consider how they will continue once the CIF funding ends.</p> <p>Evaluation of the current scheme over a 4-year period has evidenced some groups re-apply year on year for similar projects. This does not support continuity of provision. We want to encourage, and work to support groups to develop sustainable models for the all the projects we fund.</p> <p>By focusing on smaller, local VCS organisations, we will be able to support them to make funded projects sustainable without them <i>‘reinventing the wheel’</i> and returning for more funding year-on-year. This will ultimately have a more positive and enduring impact on our communities.</p>

<p>That grants support both existing AND new initiatives. Proviso being that an existing initiative “<i>is already being successfully delivered and as a result of this success has plans to extend and upscale its offering <u>and</u> improve its reach and inclusivity for potential beneficiaries</i>”</p>	<p>Currently criteria states that funding cannot be used for “<i>maintaining an existing service or project without offering improvements or enhancements</i>”. Learning has shown this definition to be vague and open to differing interpretation at Panel.</p> <p>The ethos of the Fund is to support new ideas however it is also about encouraging and promoting inclusivity. VCSE feedback has demonstrated that groups are frequently seeking financial support to expand and widen the reach of successful projects.</p> <p>Our current criteria does not support our ethos for sustained community provision. Changing the criteria to allow continuity funding to support existing projects (not already funded by us) and support to develop a self-sustaining model of delivery we will be actively enhancing the long term provision of the successful community based support across Kirklees.</p>
<p>Do not clawback an underspend of less than £100 if the group has submitted satisfactory end-of-project monitoring</p>	<p>Learning has shown this is not a cost-effective process</p>
<p>Stipulate that a group must be Grant Access Point-registered (for bids £1k +) prior to an application proceeding to Panel along with the following recommendations:</p> <p>Groups with GAP score 1a can bid up to £5,000 Groups with GAP score 3 can bid up to £10,000 Groups with GAP score 5 can bid up to £25,000</p> <p>We will continue to work alongside the Third Sector team to support groups to improve their GAP score. If the GAP scoring system is amended at any point, we will maintain the tiering system in line with the above levels with consultation and authorization from Head of LIPs and Senior Finance Officer</p>	<p>GAP is the Council’s <i>due diligence</i> mechanism for voluntary and community groups. Registration is carried out by the Third Sector team and lasts 3 years. The team reviews key documents provided by the group and gives feedback on governance, management, financial arrangements and policy, H&S and safeguarding.</p> <p>The new tier system recommendations will support groups to pitch their bids at an appropriate and realistic level. We will trial this system for the year 2022-2023 with support from the Third Sector Team</p>

<p>Require that risk assessment and safeguarding documentation is provided to support bids under £1k IF deemed necessary by the Service Manager. If required, we will log that this documentation is in place, the date it was created & signed and that we had sight of it</p>	<p>This ensures that groups which don't require GAP registration are still accepting responsibility for implementing safeguarding and H&S practices IF their project involves vulnerable people or any elements are deemed to be of higher risk</p>
<p><u>Quoracy</u> Panel must be held with a <u>minimum</u> of 5 members present, including at least 1 VCSE representative. <u>Maximum</u> attendance will be 5 KMR representatives plus 5 VCSE representatives plus Chair. If a vote is evenly split, the Chair will have the casting vote. Panel composition (See Appendix B)</p>	<p>To clarify the position on quoracy and Panel composition</p>
<p>At Half-Way and Final Monitoring stages, applicants are expected to supply clear information which provides comparison of the projected and actual benefits, outcomes, outputs and costs.</p> <p>Applicants will be required to provide evidence of costs to be supplied and broken down in a format agreed by the Senior Finance Officer or Head of Local Integrated Partnerships.</p> <p>Monitoring will be verified by the Community Partnership Manager in consultation, where required, with an Internal Audit representative, Community Plus Service Manager and / or Senior Finance Officer, as required.</p>	<p>To provide due diligence on the adequacy of submitted project monitoring and financial information and re-appropriate shared accountability for final sign-off so it is not the sole responsibility of the CPM</p>
<p>Any individual or group failing to provide required monitoring information within an established deadline be subject to a legally defined clawback process and excluded from receiving future grants for a period of 24 months</p>	<p>Each year so far there have been groups who failed to deliver the required evidence of project outputs, outcomes and financial records to match the original grant award. There is currently no procedure in place to deal with these scenarios. We continually support groups with their monitoring throughout the timescale of a project and we make it clear at the outset of the funding process what those requirements will be.</p>

<p>State that a grant can only be awarded for one project, per organisation, per application form</p>	<p>Learning has shown that Panel does not favour multiple projects <i>rolled into</i> one application as it can diffuse focus and creates complexities in analysing outputs and outcomes at the monitoring stages</p>
<p>The service director will approve appropriate documentation setting out the way in which the grants will be applied for, processed, approved, controlled and paid for in accordance with the principles set out in this report.</p> <p>DIRECT COSTS We will fund all Direct Costs for a project lasting up to 12 months (24 months for bids over £5k) Direct project costs are costs of a project which are clearly and directly incurred as a result of the project. For example, the salaries of specific project staff and facilitator fees, volunteer expenses, venue, vehicle or equipment hire, project materials, and all other costs easily identifiable as part of the project.</p> <p>INDIRECT COSTS We will make a reasonable and fair contribution towards your indirect costs for the duration of the project but, in total, this contribution cannot exceed 20% of your total bid and must be justified as reasonable in the circumstances. Indirect project costs are overheads or support costs which are necessary for the organisation to operate, but do not relate specifically to one project, such as management, administration, stationery and premises costs such as rent, heat, lighting, phone & broadband.</p> <p>CAPITAL COSTS Capital Costs will be considered. For the purposes of this Fund, Capital refers to larger scale and longer term, asset-related works or items. These will be considered, subject to an appraisal of the proposal and its outcomes. In relation to any investment in premises, the applicant must own the premises or have a long leasehold interest – usually more than 20 years, and the grant cannot be used to pay for anything which is the landlord’s responsibility. Applicants are expected to obtain competitive quotes for</p>	<p>To make the application and financial breakdown process clearer, less ambiguous, and more consistent for applicants, for Panel members and for monitoring purposes.</p> <p>New wording on documentation to prompt applicants to itemise types of costs.</p> <p>Limit Indirect Costs up to 20% of the total bid. Experience has shown that applicants submit expenses for full annual running costs of their operation when the project specified in the funding is just one element of their work</p> <p>Capital costs will be considered on a bid-by-bid basis. Evidence has shown that asset-related works or items help support the sustainability of projects and allow us to support a wider range of types of project which reach the heart of communities and offer longer-lasting outcomes.</p>

<p>capital costs and justify the position if they do not obtain quotes or do not choose the cheapest supplier. Obtaining competitive quotes is obligatory prior to an application progressing to Panel, if the total value of the capital costs required exceeds £10,000.</p>	
<p>Ten working days before Panel, all applications to be emailed to relevant ward Cllrs with an invitation to respond with comments and recommendations by a set date (five working days before Panel so feedback can be added to Agendas for Panel consideration). Post-Panel, a decision summary be forwarded to Cllrs after Minutes have been prepared and groups have been notified of decisions</p>	<p>Due to lack of current clarity, timeline and process around our pre- and post-Panel communication with Cllrs.</p> <p>Going forward, it will be made clear on Fund guidance and process documentation that Cllr comments will be shared with the Panel and taken into consideration by Panel members.</p> <p>These proposals have been prepared by Community Plus in consultation with the Active Citizens & Places Manager.</p> <p>Deadlines need to be in place to ensure this Cllr consultation can dovetail into the bid process and be realistically and consistently actioned.</p> <p>This process and the timeframes stated will be continually monitored and adjusted if required and dialogue between C+ and the ACP team will continue to ensure we effectively meet the requirement for Cllrs to be informed of upcoming bids.</p>

3. Implications for the Council

3.1 Working with People

The Fund already plays a significant role in assisting the EIP agenda, by helping grow the capacity and reach of community activities, connecting people at the local level to encourage residents to be more active and better involved in their local area, improving their wellbeing and health. Community Plus is working with a cross section of community-based groups who contribute to the wellbeing of people across Kirklees. CIF projects assist with reducing pressure on statutory services, preventing, or delaying people needing intervention. Activities such as drop-in groups, self-help support groups, activities to get people mobilised and connected with each other in their local area help prevent loneliness and isolation, keeping people well and independent for longer.

3.2 Working with Partners

The Fund helps support third sector, community-based organisations, and contributes to the local economy, strengthening the sector through investment and

developing enterprise. Increased involvement in community life assists people with levels of confidence, which for some will lead to increased employability as they seek to enhance their skills once they gain confidence, deal with life challenges, and feel better about their opportunities.

3.3 Place Based Working

The Fund is designed to support local third sector, community-based organisations to deliver local self-help and community-based solutions will be more accessible for people to access. These are informed by the needs of local people in the places that they live and complement the Place-Based operating model.

3.4 Climate Change and Air Quality

While there aren't specific expectations around green projects / climate emergency, some projects will contribute positively to the climate change agenda and consideration will be given to ensure proposals do not have any potential detrimental impact upon climate change and air quality.

3.5 Improving outcomes for children

The scheme will be open to projects that benefit people throughout the whole life course, but it is anticipated that a significant proportion of projects and interventions that receive investment will benefit children and young people, including those with disabilities, as well as supporting family and community life.

3.6 Financial Implications for the people living or working in Kirklees

The scheme will help support third sector, community-based organisations, and contribute to the local economy, strengthening the sector through investment and developing enterprise. Increased involvement in community life will assist people with levels of confidence, which for some will lead to increased employability as they seek to enhance their skills once they gain confidence, deal with life challenges, and feel better about their opportunities.

3.7 Other (e.g., Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

As well as considering other implications, you should add in here a paragraph making appropriate reference to the IIA.

A decision is sought in accordance with the Council's Financial Procedure Rules (FPR's) - updated May 2022 to approve the distribution of grant funding totalling up to £1,000,000. The relevant section of FPRs is Section 22.11.1 a) and c) relating to Cabinet approval for a scheme of grants such as the scheme set out in this report, and where there is budget provision to do so. The Council has legal powers to authorise the grant scheme, and under the general power of competence under S1 of the Localism Act 2011. The Council is under a duty of best value under the Local Government Act 1999 in terms of awarding the grants.

4. Next steps and timelines

Subject to Cabinet approval, next steps will be to implement the Fund amendments in section 2.

5. Officer recommendations and reasons

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

6. Cabinet Portfolio Holder's recommendations

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

7. Contact officer

Carol Gilchrist – Head of Local Integrated Partnerships
Carol.gilchrist@kirklees.gov.uk

8. Background Papers and History of Decisions

The 'Community Plus – Community Invest Fund' (CIF) was approved by Cabinet in October 2018 under the title "*Do Something Now*".

The funding enables individuals and community-based third sector organisations to deliver Kirklees-wide or ward-level projects to improve health and well-being, increase individual and community capacity and prevent, reduce or delay the need for statutory intervention in people's lives and therefore eases pressure on Council services. Applications are regularly presented to two Panels of experienced internal and external VCSE partners for consideration, debate and decision-making. VCSE Panel members will adhere to guidelines including the requirement to declare any conflict of interest and not participate in scoring or decision-making if such circumstances arise.

The CIF operates within the framework of the priorities outlined in the draft VCSE Investment Strategy 2021 – 2024. As per the Strategy, the CIF is an investment in the VCSE which builds trust and transparency, creating an environment for partners to work alongside each other. The CIF invests in those best-placed to provide the service or support by recognising and valuing each other's strengths and increases VCSE resilience and sustainability. In line with the Strategy, CIF welcomes, captures and maximises the VCSE capacity to be innovative, accessible and agile in response to changing needs of the communities we serve. Work is currently taking place to streamline and consolidate the Council's current funding arrangements to ensure that our approach to funding is joined up and co-ordinated, transparent, aligns with our shared values, strikes a balance between due diligence, consistency and proportionality and that support is provided across the system to ensure resources and capacity align with need.

9. Service Director responsible

Jill Greenfield - Service Director for Customers & Communities
Jill.Greenfield@Kirklees.gov.uk

APPENDICES

Appendix A

Online internal survey of Community Plus Community Coordinators:

Questioned: *What do you call the fund when talking to the public?*

25% CIF funding

25% Community Investment Fund

25% Do Something Now

15% Community Plus funding

10% the CIF

Appendix B

Small Panel	Large Panel
<p>Chaired by a C+ Service Manager</p> <p>Community Partnership Manager</p> <p>Community Plus Team Manager/s</p> <p>Senior Finance Officer</p> <p>Third Sector team representative</p> <p>Local Area Coordination Manager</p> <p>External Partner – pool of partners</p>	<p>Chaired by Head of LIPs</p> <p>Community Plus Service Manager/s</p> <p>Community Partnership Manager</p> <p>Community Plus Team Manager/s</p> <p>Senior Finance Officer</p> <p>Third Sector team representative</p> <p>External Partner – pool of partners</p> <p>Community Investment Manager</p> <p>Commissioning & Partnerships representative</p> <p>Children & Young People service representative</p> <p>Adult Social Care representative</p>

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Name of meeting: Cabinet Meeting
Date: 21st September 2022
Title of report: Resources and Waste Strategy Delivery Update

Purpose of report: To request delegated authority to the Strategic Director for Environment and Climate Change to draw 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. This is to deliver projects associated with the Resources & Waste Strategy adopted by the Council in September 2021.

<p>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?</p>	<p>Yes All wards affected</p> <p>£2.97m of funding provisionally approved for the delivery of Resources and Waste Strategy projects.</p>
<p>Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u></p>	<p>Key Decision – Yes</p> <p>Private Report – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes A summary of this report was presented at the Economy and Neighbourhoods Scrutiny Panel on the 19th July 2022</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>Colin Parr Strategic Director for Environment & Climate Change 12th September 2022</p> <p>Eamonn Croston Cabinet: 23rd August 2022</p> <p>Julie Muscroft Cabinet: 18th August 2022</p>
<p>Cabinet member portfolio</p>	<p>Councillor Will Simpson – Culture and Greener Kirklees Councillor Naheed Mather - Environment Councillor Paul Davies - Corporate</p>

Electoral wards affected: All

Ward councillors consulted: Economy and Neighbourhoods Scrutiny Panel. Culture and Greener Portfolio Briefing

Public or private: Public

Has GDPR been considered? Yes. No GDPR implications.

1. Summary

1.1 Following approval of the [Kirklees Resources and Waste Strategy](#) in September 2021, the service is continuing to make good progress in accordance with the agreed action plan. To enable delivery of a number of service improvements, a provisional capital allocation was agreed in the last budget proposal. The service has now completed sufficient planning to enable more clarity on the capital funding needed to deliver against agreed outcomes from the strategy. These outcomes and their delivery timescales are as follows as directly lifted from the agreed strategy:

i) Community Reward Scheme (Phase 2)	ongoing
ii) Reuse Shop in Huddersfield (Phase 2)	ongoing
iii) Improved Litter Bin Facilities	2022
iv) Glass Collection Trial	2022
v) Bulky Collections - Third Sector Reuse Partner	2023
vi) Depot Review: site surveys, etc.	2024

1.2 Each outcome is being delivered as a project and is explained in further detail throughout this report. Other Kirklees Resources & Waste Strategy projects scheduled for delivery in 2022, for example the Composter Subsidy Scheme are using existing funding streams.

2. Information required to take a decision

2.1 Community Reward Scheme

2.1.1 We will develop and introduce a community reward scheme between 2022 and 2026. We began in a small way in 2020 by offering a prize draw to those taking part in the Kirklees Resources and Waste Strategy survey. We plan to develop a scheme that gives back to our communities and helps enrich their local economy, environment and wellbeing whilst at the same time meeting the priorities of the Council to encourage our communities to reduce all types of waste and thereby to also lower the costs of disposing of waste.

2.1.2 The community reward scheme is in the development stage at present, with two themes that will be explored in detail leading to an options paper that will be produced for Service and Strategic Director approval in consultation with Portfolio Holders for Culture and Greener Kirklees, Environment and Corporate.

2.1.3 The community chest – This reward is based on the allocation of small grant funds for practical items or the provision of resources to support local waste minimisation initiatives. There are lots of communities that already take ownership of recycling and reuse and have set up fantastic groups and schemes. We would like to support these and inspire more communities to try out their waste minimisation ideas. For example, a community chest could add support to an existing initiative such as a cloth nappy lending library that needs extra resource to expand its reach and reduce the number of disposable nappies that are put into our grey bins; or help with the set up and equipment needed by the numerous and dedicated litter picking volunteers that help maintain the local woodlands, riversides and greenspaces. This would be a high profile and

celebrated reward/ award. The award process could be fun with community engagement and participation.

- 2.1.4 Incentive reward scheme – This type of reward has several options. For example, by randomly selecting a street from each ward and placing the addresses of those who have recycled perfectly into a blind prize draw, it could be a simple way to thank residents who engage in the kerbside recycling scheme, whilst at the same time raising awareness of recycling and encouraging people to participate. An incentive reward scheme could also be introduced as part of a larger, targeted campaign, for example to improve green bin contamination, to lower food waste, reduce contamination in communal recycling facilities or increase public support for the enforcement of environmental crimes such as fly-tipping. The reward given as part of a campaign would usually be for the community, not to individuals. It might be a sum of money to be put towards a community asset or a scheme that the community vote for. The reward scheme could be extended to include a way of thanking local groups or businesses for the work they do to improve their community environment.
- 2.1.5 We are currently looking into the lessons learned from the many other community reward schemes that have been run by other local authorities. We will ensure that we can make the reward scheme accessible to all ward communities and propose that as a minimum the funds allocated to the scheme at this stage can cover an allocation of a community chest award to all ward areas.

2.2 Reuse Shop in Huddersfield (Phase 2)

- 2.2.1 Kirklees Council has an aspiration to procure a contract for a reuse shop in the district with a direct link to all Household Waste Recycling Centres (HWRCs) in Kirklees. Reusable items that would otherwise have been thrown away in the HWRC waste skip by residents, are instead placed in an alternative container on site for collection and re-sale by a charitable organisation.
- 2.2.2 An attractive model for Kirklees is currently implemented in Leeds and has been in operation successfully for a number of years in partnership with [Revive](#).
- 2.2.3 Revive have agreed to partner with Kirklees Council and its waste disposal contractor SUEZ, under a trial purchase arrangement as allowed under clause 8.2 of the Contract Procedure Rules, to trial a similar reuse shop model in Kirklees. The first phase of this was launched in November 2021 with the siting of reuse containers at two of the authority's household waste and recycling centres. Revive oversee the collection, repair and resale of the resident donated items that are placed in these containers.
- 2.2.4 The second phase of the trial will be the opening of a reuse shop in Huddersfield in the early autumn of 2022 that is linked to the household waste and recycling centre sited containers and also provides the option for residents to directly donate to the shop. The sales ethos of Revive is to ensure that the items sold are available at low prices enabling local communities to afford furniture, electrical items and clothing that may otherwise have been out of reach without incurring debt.
- 2.2.5 Both elements of the trial (HWRC containers and reuse shop) will be monitored and aim to achieve the following:
- Gather real data from the two trial reuse containers at Kirklees HWRC's on the amount and type of material diverted away from disposal; and
 - quantifiably measure the viability of a longer term aspiration for a reuse shop supported by Kirklees Council.

- 2.2.6 The trial period will be for a minimum of 12 months from the start of the shop opening in the autumn of 2022. If deemed viable, the data collected will be used at the 6 month point in the trial to procure a longer term option for a sustainable reuse shop model for Kirklees.
- 2.2.7 The benefits that we expect to achieve for Kirklees from the procurement of a Reuse Shop include:
- Provision of work, learning, apprenticeship and volunteering opportunities for Kirklees residents.
 - Financial investment return and income generation – via an agreed a profit share stated within the terms of the procurement
 - Diversion of waste away from disposal and into reuse. Since November 2021, the reuse containers on two of the five household waste and recycling centres in the district have already collected over 60 tonnes of material for reuse that may otherwise have been thrown away at a cost to the Council. This helps to lower the overall waste disposal costs incurred by the council.
- 2.2.8 The funds required for this next phase include those for the ongoing hire of the HWRC sited reuse containers, costs associated with the setup of the reuse shop including communications materials and the funds required to complete the site feasibility reports and surveys that will inform our long-term reuse shop options.

2.3 Improved Litter Bin Facilities

- 2.3.1 The Kirklees Resources and Waste Strategy commits the Council to make improvements to the litter bin facilities across the borough and to find innovative and effective ways to provide on street recycling, with progress to be made in 2022. Street cleansing has not seen any significant investment in litter bins for many years and the data held on bin locations is inaccurate and several years out of date. Street bins are a key visual representation of what this part of the service delivers and has a high public interest. Local Authorities have a statutory duty to keep land and highways clear of litter and refuse and the national Resources and Waste Strategy states a commitment to make 'on the go' recycling more accessible across the country and encourages its development. Therefore, improving our existing street bins has the potential to be very impactful whilst meeting local and national strategic objectives.
- 2.3.2 The project will be split into 2 initial phases.
- Phase 1** – to audit the location and condition of existing litter bins across the borough. This audit review will include discussion at ward level to capture local knowledge and help us to understand how these bins are used and if they are in the right places. This phase will result in a comprehensive, fit-for-purpose database of all existing bins and their condition, location and imagery.
- 2.3.3 The resulting data will be a key tool for decision making and planning for a litter bin replacement programme and its corresponding budget requirements. The replacement programme will take place over a (circa) 2 year period and will use the majority of the £2m budget request. There will be a focus on improved service efficiencies, for example reviewing the location and associated public use of the bins, the most cost and energy effective emptying schedule and an outline of cost options that ensures longevity and ease of maintenance. The database will be kept up to date throughout the replacement programme to track and monitor progress and can then be used into the future to provide asset information.
- 2.3.4 **Phase 2** – to trial the introduction of recycling litter bins on streets at selected locations and to identify what does and doesn't work in achieving clean recycling material and influencing

recycling behaviour in public places. Phase 2 will initially be a fact-finding exercise to provide insight on what how best to implement on-the-go recycling. This will be measured by observations on contamination and usage behaviours in trials at selected locations which will offer a broad range of different scenarios to test. Different types of on street recycling bins will be deployed and the purchase of these, plus any additional resource to service them, will come from the budget draw down. Learning from these trials will be used for future planning of more permanent on street recycling and the associated resource requirements to service an increase in provision. Depending on the findings, and the type of on street recycling bins chosen we will also look for opportunities for income generation and further efficiency savings.

2.4 New and Innovative Technologies and Interventions to Reduce Environmental Crime

2.4.1 We recognise that there are new and innovative technologies and interventions that can be employed to help the authority tackle environmental crime such as fly tipped waste and litter dumping. For example, AI camera systems that use ANPR technology and systems that issue automatic fines have been tested by other local authorities in notorious fly-tipping areas and shown great success; co-designed educational solutions developed with residents have also been shown to help reduce fly-tipping significantly. In addition to the enforcement measures already used by the council such as signage, community engagement, fixed penalty notices and CCTV in hotspot areas, new types of technology and innovative approaches will enhance enforcement techniques and improve compliance. We will research into the best options including potential funding and advisory sources for Kirklees and seek approval to introduce new solutions on a trial basis within the authority to help where enforcement is most needed.

2.5 Glass Collection Trial

2.5.1 Kerbside monthly glass collections ceased in Kirklees in 2013 as part of austerity measures and since then, recycling rates have declined and there has been high demand from residents to reinstate these collections. There is also an unknown potential for demand from trade waste customers for a commercial glass collection service which needs to be explored. The Government's National Resources and Waste Strategy seeks to increase the number of segregated kerbside recyclables collected by local authorities but a decision on the exact requirements has not yet been issued. The Kirklees Resources and Waste Strategy commits to providing a kerbside glass collection to increase recycling rates in 2024 but the specifics of how this can be achieved is dependent on the central government decision and funding availability. Until the decision is announced, the council cannot reasonably invest in the necessary infrastructure and therefore can only trial options to explore how glass collections could work under different circumstances in the future. We plan to take a phased approach, where the first trials will seek to improve our understanding of how to provide a glass collection service to communal domestic properties and to explore the potential for a commercial service to existing trade waste customers.

2.5.2 The trial is set to commence in November 2022 and will run for 6 months. A 23-tonne top and side loader vehicle will be trialled alongside 240L wheeled containers – some with standard lids and some with lockable aperture lids which restrict access to bottle shapes only. The trial will operate from the Emerald Street (Huddersfield) depot and be managed by the trade waste service. 2 vehicles will be hired – one to run daily and one to allow extra cover for service failure, high demand or vehicle breakdown and these will be crewed by a driver and 2 loaders each. Commercial customers operating restaurants, clubs, pubs, cafes, or other leisure businesses that generate glass waste will be offered a free weekly service, whilst communal domestic properties will receive a fortnightly collection in line with the current recycling collection service.

- 2.5.3 The trial will cover approximately 200 sites of varying sizes and locations across all wards in the borough. Communal properties will be both social and private rented and assistance from the council's Homes and Neighbourhoods service to help implement the service has already been secured. The level of interest from commercial businesses is unknown but is already being explored through expressions of interest letters. The trial presents an opportunity to understand the health and safety implications of handling glass in wheeled containers from the operational and resident point of view, and to explore how storage space for communal and commercial properties might accommodate such containers. Alongside the trial we will also run an education programme for residents at communal properties to help promote the service and the correct use of the containers.
- 2.5.4 The trial will be evaluated through a series of performance indicators and assessments. These will include measuring tonnages of glass collected; changes in the tonnage collected at existing glass bring banks around the trial areas; health and safety assessments of the operating methods for frontline staff and the storage spaces for the bins; and monitoring of feedback received from residents into the Council's customer service teams and Homes and Neighbourhoods Service.
- 2.5.5 Funding from the capital budget will be used to purchase and deliver the glass bins to the properties and businesses on the trial; and to meet the increased handling and processing costs incurred by Suez including the creation of a bay for tipping off at Emerald Street. Other aspects of providing the trial will be funded through existing revenue budgets – including communications with residents/businesses, vehicle hire and staffing, and monitoring and evaluation activities.

2.6 Bulky Collections – Third Sector Reuse Partner

- 2.6.1 Following on from the successful introduction in April 2022 of a fully automated bulky waste collection booking system which has immediately improved the service for residents, we are seeking funding to set up and manage an enhanced service that collects bulky items of furniture and white goods from residents that can be repaired or reused.
- 2.6.2 To deliver this, with an implementation timeline of 2023, the Council would like to procure a partnership with an external reuse specialist organisation and to explore how this could also link with our Homes and Neighbourhoods tenancies.
- 2.6.3 The purpose of this new service is to further the reduction of bulky items of furniture that are sent to landfill and the associated disposal costs of this for Kirklees Council; and most importantly to provide a source of low cost furniture to enable tenancy sustainability, debt reduction and positive health outcomes amongst those Kirklees residents most vulnerable to poverty.
- 2.6.4 A full options appraisal including costings with ideas for sustainable funding and how such a scheme can contribute towards a circular economy within Kirklees will be presented to the Strategic and Service directors and will detail the following as a minimum:
- a) An option for a council run collection service that will collect from residents and then deliver reusable bulky items to a partner organisation or reuse containers at a Kirklees household waste and recycling centre.

b) A furniture reuse collection service that is contracted out to a specialist reuse partner organisation who are supported by sustainable council funding – for example, the use and maintenance of a vehicle or help with the scheme delivery costs

c) A model based on signposting residents to one or more reuse partners.

2.6.5 The present budget ask is an indicative amount only at this stage, based on the cost of running a similar in-house furniture scheme between the years of 2013 – 2017 of £120,000 (Option a) and also based on the model and yearly grant of £80,000 that Leeds Council currently give to their reuse contractor St Vincent de Paul (Option b).

2.6.6 We are seeking these funds to set up this service on a trial basis initially, and to feedback the outcome and secure a long-term source of funding if this proves viable and successful.

2.7 Depot Review

2.7.1 Statutory requirements for local authority waste and recycling services are changing. Following [publication of the national strategy](#) in 2018 by central government, the Council has adopted the [Kirklees Resources and Waste Strategy](#) in September 2021 outlining the changes required to deliver on national requirements. This strategy commits the Council to a number of waste and recycling service improvements for delivery between 2021 to 2030. The Council is expecting national government to publish statutory guidance for local authorities later in 2022, outlining specific deadlines for delivery of services by 2023 and 2024, and to provide local authorities with details of any funding application processes to support such changes.

2.7.2 The key new services requiring further depot space are as follows:

- a new glass recycling collection service in 2024 and
- a new food waste collection service in 2025.

2.7.3 Both services require a number of additional vehicles operating across the borough. Our waste vehicle depots in the north (George St) and south (Vine St) are at maximum capacity and therefore cannot accommodate the service expansion required by central government.

2.7.4 A depot review is currently in development to assess additional requirements in the north and south of the district. This depot review will help clarify costs, enabling the Council to draw down capital funding from the provisional sum mentioned above.

2.7.5 At this stage, the funding required for a depot review only covers the early feasibility studies such as site surveys. A separate bid will be required when this review has established clear requirements for waste vehicle depots. The output from this depot review will trigger a further funding requirement for site acquisition, site development, site remediation, and build.

2.8 Funding Requirements

2.8.1 A capital sum of £33m was provisional set for delivery of improved waste and recycling facilities for Kirklees residents. To enable delivery of the outcomes described above, the service is requesting the following capital funds be drawn down for delivery.

Project Title	Funding Requested (£)			
	2022/23	2023/24	2024/25	Total
i) Community Reward Scheme (Phase 2)	50,000			50,000

ii) Reuse Shop in Huddersfield (Phase 2)	70,000	*	*	70,000
iii) Improved Litter Bin Facilities	1,000,000	500,000	500,000	2,000,000
iv) Investment in Innovation to target environmental enforcement	100,000			100,000
v) Glass Collection Trial	150,000	*	*	150,000
vi) Bulky Collections - Third Sector Reuse Partner		100,000		100,000
vii) Depot Review: site surveys, etc.	500,000	*	*	500,000
Total Capital	1,870,000	600,000	500,000	2,970,000

*Further capital funding may be requested in 2023 pending outcome of trials and business case approvals.

3. Implications for the Council

3.1 Working with People

3.1.1 Following the public consultation exercise that was conducted in autumn 2020 and that informed the content of the Resources & Waste Strategy, we continue to place citizens at the heart of our decisions and will continue to conduct further public engagement as the initiatives from this strategy are implemented. We will utilise trials, for example for the collection of glass, new reuse facilities and improved litter bin facilities. We will seek and listen to feedback from residents and elected members and incorporate these into the changes we propose. For example, our litter bin improvement project seeks to better understand how 'on the go' recycling might work for residents in different locations. We can then make changes based on how residents engage with these trials. With the glass kerbside collection trial, we will involve residents and businesses in the evaluation of the container storage and vehicle access arrangements. This learning will help find the best solution for a potential wider roll out of new services.

3.2 Working with Partners

3.2.1 The overall resource and waste strategy encapsulates how we will provide better waste management services for our residents and our businesses and the engagement we will undertake with partners to achieve our ambitions. We will continue to engage with our partners as we begin to deliver each item of our strategy commitment. We are already working closely with SUEZ, our current waste disposal contractor, to ensure that they are involved in all stages of the planning for the glass trial, that any changes we wish to make can be accommodated and there is a regular and open dialogue to explore options.

As we move into phase 2 of the litter bin project, we will ask schools and event coordinators to partner with us as we try out new on street recycling bins and work collaboratively on their location and monitor their usage.

We are forming new partnerships with the community sector through the trial of the reuse shop and will develop these new links further when we seek a bulky waste reuse partner.

3.3 Place Based Working

3.3.1 We intend to take a bold Place-based approach to delivering our services and take into account equality versus equity, where some communities may need additional resources and support. We will continue to work with communities, and through a Place Partnership engagement approach we can prioritise local needs. Councillors, using the insight they have about the communities they

represent, will be central to this activity. Our engagement will include working with anchor community groups and making community connections via the Active Citizens officers, especially around the ideas for developing a community reward scheme, and how best to include smaller town centres throughout the authority to more easily access reusable items.

3.4 Climate Change and Air Quality

3.4.1 The Resources and Waste strategy, approved in 2021, plays a key role in tackling climate change and improving air quality. The deliverables within this strategy will be developed with the aim to reduce our impact in both of these areas. Although some of the changes we need to achieve, such as the development of new depot spaces and the trial of a glass collection service will involve the expansion of our fleet, we will be seeking to ensure this is a green fleet wherever possible and that the initiatives do not increase the number of vehicle movements where we can practically keep this low. Optimisation of trial glass collection rounds will be achieved using specialist software to minimise the mileage covered on a daily basis.

3.5 Improving outcomes for children

3.5.1 As set out in the main Resources and Waste Strategy documents, 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. For example, the improvement of litter bins gives us an opportunity to work with schools in the siting of litter bins, to engage with pupils to raise awareness of the issues that littering causes and to work with a range of schools to deliver workshops that link into our reuse and recycling aims. We will also work with colleges and universities to support entrepreneurship and skills development in relation to waste management and a circular economy, encouraging and enabling young people to explore, innovate and set up new sustainable businesses within the district.

3.6 Financial Implications for the people living or working in Kirklees

3.6.1 An Integrated Impact Assessment has been completed for the development of the Kirklees Resource & Waste Strategy 2021-2030. This assessment shows a positive impact overall in relation to those most vulnerable people in our authority who may be in poverty or on a low income.

3.6.2 The Strategy commitments intend to enable all residents of Kirklees to make the most of community and personal resources by improving and expanding the services that promote reuse, repair, education, skill development and waste reduction.

3.6.3 We will continue to work with the voluntary and business community to offer access to waste reduction advice and affordable options to recycle, explore the reuse of materials and encourage employment opportunities.

3.7 Other (eg Legal/Financial or Human Resources).

3.7.1 The Council's existing approved medium term financial plan includes significant headline capital investment of £46.5m over the 2021-26 period for Waste Strategy, including a heating network proposal. This is alongside an additional £4m revenue budget for 2022/23 to support both short term and medium term investment as part of the Council's transition to a modernised Waste service.

- 3.7.2 The Council's Transformation reserve has been earmarked to support significant Transformation activity, including development resource to support Waste strategy project management, due diligence and subsequent development of detailed proposals for example in relation to the depot review work being undertaken at present.
- 3.7.3 The Kirklees Resources and Waste Strategy seeks to improve the Council's performance within the legal framework which governs the Council as a Waste Collection Authority (WCA) and Waste Disposal Authority (WDA). Any projects within the strategy reflect the need to be consistent with relevant legislation, Defra's 25 Year Environment Plan (published 11 January 2018, last updated May 2019), its Resources and Waste Strategy for England (published December 2018) and any emerging relevant Government policy.
- 3.7.4 The Council as a WCA is required to arrange for the collection of controlled household waste in its area, and if requested, commercial waste. (section 45 Environmental Protection Act 1990 (EPA 1990). No charge can generally be made for the collection of household waste except in cases permitted by para 4 of schedule 1 to the Controlled Waste (England and Wales) Regulations 2012.
- 3.7.5 A WCA can require, by notice, an occupier to place the household waste for collection in receptacles of a kind and number specified ([section 46\(1\), EPA 1990](#)). When making those requirements for receptacles, the WCA can also make requirements, by notice under section 46 (4) EPA 1990, for the:
- Size, construction and maintenance of the receptacles.
 - Placing of the receptacles to facilitate their emptying, and access to the receptacles for that purpose.
 - Placing of the receptacles for that purpose on highways.
 - Substances or articles which may or may not be put into the receptacles or compartments of receptacles and the precautions to be taken.
 - Steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.
- The WCA can only make requirements under section 46(1) for receptacles to be placed on a highway if:
- The relevant highway authority have given their consent to their being so placed; and
 - Arrangements have been made as to the liability for any damage arising out of their being placed on the highway.
- 3.7.6 Section 55 of the EPA 1990 provides a power for the Council as WCA to acquire waste for the purpose of recycling it, or to use, sell or otherwise dispose of collected waste
- 3.7.7 WCAs in England have a duty to arrange for the separate collection of at least two types of recyclable waste from households ([section 45A, EPA 1990](#)).
- 3.7.8 Regulation 13(2) of the Waste (England and Wales) Regulations 2011 originally specified that co-mingled collection of recyclables (that is, collecting recyclable waste paper, metal, plastic and glass (four recyclable waste materials) together, with a view to their subsequent separation for recycling at a materials recovery facility (MRF)) was a valid form of separate collection. Regulation 13 (as amended in October 2012) removed the provision that co-mingling was a valid form of separate collection. From 1 January 2015, the obligation to collect the four recyclable waste materials separately applies where separate collection meets certain criteria.
- 3.7.9 A WDA has a duty to:
- Arrange the disposal of controlled waste collected for that area.

- Provide places for residents to deposit waste free of charge (civic amenity sites or tips) and to dispose of that waste (*Section 51(1), EPA 1990.*)

3.7.10 Under Part 4 of the EPA 1990, the Council has a statutory duty to keep relevant land free of litter and refuse.

3.7.11 The *Environment Act 2021*, section 57 replaces Section 45A EPA 1990 on waste collection and inserts a new section 45AZA to 45AZG . This has not yet been brought into force but, amongst other things, contains provisions stipulating a consistent set of materials (recyclable household waste)that must generally be collected individually, separated from all households and businesses, including food waste .

3.7.12 Land for depots may be acquired by agreement under Section 120 Local Government Act 1972

3.7.13 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.

3.7.14 The Council has a general power of competence to “do anything that individuals may do “(section 1(1) Localism Act 2011 subject to prohibitions or restrictions in other powers. Local authorities have powers to “do anything (whether or not involving expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions under section 111(1) Local Government Act 1972.

3.7.15 Individual projects will be procured and grants provided in accordance with the Council’s Contract Procedure Rules (2022); and Financial Procedure Rules (2022); and the Public Contracts Regulations 2015 where above threshold to advertise their requirements for goods, works ,and services.

3.7.16 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. An Integrated Impact Assessment was carried out and is referred to in paragraph 3.6.1 above.

4. **Consultees and their opinions**

4.1 A powerpoint summary of this report was reviewed at the Economy and Neighbourhoods Scrutiny Panel on the 19th July 2022. The recommendations from this meeting are as follows:

- To ensure that there is a join up between the reuse shop facility and the scheme to collect and distribute reusable bulky items of furniture.
- To include smaller town centres across Kirklees in the accessing of reusable items.
- That where possible and appropriate, the new initiatives mentioned above support people during the cost of living crisis and help to upskill people.
- That a community reward scheme also aims to provide a way of acknowledging or rewarding businesses and community groups for their work and initiatives to improve their local environment.
- Support was given for an improved resource to tackle fly-tipping.

These recommendations will be incorporated into the planning and implementation of each relevant scheme.

5. Next steps and timelines

- 5.1 The [Kirklees Resources and Waste Strategy](#) sets out a clear milestone timeline for the implementation of its commitments. The requested capital draw down enables the service to continue to deliver against each pledged milestone in the next 12 – 36 months.

As each deliverable project progresses, the governance and reporting process agreed for each work area will be followed and is designed to keep cabinet members informed and involved at all stages of development and implementation.

6. Officer recommendations and reasons

- 6.1 It is recommended that Cabinet provides delegated authority to the Strategic Director for Environment and Climate Change for expenditure of the capital sums up to £2,970,000 max listed in section 2 above in order that the projects associated with the Kirklees Resources and Waste Strategy, as outlined in this report, can be delivered in a responsive way that is in keeping with the timeline set out in the same strategy.
- 6.2 It is also recommended that this delegated authority has the ability to vary the budget lines within the overall capital allocation in conjunction with approval from the Service Director for Finance. This acknowledges that several of the projects are in the planning stage and the exact costs may vary from those estimated above as the projects develop.
- 6.3 It is further understood that aspects of the delivery of the projects outlined in this report will affect revenue streams. It is therefore recommended that this delegated authority enables the Strategic Director for Environment and Climate Change to draw on revenue transformation reserve with the agreement from the Service Director for Finance.

7. Cabinet Portfolio Holder's recommendations

- 7.1 The Cabinet Portfolio Holder recommends that Cabinet provides delegated authority to the Strategic Director for Environment and Climate Change for expenditure of the capital sums up to £2,970,000 max listed in section 2 above for development of projects associated with the Kirklees Resources and Waste Strategy, as outlined in this report.
- 7.2 It is also recommended that this delegated authority has the ability to vary the budget lines within the overall capital allocation in conjunction with approval from the Service Director for Finance. It is further understood that aspects of the delivery of the projects outlined in this report will affect revenue streams.
- 7.3 It is therefore recommended that this delegated authority enables the Strategic Director for Environment and Climate Change to draw on revenue transformation reserve with the agreement from the Service Director for Finance.

8. Contact officer

Will Acornley, Head of Operational Services, will.acornley@kirklees.gov.uk

9. Background Papers and History of Decisions

- 9.1 The [Kirklees Resources and Waste Strategy](#) was adopted by Full Council on the 8th September 2021. The action plan from this strategy provides a list of projects which the Council has committed to as detailed in the above report for 2022 and 2023.

The budget for 2022/23 adopted in February this year includes the provisional sum of capital funding allocated for projects associated with the Kirklees Resources and Waste Strategy.

10. Service Director responsible

Graham West, Service Director for Highways & Streetscene, graham.west@kirklees.gov.uk

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Name of meeting: Cabinet

Date: 21 September 2022

Title of report: Adoption of Hot Food Takeaway Supplementary Planning Document (SPD)

Purpose of report:

To request that Cabinet seek to adopt the Hot Food Takeaway SPD.

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 - KDN published 27 July 2022 Affects all electoral wards
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	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	David Shepherd (Strategic Director - Growth and Regeneration) - 1st September 2022
Is it also signed off by the Service Director for Finance?	Eamonn Croston (Service Director - Finance) - 1st September 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft (Service Director - Legal, Governance and Commissioning) - 5th September 2022
Cabinet member http://www.kirklees.gov.uk/you-kmc/kmc-howcouncilworks/cabinet/cabinet.asp	Cllr G Turner - Portfolio holder Regeneration

Electoral wards affected: All

Ward councillors consulted:

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

- Cllr McBride (Note: Cllr McBride is no longer a councillor since May 2022), Cllr Turner, Cllr Khan, Cllr Mather, Cllr Firth briefings
- Economy & Neighbourhood Scrutiny Panel (19 October 2021)
- Leadership Management Team (cabinet members) (7 January 2020, 11 October 2021 & 14 July 2022)
- Planning Committee Chairs briefings: Cllr Lyons, Cllr Hall & Cllr Hussain (7 October 2021)
- Briefing note sent to Cabinet members, Planning Committee Chairs and Lead members (23 September 2021 & 5 July 2022)
- Separate Members briefings:

- Green Party briefing – Cllr's Cooper, Allison and Lee-Richards (21 October 2021)
- Cllr Lukic (7 July 2022)
- Cllr Lawson (14 July 2022)
- Economy & Neighbourhood Scrutiny Panel (30 August 2022) - Briefing on the outcomes of the public consultation

Public or private: Public

Has GDPR been considered?

The SPD does not contain any personal data. The storage of information received in relation to the consultation on this document will be in accordance with the Planning Policy Privacy Notice which can be viewed on the council's website.

1. Summary

The purpose of this report is to seek approval for Cabinet to adopt the Hot Food Takeaway Supplementary Planning Document (SPD) as set out at Appendix 1.

The Hot Food Takeaway SPD is identified in the council's Local Development Scheme to provide further guidance to businesses and the local community on how the Local Planning Authority will assess planning applications for new hot food takeaways under Local Plan policies. The Local Plan Planning Inspector sought confirmation that an SPD was going to be produced in relation to Local Plan policies LP16 (Food and drink uses and the evening economy) and LP47 (Healthy, active and safe lifestyles).

As set out in the National Planning Policy Framework (NPPF) (20 July 2021), Supplementary planning documents (SPDs) are *"Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan"*.

The Hot Food Takeaway SPD provides clear guidance about how the council will implement Local Plan policies LP16 and LP47 and how decisions will be made which balance the need to consider the vitality and viability of centres whilst promoting healthy, active and safe lifestyles.

The SPD will embed the objectives from the Council Plan, the Kirklees Health and Wellbeing Plan 2018-2023 and the Healthy Weight Declaration (details are set out on page 9 of the SPD) and provide the context around the wider determinants of health and the role that the SPD can play alongside other initiatives to address the obesogenic environment.

The SPD has been produced through joint working with Public Health, Environmental Health, Waste Services, Planning Development Management, Highways Development Management, Designing Out Crime Officer and Planning Policy to ensure a joined up and justified approach. It is considered an important tool in supporting the council's health objectives and includes signposts to other council initiatives to promote healthy eating and lifestyles.

Once adopted, SPDs are a material consideration in planning decisions, which support relevant Kirklees Local Plan policies, but are not themselves part of the development plan. The date of adoption will be the date of Cabinet, in this case 20th September 2022. SPDs are subject to public consultation but not an Examination in Public. Now that the public consultation has taken place, the decision whether to adopt the SPD will be a Cabinet decision. As with all SPDs, we will apply a 'comply or justify' approach where the applicant will need to comply with the guidance unless the council is satisfied evidence provided by the developer warrants a different approach.

2. Information required to take a decision

Background

The SPD will provide clear guidance to businesses and the local community how the Local Planning authority will assess planning applications for new hot food takeaways in partnership with Public Health and Environmental Health to provide guidance how Local Plan policies LP16 and LP47 will be used. The SPD explains the overall approach to the

location of new hot food takeaway development across Kirklees and applications will be assessed against 7 principles, including:

Public Health Toolkit

- Using local health intelligence to inform decision making via a health toolkit (HFT1); Town centre vitality and viability
- Recognising the role of hot food takeaways in the vitality and viability of town and other centres (HFT2);
- The over concentration and appropriate level of clustering of hot food takeaways in centres (HFT2); Proximity to schools
- Limiting opening hours within 400m of primary and secondary schools (HFT3); and Residential amenity principles
- Limiting the impacts of takeaways in relation to environmental health, highways issues and general residential amenity (HFT4-7).

- Providing signposts to other health initiatives and guidance.

The SPD seeks to provide a framework to support a balanced and fair approach to supporting local business and economic growth whilst also taking steps to ensure our environment supports the health and wellbeing of our residents.

The draft SPD document was considered by LMT on 14th September 2021 in advance of public consultation. A presentation on the structure of the documents was taken to Economy and Neighbourhood Scrutiny Panel (19th October 2021).

Consultation

Public consultation on the draft document took place for 6 weeks (Tuesday 9th November to Tuesday 21st December 2021).

Planning Policy worked closely with Public Health and Environmental Health to do a wide-ranging targeted consultation that included the following groups:

- Adjoining authorities
- Town & Parish Councils
- Neighbourhood Planning groups
- Statutory consultees
- Kirklees schools
- Kirklees children's groups
- Health related organisations
- Kirklees Employee Networks
- Local groups and organisations
- Local and regional business groups
- Kirklees based fast food chains
- Random sample of Kirklees takeaways
- Fast food related organisations
- Multi nationals
- Kirklees GP surgeries
- Agents Forum
- Private individuals

A summary of the main issues raised during the public consultation and the Council response to those issues is attached at Appendix 2. The main focus of the representations was on:

- The SPD and toolkit are not supplementary to the Kirklees Local Plan policies
- Unreasonable to attribute poor health to hot food takeaways alone
- No evidence to support that hot food takeaways in the vicinity of school's influences health outcomes
- The thresholds of 10% in town centres and 15% elsewhere – why were these thresholds used?
- Unreasonable to ask businesses to close during the day if they cannot be secured. The SPD should allow shutters to be closed during the day

The full consultation process and comments received and how these issues have been addressed in the SPD are set out in the Consultation Statement (Appendix 3). This includes a full schedule of comments received during the consultation on the draft document and the council's responses, including changes made to the documents as a result of consultation. As a result of the consultation the main focus of the principles within the SPD have not changed. The officer's proposed modifications seek to clarify or update existing text and do not represent significant changes. A further consultation exercise is therefore, not required. Cabinet approval is now being sought to adopt the SPD which will be used in the assessment of new hot food takeaways alongside the Kirklees Local Plan and other relevant planning guidance.

Economy & Neighbourhood Scrutiny Panel - 30 August 2022

The panel raised a number of issues, relating to the content of the SPD, which have been picked up in the main body of the report. The Panel also raised, in summary, the following:

1. The operational date of the document
The date of adoption will be the date of Cabinet, in this case 20th September 2022.
2. What type of food outlet does this SPD apply to?
This SPD applies to hot food takeaways where planning permission is required, for example new hot food takeaways or applications for a variation of opening times. The definition of a hot food takeaway is set out in the SPD at page 13 (Chapter 3 What is a Hot Food Takeaway?). This chapter also sets out the difference between a restaurant and hot food takeaway. Restaurants will be dealt with under existing Kirklees Local Plan policies.
3. Education/extent of the issue and is further education included
As set out in the SPD at page 6 Kirklees currently has the highest proportion of fast-food outlets per 100,000 population (143.4) and as set out in Appendix 1 Kirklees has significant issues relating to health and well-being in both adults and children.

The option of including further education in HFT3 was considered, the main reasons why it wasn't included within the consultation draft was, a lack of evidence to support such an approach, some FE establishments are in the main town centres where HFT3 does not apply and there are no set start and finish times at colleges/further education as pupils can come and go as they please, therefore making it difficult to apply restrictions to these areas.
4. How do we enforce SPD's?
As with all SPDs, we will apply a 'comply or justify' approach where the applicant will need to comply with the guidance unless the council is satisfied evidence provided by the developer warrants a different approach.

5. Are recycling and litter are covered in the SPD?

Recycling and litter are covered in the SPD at HFT5 Waste Disposal, where we encourage the applicant to consider recycling and other initiatives such as 'litter picks' in the vicinity of the takeaway. Applicants are also encouraged to consider the use of sustainable food packaging, such as cardboard boxes and paper straws.

This however cannot be conditioned as part of a planning application.

Options

The council has now reached the adoption stage of the preparation of the Supplementary Planning Document. A wide range of options were considered when preparing this SPD to best address the Council wide, whole systems approach to supporting healthy environments and reducing obesity. It was considered that the SPD as proposed is the best option to meet strategic objectives in the Council Plan and the Kirklees Health and Wellbeing Plan. The alternative option would be not to adopt this guidance document, but this would restrict the Council's ability to deliver planning decisions relating to future hot food takeaways in the district which balance the need to consider the vitality and viability of centres whilst promoting healthy, active and safe lifestyles.

3. Implications for the Council

The main implications of the SPD for the council are that it adds greater clarity to the application of Local Plan Policy LP16 and LP47 and that it provides consistency and greater clarity for the local community and developers, agents, other stakeholders and development management to facilitate the determination of planning applications. It also provides clear guidance for developers submitting planning applications. The SPD will not only help deliver planning decisions but will support joint council and Public Health outcomes for children and healthy lifestyles.

- **Working with People**

The SPD will enable communities to understand the council's expectations about the approach in considering appropriate locations for hot food takeaways. The council has undertaken public consultation on the SPD in accordance with the Statement of Community Involvement (SCI). It will raise awareness of the Council's whole system approach and the wider work of the Council in providing advice and guidance on healthy eating and healthy lifestyles.

- **Working with Partners**

The SPD will enable developers and statutory consultees to understand the council's expectation with regard to the approach in considering appropriate locations for hot food takeaways. The SPD will signpost businesses and partners to sources of advice on providing healthy food options and other design guidance such as the Kirklees Waste Design Guidance.

- **Place Based Working**

The SPD will balance the need to consider the vitality and viability of centres with places that promote healthy, active lifestyles. The SPD content relating to the impact on residential amenity seeks to protect the quality of places.

- **Climate Change and Air Quality**

The SPD requires that all new hot food takeaways have effective kitchen odour control and extract systems. It also encourages recycling and other initiatives such as 'litter picks' in the vicinity of the takeaway. Applicants are also encouraged to consider

the use of sustainable food packaging, such as cardboard boxes and paper straws. Consideration is also given to adverse impacts on highway efficiency.

- **Improving outcomes for children**

Where planning applications for new takeaways or variation of opening times are considered, the SPD will assist in seeking healthy outcomes for children through the appropriate location of hot food takeaways and principles relating to the opening times of takeaways in a 400m radius of a school. The potential for restricting opening times will also have positive impacts on improving the health of children.

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

Legal - The requirements for producing SPD's are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 including the consultation requirements and sets out that SPDs must not conflict with an adopted development plan.

An assessment of the Council's public sector equality duty has been undertaken in accordance with Equality Act 2010, section 149 in the form of a stage 1 Integrated Impact Assessment (IIA), this concluded that no Stage 2 assessment is required with the assessment being neutral or positive in nature in relation to equality and environmental impacts [Integrated impact assessments | Kirklees Council](#)

A Strategic Environmental Assessment (SEA) screening was undertaken by the council in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. This showed that a full SEA was not required (Appendix 4).

SPDs must be consistent with the National Planning Policy Framework (July 2021). NPPF, Section 8 Promoting healthy and safe communities, paragraph 92c states that: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."*

The council is required to prepare an adoption statement and publish this following the Cabinet decision (Appendix 5).

Financial - This guidance provides further clarity in relation to the implementation of Local Plan policies LP16 (Food and drink uses and the evening economy) and LP47 (Healthy, active and safe lifestyles), in doing so it provides detailed guidance for applicants. The work is included in the Local Development Scheme (LDS); therefore, it has been undertaken within existing budgets.

Human resources - The SPD is identified in the revised LDS and as such existing resources have already been identified for the project. The SPD provides additional guidance to Local Plan policies and its use for development management purposes will help to improve clarity for all which will save time in decision making and enhance the development management process.

Do you need an Integrated Impact Assessment (IIA)?

An Integrated Impact Assessment (Stage 1) has been undertaken in relation to the SPD. This showed that a Stage 2 assessment was not required. The Integrated Impact Assessments can be viewed at: [Integrated impact assessments | Kirklees Council](#)

4. Consultees and their opinions

External - A Strategic Environmental Assessment (SEA) Screening has been undertaken by the council, which concluded that a full SEA is not required. The three statutory consultees (Environment Agency, Natural England and Historic England) agreed with this conclusion and this is set out in the SEA Determination Statements published on the council's website.

Consultation included interested parties identified on the Local Plan consultation portal, statutory consultees, Kirklees schools, children's groups, health related organisations, Kirklees Employee Networks, Community Hubs, local groups and businesses, random sample of Kirklees takeaways, fast food related organisations, multi-nationals and Kirklees GP surgeries.

The appendices to this report set out the consultation comments received in further detail and the council's response including appropriate changes to the documents.

Internal (officers) - Consultation has taken place internally with council officers who input into planning applications (Public Health, Environmental Health) and officers who determine planning applications (Development Management).

Internal (members) - Since the consultation, the following briefing has occurred:
5 July 2022 – Cllr Turner and Cllr Firth briefed on the outcomes of the consultation and proposal to seek a Cabinet decision to adopt the SPD.
7 July 2022 – Cllr Lukic briefed on the SPD the outcomes of the consultation.
14 July 2022 – Cllr Lawson briefed on the SPD the outcomes of the consultation.

5. Next steps and timelines

Once the SPD is adopted by Cabinet this will be published on the Council's website and used to determine planning applications.

Following adoption, legislation allows for a three-month period to lodge a legal challenge against the Council's decision to adopt (as set out in Regulation 11d of the Town & Country Planning Act (Local Planning) (England) Regulations 2012). An application can be submitted to the High Court for permission to apply for judicial review of the decision to adopt the SPD.

Officer recommendations and reasons

It is recommended that Cabinet:

- 1) Note the contents of this report and consultation responses and the Council's response at appendices 2 and 3.

Reason: The Council is statutorily required under Regulation 12 to produce a Consultation Statement before we adopt an SPD. Also, to show transparency on how the Council has responded to consultation comments and subsequent modifications to the consultation draft.

- 2) Adopt the Hot Food Takeaway Supplementary Planning Document (full document set out at Appendix 1). The adoption date is 20th September 2022. Once adopted the SPD will be published on the council's website and used to make decisions on planning applications.

Reason: The proposed Hot Food Takeaway SPD will provide improved clarity for the community, officers, elected members and developers in determining planning applications in accordance with the Local Plan. The SPD has been appropriately amended following public consultation in November and December 2021.

- 3) Delegate authority to the Strategic Director for Growth & 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.

Reason: To ensure that the council has up-to-date supplementary planning documents and guidance that are as accurate as possible.

6. Cabinet Portfolio Holder's recommendations

Cllr Turner was briefed on 5th July 2022.

The Cabinet Portfolio Holder recommends that Cabinet should seek to adopt the SPD.

7. Contact officer

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8. Background Papers and History of Decisions

Appendices to this report:

- **Appendix 1 Hot Food Takeaway Supplementary Planning Document (SPD)**
- **Appendix 2 Summary of key issues and Council response**
- **Appendix 3 Hot Food Takeaway SPD Consultation Statement**
- **Appendix 4 Hot Food Takeaway SPD SEA Determination Statement**
- **Appendix 5 Hot Food Takeaway SPD Adoption Statement**

Council website links:

- Integrated Impact Assessments
[Integrated impact assessments | Kirklees Council](#)
- Local Plan adopted 27th February 2019
[Kirklees Development Plan | Kirklees Council](#)
- Local Plan Examination Library
[Local Plan examination library and examination news | Kirklees Council](#)
- Hot Food Takeaway SPD Consultation
[Hot food takeaway supplementary planning document \(SPD\) consultation | Kirklees Council](#)

9. Service Director responsible

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1 Introduction

1 Introduction

Purpose of the Supplementary Planning Document

- 1.1** This Hot Food Takeaway Supplementary Planning Document (SPD) provides detailed guidance to businesses, applicants, agents and the local community on how the Local Planning Authority will assess applications for hot food takeaways where planning permission is required, for example new hot food takeaways or applications for a variation of opening times, in partnership with Public Health, Environmental Health and Highways. This SPD is a material consideration in the determination of a planning application and provides further information and guidance that is not currently set out in local planning policy to those involved in planning applications covering hot food takeaways. This SPD is in accordance with the National Planning Policy Framework and the Kirklees Health and Wellbeing Plan 2018-2023.
- 1.2** This SPD explains the overall approach to the principle of hot food takeaway proposals across Kirklees, including:
- Using local health intelligence to inform decision making via a health toolkit;
 - Recognising the role of hot food takeaways in the vitality and viability of town and other centres;
 - The over concentration and appropriate level of clustering of hot food takeaways in centres;
 - Limiting opening hours for hot food takeaways within 400m of primary and secondary schools; and
 - Limiting the impacts of takeaways in relation to environmental health, highways issues and general residential amenity.

1.3 In addition, the principles relating to limiting opening hours within 400m of primary and secondary schools, noise abatement and extraction of odours and takeaway design and community safety will apply to all Section 73 planning applications for the removal or variation of a condition following grant of planning permission in relation to existing hot food takeaways.

1.4 Anyone intending to submit a planning application for a new hot food takeaway or a Section 73 application in relation to an existing hot food takeaway is encouraged to read this SPD and contact the Council's Planning Department for further advice and information.

Context

1.5 Kirklees Council is committed to improving the health and wellbeing of its residents, workers and visitors. This commitment is established through the Kirklees Council Plan 2021/23, the Kirklees Health and Wellbeing Plan 2018-2023 and the Kirklees Healthy Weight Declaration. The commitment is further articulated through this Hot Food Takeaway SPD, which aims to reduce the trend towards increasing levels of obesity and poor diet in Kirklees by preventing the over concentration of hot food takeaways thereby reducing the exposure of particularly vulnerable groups, such as school children, to hot food takeaways.

2 Background

2.1 National Policy and Health Context

National Planning Policy

National Planning Policy Framework (NPPF)

- 2.1** The NPPF⁽¹⁾ endorses local policies that support the vitality and viability of town centres. It promotes healthy communities and the adoption of local plans that limit changes of use where they do not benefit the local community.
- 2.2** At the heart of the NPPF is a presumption in favour of sustainable development, achieved through economic, social and environmental objectives. Paragraph 87 of the NPPF aims to support the vitality of existing town centres by applying a sequential test to main town centre uses (which includes hot food takeaways) so they are not located in edge of centre or out of centre locations. Paragraph 92 promotes social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, for example through mixed use developments, strong neighbourhood centres, and active street frontages. Paragraph 92 also states that planning policies and decisions should also enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, for example access to healthier food. The NPPF aims to support strong, vibrant and healthy communities by creating a high-quality built environment reflecting the community's needs. The core principles encourage planning to be a creative exercise in finding ways to enhance and improve the places in which people live their lives. It emphasises that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all.

Planning Practice Guidance (PPG) - Healthy and Safe Communities and Town Centres and Retail

- 2.3** PPG is statutory guidance which underpins the NPPF. The following paragraph: **How can planning help create a healthier food environment?** supports the guidance in this SPD:

'Planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can have a role by supporting opportunities for communities to access a wide range of healthier food production and consumption choices. Planning policies and supplementary planning documents can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate (and where such uses require planning permission).....Planning policies and proposals may need to have particular regard to the following issues:

- *proximity to locations where children and young people congregate such as schools, community centres and playgrounds*
- *evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations*
- *over-concentration of certain uses within a specified area*
- *odours and noise impact*
- *traffic impact*
- *refuse and litter'*

- 2.4** In relation to town centres the PPG states;

'Local planning authorities can take a leading role in promoting a positive vision for these areas, bringing together stakeholders and supporting sustainable economic and employment growth. They need to consider structural changes in the economy, in particular changes in shopping and

2 Background

leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change.'

2.5 The range of issues that can be considered through the plan-making and decision-making processes in respect of the vitality of town centres include considerations of: complementary uses within centres to support vitality of centres, including residential development, fostering evening and night time activities to stimulate economic growth, the identification of primary and secondary shopping frontages, utilisation of various planning mechanisms to stimulate growth, creation of town centre strategies, monitoring town centre uses, permitted development rights and the location of main town centre uses outside of town centres.

National Health Context

Healthy Eating, Obesity and the Role of the Planning System

2.6 During the last decade the consumption of food away from the home has increased by 29% with the number of takeaways or fast food outlets increasing dramatically. Takeaway food has been demonstrated to be energy dense and to have high levels of sugar, salt and fat and low levels of micro nutrients. Single large meals and snacks obtained in hot food takeaway outlets often approach or exceed recommended daily requirements for energy, fats, sugar and salt thereby increasing the risk of obesity if eaten regularly (more than once a week).

2.7 Research conducted in 2007 as part of the government foresight project "Tackling Obesity - future choices" has suggested that these social and environmental trends could be contributing to rising levels of overweight

and obese people in the UK. Unhealthy eating, a poor diet and being overweight or obese has a significant impact on health. Obesity both in adults and children is linked with an increased risk of significant health issues, including diabetes, cardiovascular disease, cancer, musculoskeletal problems and both maternal and infant death. Obese or overweight children are also more likely to experience bullying, low self-esteem and a diminished quality of life and in adulthood they are also likely to be overweight. They are also disproportionately from low-income households and black and minority ethnic families. Obesity also increases sickness absence and demands on social care services with severely obese people being more likely to need social care than those who are a healthy weight.

2.8 It is estimated that obesity is responsible for more than 30,000 deaths each year. On average, obesity deprives an individual of an extra 9 years of life, preventing many individuals from reaching retirement age⁽²⁾.

2.9 In 2011, the Secretary of State issued Healthy Lives, Healthy People⁽³⁾ which also recognised the role that could be played by the planning system in supporting public health e.g. the use of Supplementary Planning Documents to include planning measures aimed at reducing obesity⁽⁴⁾.

2.10 The Briefing Paper *Obesity and the environment: regulating the growth of fast food outlets* which was issued in 2014⁽⁵⁾, addresses the opportunities to limit the number of fast food outlets (especially near schools) and to make fast food healthier, one of which is using planning measures to address the proliferation of hot food takeaways.

Health matters: obesity and the food environment; Public Health England; 31 March 2017

Healthy Lives, Healthy People: A call to action on obesity in England, 2011

White Paper: Healthy Lives, Healthy People: Our strategy for public health in England. HM Government Department of Health, 2010

Obesity and the environment: regulating the growth of fast food outlets. Public Health England, March 2014

2.11 Health matters, published by Public Health England (PHE)⁽⁶⁾ shows that the typical adult diet exceeds recommended dietary levels of sugar and fat. In recent years, the proportion of food eaten outside the home has increased and this food tends to have a higher calorie content. Over half of British adults have experienced an increase in the number of fast food shops on their nearest high street. Living within close proximity to fast food takeaway outlets has been associated with higher rates of obesity and weight gain⁽⁷⁾. This document also advises town planners that: *'Supported by local evidence, and working alongside public health teams, town planners can develop planning documents and policies to support the creation of healthy environments promoting opportunities for the production and consumption of healthier food, and restricting the proliferation of hot food takeaways.'*

2.12 In 2018, PHE set out further guidance in a report titled *Promoting healthy weight in children, young people and families: A resource to support local authorities*⁽⁸⁾. The report makes recommendations for local government, including a 'whole systems' approach to achieving aims such as improving the availability of healthy food. The report suggests that planning authorities should make full use of planning powers to restrict the proliferation of hot food takeaways near schools and the unacceptable clustering of hot food takeaways in town centres.

2.13 In 2020, PHE published a guidance document, which aims to provide practical support for local authorities that wish to use the planning system to achieve important public health outcomes around diet, obesity and physical activity⁽⁹⁾. The document says that it "aims to support a consistent evidence-based approach to developing local planning policy and guidance, including SPDs, and making planning decisions on

planning applications". "This guidance will encourage and support more local authorities in taking appropriate action through the planning system on ensuring healthy weight environments," it adds.

2.14 The document says that, in refusing applications for new fast food outlets, local authorities have had planning decisions challenged through the appeals process. "Healthy eating and proximity to a school has been a consideration in a number of planning appeals," it says. "It has often not been the only determining factor in the decision. But healthy eating and proximity to a school have been given substantial weight when there is an adopted local plan policy or SPD in place, local evidence on childhood obesity and healthy eating initiatives, and representations from the relevant school."

2.15 The document says that the "adoption of policies restricting hot food takeaways near schools by an increasing number of local planning authorities following examination in public, and evidence from planning appeals, demonstrates that the Planning Inspectorate supports such policies where the appropriate evidence has been provided to support those policies".

National Child Measurement Programme

2.16 As part of the National Child Measurement Programme (NCMP)⁽¹⁰⁾, children are weighed and measured at school. The information is used by the NHS to plan and provide better health services for children.

⁶ Public Health England was replaced by the Office for Health Improvement and Disparities (OHID) on 1st October 2021

Health matters: obesity and the food environment; Public Health England; 31 March 2017

Promoting healthy weight in children, young people and families: A resource to support local authorities. Public Health England, October 2018

Using the planning system to promote healthy weight environments Guidance and supplementary planning document template for local authority public health and planning teams. Public Health England, 2020

<https://www.nhs.uk/live-well/healthy-weight/national-child-measurement-programme/>

2 Background

2.17 Table 1 'Weight of Reception Children' and Table 2 'Weight of Year 6 Children' (NCMP 2019/20) below shows the percentage of overweight and obese reception and year 6 children in Kirklees in comparison to Yorkshire and the Humber and England as a whole.

	Underweight	Healthy Weight	Overweight and Obese Combined
England	0.9%	76.1%	23.0%
Yorkshire and the Humber	0.8%	75.2%	24.1%
Kirklees	0.9%	74.6%	24.6%

Table 1 Weight of Reception Children. Source: National Child Measurement Programme 2019/20

	Underweight	Healthy Weight	Overweight and Obese Combined
England	1.4%	63.4%	35.2%
Yorkshire and the Humber	1.4%	62.9%	35.8%
Kirklees	1.5%	61.8%	36.7%

Table 2 Weight of Year 6 Children. Source: National Child Measurement Programme 2019/20

2.18 The percentages of overweight and obese reception and year 6 children have increased since the previous year which were 23.2% and 35.5% respectively. Also, the percentages of children with a healthy weight in Kirklees have reduced for both cohorts⁽¹¹⁾.

Density of Fast Food Outlets

2.19 PHE has provided a definition of a fast food outlet⁽¹²⁾ and also released data on the density of fast food outlets in local authority areas. The table below shows how Kirklees compares with other local authorities in West Yorkshire and England as a whole.

Area	Fast Food Outlets per 100,000 Population
England	96.1
Bradford	142.1
Calderdale	137.3
Kirklees	143.4
Leeds	122.5
Wakefield	137.9

Table 3 Density of Fast Food Outlets Source: Public Health England at 31/12/2017

2.20 This data shows that the local authorities in West Yorkshire already have high concentrations of fast food outlets compared to England. The density of fast food outlets in Kirklees is currently the highest in West Yorkshire and this evidence highlights the requirement for the authority to intervene.

Dietary Choices (adults)

2.21 Public Health England also gather data on dietary choices and the results for 2019/20 are set out in the table below⁽¹³⁾:

National Child Measurement programme 2018/19

Fast Food Outlets as defined by Public Health England as 'energy dense food that is available quickly, therefore it covers a range of outlets that include, but are not limited to, burger bars, kebab and chicken shops, chip shops and pizza outlets'.

<https://fingertips.phe.org.uk/search/fruit#page/3/gid/1/pat/6/par/E12000003/ati/102/are/E08000034/iid/93077/age/164/sex/4/cid/4/tbm/1>:

Area	Proportion of the adult population meeting the recommended '5-a-day' on a usual day
England	55.4%
Yorkshire and the Humber	53.5%
Kirklees	50.0%

Table 4 Adult Dietary Choices (Public Health England (based on Active Lives, Sport England) (2019/20))

2.22 This data shows that compared with England and the rest of Yorkshire and the Humber, a lower proportion of adults eat the recommended 5-a-day serving of fruit and vegetables. This, along with the fact there is a high concentration of fast food outlets in Kirklees could contribute to greater consumption of takeaway food in Kirklees.

2.2 Local Policy

Kirklees Local Plan Strategy and Policies (February 2019)

2.23 This SPD has been developed to support the Kirklees Local Plan which was adopted in February 2019. The Local Plan identifies a number of strategic objectives which aim to deliver the vision for Kirklees. The relevant objectives relating to health and wellbeing and sustainable economy are;

Objective 1: *Support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure.*

Objective 2: *Strengthen the role of town centres, particularly Huddersfield, Dewsbury and Batley, to support their vitality and viability.*

Objective 5: *Tackle inequality and give all residents the opportunity of a healthy lifestyle, free from crime and to achieve their potential in work and education.*

2.24 The Local Plan is the catalyst for the spatial implementation of the above objectives, and the policies and guidance in the Local Plan together with this SPD will be part of a range of initiatives to help deliver these corporate goals. Policies **LP16 Food and drink uses and the evening economy** and **LP47 Healthy, active and safe lifestyles** are the most relevant policies relating to hot food takeaways. Other Local Plan policies relate to town centres and environmental protection.

Policy LP16

Food and drink uses and the evening economy

Proposals for food and drink, licensed entertainment uses and associated proposals will be supported, provided they are located within a defined centre, and subject to:

- ensuring the concentration of food and drink and licensed entertainment uses are not located in a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.

In order to assess the potential harm of food and drink and licensed entertainment proposals on a centre, the following criteria will be considered with a planning application:

- the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre;

2 Background

- b. the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
- c. the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;
- d. the availability of public transport, parking and servicing;
- e. highway safety;
- f. the provision of refuse storage and collection; and
- g. the appearance of any associated extensions, flues and installations.

Proposals for food and drink uses and licensed entertainment uses located outside of defined centres will be subject to criteria b to g set out above and also require the submission of a Sequential Test and Impact Assessment.

Policy LP47

Healthy, active and safe lifestyles

The council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality.

Healthy, active and safe lifestyles will be enabled by:

- a. facilitating access to a range of high quality, well maintained and accessible open spaces and play, sports, leisure and cultural facilities;

- b. increasing access to green spaces and green infrastructure to promote health and mental well-being;
- c. the protection and improvement of the stock of playing pitches;
- d. supporting initiatives which enable or improve access to healthy food. For example, land for local food growing or allotments;
- e. increasing opportunities for walking, cycling and encouraging more sustainable travel choices;
- f. supporting energy efficient design and location of development;
- g. ensuring that the current air quality in the district is monitored and maintained and, where required, appropriate mitigation measures included as part of new development proposals;
- h. creating high-quality and inclusive environments incorporating active design and the creation of safe, accessible and green environments which minimise and mitigate against potential harm from risks such as pollution and other environmental hazards;
- i. encouraging the co-location of facilities so that different types of open space and facilities for sport and recreation can be located next to each other and in close proximity to other community facilities for education and health;
- j. working with partners to manage the location of hot food take-aways particularly in areas of poor health;
- k. encouraging initiatives to promote energy efficiency within homes; and
- l. supporting appropriate initiatives which address poor health indicators and anti-social behaviour in the district.

Health Impact Assessments will be carried out for all proposals that are likely to have a significant impact on the health and well-being of the local communities, or particular groups within it, in order to identify measures to maximise the health benefits of the development and avoid any potential adverse impacts.

Other Related Kirklees Local Plan Policies

- LP1 Presumption in favour of sustainable development
- LP2 Place shaping
- LP13 Town centre uses
- LP14 Shopping frontages
- LP21 Highways and access
- LP22 Parking
- LP24 Design
- LP25 Advertisements and shop fronts
- LP52 Protection and improvement of local environmental quality

Our Council Plan 2021/23

2.25 The Kirklees Plan's vision for Kirklees is to be a district that combines a strong, sustainable economy with a great quality of life - leading to thriving communities, growing businesses, high prosperity and low inequality where people enjoy better health throughout their lives and encompasses the theme 'well' whereby no matter where they live, people in Kirklees should be able to live their lives confidently, in better health and for longer. Preventing problems and supporting people early will help people choose healthy lifestyles and increase physical and mental health and wellbeing.

Kirklees Health and Wellbeing Plan 2018-2023

2.26 The Kirklees Health and Wellbeing Plan has a vision to ensure that no matter where they live, people in Kirklees live their lives confidently and responsibly, in better health, for longer and experience less inequality.

2.27 The Health and Wellbeing Plan brings together partners to focus on the people who live in Kirklees and how, working collectively, we can improve the health and wellbeing of the whole population. One of the opportunities identified in the plan is tackling the underlying causes of poor health and wellbeing, with a strong focus on creating 'Quality Places' as part of which, people have the opportunity of a healthy lifestyle, this includes the recognition that the planning process can influence choices over food, diet and lifestyles choices when considering new proposals for such uses and can influence the range of services provided within a particular centre.

Healthy Weight Declaration

2.28 Kirklees Council and its partners have committed to the 'Kirklees Healthy Weight Declaration', which follows a national initiative led by Food Active that is being adopted by local authorities to address obesity levels. The Healthy Weight Declaration acknowledges the need to create environments that enable healthy behaviours, including making healthy choices easier. It is underpinned by 14 standard commitments including considering commercial partnerships, provision of food and drink in public buildings, facilities and providers, and infrastructure needed to influence active travel.

2.29 One specific element of the Kirklees Healthy Weight Declaration is the consideration of supplementary planning guidance for hot food takeaways, specifically in areas around schools, parks and where access to healthier alternatives are limited.

2.3 Local Evidence

2.30 In Kirklees there is recognition that decisions and behaviours are influenced by a complex and broad range of factors which can be defined as the 'wider determinants of health'. Obesity is more complex than just a result of the food people eat, it is also about levels of physical

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activity, how easy it is for people to walk and cycle around their communities, incomes, skills and understanding of cooking healthy food, social norms and people's access to healthy food. This complex relationship can create what is known as an obesogenic environment. This is where the environments in which individuals, families and communities live make it difficult for people to make healthy choices, which increases the risk of becoming overweight or obese. This is explored in more detail in Appendix 1.

Hot Food Takeaways in Kirklees

- 2.31** The Current Living in Kirklees (CLiK) survey undertaken in 2021 found that 24% of adults have fast food or a takeaway at least once a week. Those living in the most deprived areas (10% most deprived) are the most likely to eat takeaway food at least once a week (30%) and those living in the least deprived areas are among the least likely (18%).
- 2.32** More information on the prevalence of hot food takeaways is provided through the Public Health England data. Public Health England have provided the number of fast food outlets in each ward in Kirklees and from this the Council have calculated the number of fast food outlets per 1,000 population. This information can be found in Appendix 1.

Childhood Obesity in Kirklees

- 2.33** Based on the 2018/19 National Child Measurement Programme, in Kirklees, approximately 1 in 4 (23.2%) of reception age children and 1 in 3 (35.5%) of year 6 children had excess weight (overweight and obese) in 2018/19. It is important to recognise that the numbers of

children that have excess weight can vary significantly between different wards in Kirklees. These differences are detailed in a table in Appendix 1, where the data is shown by ward.

Adult Obesity in Kirklees

- 2.34** Over half of all adults in Kirklees are overweight or obese. The proportion of adults who are obese has increased from 1 in 6 (17%) in 2005 to 1 in 5 (21%) in 2021⁽¹⁴⁾. It is important to recognise that levels of adults who are overweight or obese can vary significantly between different wards in Kirklees. This data is shown by ward in a table in Appendix 1.

Links between Deprivation and Obesity

- 2.35** In **Kirklees, 14.3%** of the population was income-deprived in 2019. Of the 316 local authorities in England (excluding the Isles of Scilly), Kirklees is ranked **87th most income-deprived**.
- 2.36** There is a strong relationship between deprivation and childhood obesity. Analysis of data from the NCMP⁽¹⁵⁾ shows that obesity prevalence among children in both Reception and Year 6 increases with increased socioeconomic deprivation (measured by the Index of Multiple Deprivation (IMD) score). Obesity prevalence in the most deprived 10% of children is approximately twice that of the least deprived 10%.
- 2.37** The graph below compares deprivation ranking (IMD 2019) with percentage of adults classed as obese in Kirklees⁽¹⁶⁾. This data reinforces the point that there is a link between deprivation and obesity levels as it shows that the highest percentage of obese adults live in the worst deprived areas.

Current Living in Kirklees Survey; 2021
[National Child Measurement Programme \(NCMP\)](#)
Current Living in Kirklees Survey; 2021

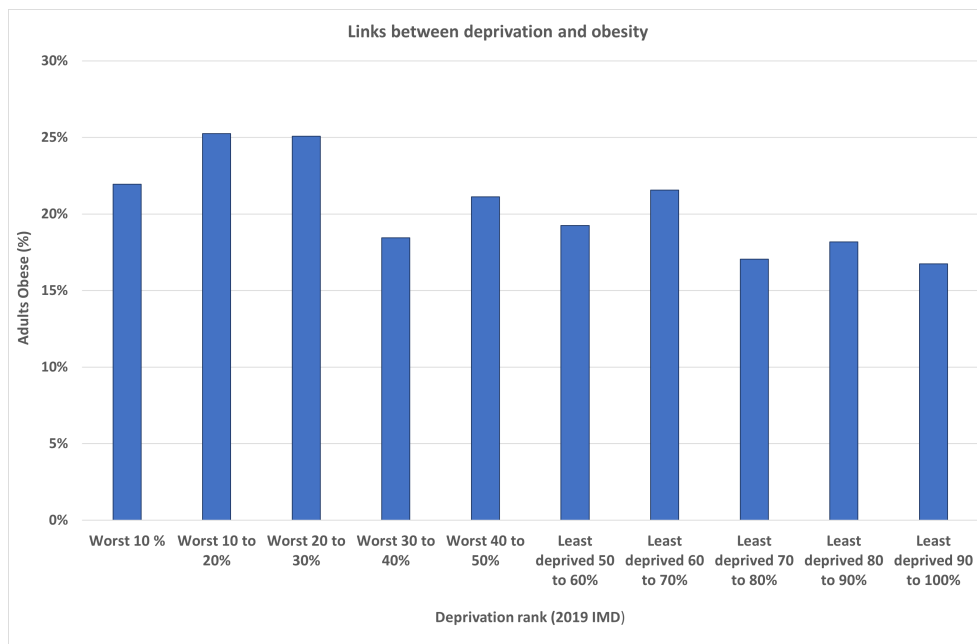


Figure 1 Links between deprivation and obesity (Current Living in Kirklees (CLiK) Survey 2021 and IMD 2019)

Links between Deprivation and Fast Food Outlets

2.38 As well as the link between deprivation and obesity, research has also established a link between levels of deprivation and the proliferation of fast food outlets⁽¹⁷⁾. The graph below compares deprivation ranking with the number and density of fast food outlets. This evidence demonstrates that there is a link as it shows that the highest density of fast food outlets are in the most deprived areas.

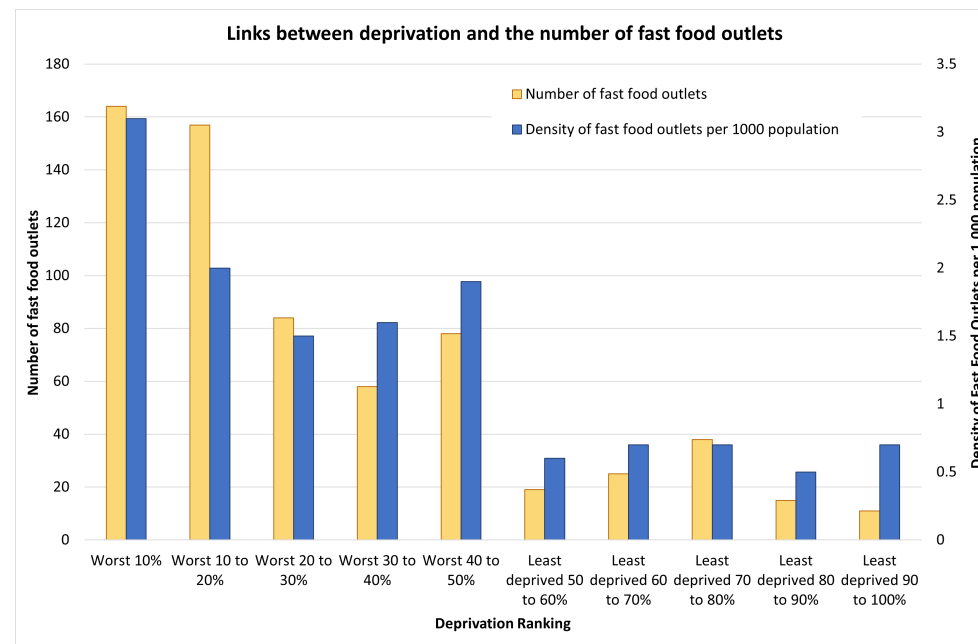


Figure 2 Links between deprivation and the number of fast food outlets in Kirklees

2.4 A whole systems approach to support healthy environments and reduce obesity

2.39 Within Kirklees there are a number of food initiatives and a broader set of system wide actions which support our healthy weight ambition and to raise awareness of healthy alternatives for fast food operatives.

2 Background

Kirklees Food Initiatives and Nutrition Education (FINE) Project

- 2.40** The Kirklees Food Initiatives and Nutrition Education (FINE) Project offers free one-to-one support and consultancy or specific masterclasses to fast food takeaways across Kirklees to enable them to assess where they can make improvements and implement positive change within their business.
- 2.41** The masterclasses aim to guide, encourage and inspire Kirklees independent food businesses to review current practice and to continually make improvements to the menu offer.

The FINE Team

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Getting It Right First Time (GIRFT)

- 2.42** Getting It Right First Time (GIRFT) is a 3-hour session open to food businesses who register at least 28 days before they open (which is the legal requirement). The session summarises the main relevant requirements for food hygiene but also licensing, waste etc. that apply to most businesses in the one session. The aim is to provide information and advice to assist food operators to have a safe and compliant business and to have a positive first (and subsequent) food inspection and hopefully achieve a good food hygiene rating.

Thriving Kirklees (Healthy Child Programme)

- 2.43** The Kirklees Integrated Healthy Child Programme covers a range of support for children and young people's health and wellbeing. From health improvement and prevention, to support and interventions for children and young people who have existing or emerging mental health problems.
- 2.44** Further information about this programme can be found by accessing the following website: www.thrivingkirklees.org.uk

Everybody Active: Kirklees Physical Activity and Sport Strategy 2015-2020

- 2.45** Everybody Active is a Kirklees-wide partnership that makes it easier for people to be active and for activity to be an enjoyable part of everyday life. The Everybody Active vision is more people, more active, more often in Kirklees, which seeks to create conditions to encourage and make it easier for people to be more active. By making changes across all sectors like workplace, schools, travel, regeneration, community development, it can make it much easier for us all to be active and for activity to be an enjoyable part of everyday life.

Kirklees Food Charter 2020

- 2.46** This is designed to drive change in the Kirklees food culture. It has action plans to impact on health, the economy and environment by promoting better local food, skills training, local food businesses and healthy eating along with a culture that promotes safe, affordable, accessible, sustainable local food and that supports the environment.

3 What is a Hot Food Takeaway?

3.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) draws a distinction between a shop (including sandwich shops), a restaurant or café which are in Use Class E and a hot food takeaway. Establishments whose primary business is the sale of hot food where the consumption is mostly undertaken off the premises is Sui Generis (in a class of its own).

3.2 Takeaways are differentiated from restaurant or café uses because they can raise different environmental issues. These include litter, longer and sometimes later opening hours, extra traffic and increased pedestrian activity.

3.3 It is for the applicant to determine whether their business will trade as a hot food takeaway which sells hot food where the consumption of that food is mostly undertaken off the premises and apply for planning permission for the correct use. To help with this, key considerations of how the business will operate are set out in paragraph 3.5. Where clarification is required, applicants are advised to consult with Kirklees Council.

3.4 Where an application is submitted for a range of explicitly stated uses including a hot food takeaway, it would be assessed against this guidance as if it was a hot food takeaway.

3.5 Where the hot food takeaway element of a proposal is equal to or larger than the non-hot food takeaway element the guidance in this SPD will apply to that proposal. To determine the nature of a proposal the operation of the premises will be considered, particularly:

- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space;
- The number of tables and chairs to be provided for customer use;

- The hours of opening; and
- The percentage of the hot food takeaway use to the overall turnover of the business.

3.6 The applicant will be expected to provide detailed floor plans to demonstrate the above and that the proposed use will be the primary business activity. For clarity, Table 5 'Examples of Hot Food Takeaway Sui Generis Use' sets out examples of uses which are considered to be hot food takeaways, and those which are not. This list is not exhaustive:

Examples of Hot Food Takeaways	Examples of other uses
Fish and Chip shops	Restaurants/Snack Bars/Cafes
Pizza Takeaway	Sandwich/Deli shops
Chinese/Thai Takeaway	Bakeries
Indian Takeaway	Coffee shops
Kebab Takeaway	Public houses (pubs)/Wine bars
Burger Takeaway	Ice cream shops/parlours
Chicken/Southern Fried Chicken/Fried Chicken shops	Shisha bars
Some fast food drive throughs	Night club

Table 5 Examples of Hot Food Takeaway Sui Generis Use

4 Requirements for Hot Food Takeaway Applications

4 Requirements for Hot Food Takeaway Applications

4.1 This SPD sets out seven principles that apply to hot food takeaways (as defined in Section 3) where planning permission is required, for example, new hot food takeaways or applications for a variation of opening times (Section 73 application).

4.1 HFT1 Public Health Toolkit

Policy HFT 1

Public Health Toolkit

Proposals for all new hot food takeaways will be assessed against the Kirklees Council Public Health Toolkit. Proposals that are not accepted by the toolkit will be refused, unless other material considerations indicate otherwise.

HFT1 will not apply where the application site is within the designated Principal Centres of Huddersfield and Dewsbury and the designated Town Centres of Batley, Cleckheaton, Holmfirth and Heckmondwike.

4.2 In order to reflect the complexities of the obesogenic environment, the council has developed a tool which will support the decision making process for hot food takeaway proposals. The assessment tool uses a range of local data, known as indicators, these are:

- Index of Multiple Deprivation (IMD) quintile
- Percentage of adults overweight
- Percentage of adults obese

- Percentage of 5-year olds (reception) with excess weight
- Percentage of 11-year olds (year 6) with excess weight
- Diabetes prevalence rate
- Coronary heart disease prevalence rate

4.3 Each indicator is assessed and allocated points using the postcode of the proposed hot food takeaway.

4.4 A hot food takeaway will be refused permission if it is located within a postcode that has a combined points total above 20 (21 or above) across the seven indicators of deprivation, obesity and related health conditions out of a possible 42 (unless other material considerations indicate otherwise).

4.5 The council wants to take a balanced and fair approach to supporting local business and economic growth whilst also taking steps to ensure our environments support the health and wellbeing of our residents.

4.6 The tool utilises data from a range of sources, some refreshed annually and others updated less frequently. The latest available data will be imported into the tool by the end of each calendar year, with the latest version of the tool being available for use with all planning applications from January of the following year.

4.7 Background and an explanation of the obesogenic environment, the methodology behind the toolkit points system, data sources used by the toolkit and a worked example of the Public Health Toolkit can all be found in Appendix 1.

Relevant Local Plan Policy

LP47 (j)

4.2 HFT2 Town Centre Vitality and Viability

Policy HFT 2

Town Centre Vitality and Viability

Hot food takeaways (Sui Generis) will not be supported in a principal town, town, district or local centre where the cumulative impact of introducing the facility would be detrimental to the vitality and viability of that centre.

A proposal will be considered to be harmful to the vitality and viability of a centre if it meets one or more of the three criteria below:

1. Hot Food Takeaway Unit Threshold

Level	Hot Food Takeaway Threshold
1.Principal Town Centre	Within the Primary Shopping Area (PSA) increases the concentration of hot food takeaway ground floor units to more than 10% of all main town centre uses.
2.Town Centre	Increases the concentration of hot food takeaway ground floor units in a centre to more than 10% of all main town centre uses.
3. District Centre	Increases the concentration of hot food takeaway ground floor units in a centre to more than 15% of all main town centre uses.
4. Local Centre	Increases the concentration of hot food takeaway ground floor units in a centre to more than 15 % of all main town centre uses.

Table 6 Shopping Centre Hierarchy Hot Food Takeaway Threshold

2. Creates a cluster of three or more hot food takeaways together
3. Reduces the number of units between hot food takeaway clusters to one or none.

Vacancy level considerations:

Hot food takeaways will be supported in centres that have reached the threshold in this guidance where it can be demonstrated that there is no demand for an alternative use and there is a vacancy level of 10% or more in principal, town, and district centres or a vacancy level of 25% or more in local centres and they meet planning policy in all other respects.

Conditions will be attached to any planning approval to ensure that shutters are designed to prevent any harmful effects on the visual amenity of the street scene.

- 4.8** Hot food takeaways provide a service to local communities. They form part of the local economy particularly when located within defined centres which have a good mix of main town centre uses including shops selling food and non-food goods, offices and leisure facilities such as cafes, restaurants and pubs.
- 4.9** Shopping centres have changed over time with traditional shops such as greengrocers, newsagents and convenience stores being replaced by retail service uses such as hairdressers, health and beauty salons and hot food takeaways. This has detrimentally affected the mix of uses raising concerns about the vitality and viability of centres. It has also resulted in a dominance of uses that are generally open in the evening, creating dead frontages during the day particularly where shutters are closed.

4 Requirements for Hot Food Takeaway Applications

- 4.10** The role and function of centres in Kirklees is set out in Local Plan Policy LP13 Town Centre Uses. The characteristics of the centres vary considerably but it is important they are retained as they provide a focus for the local community, support social interaction and contribute to sustainability.
- 4.11** Principal Town Centres are the largest in Kirklees, their Primary Shopping Areas are the focus for retailing and other main town centre uses incorporating those which serve the evening/night-time economy including hot food takeaways. The policy threshold for principal centres applies to the primary shopping area to support a strong retail core and the health of these centres. Between the primary shopping area and the town centre boundary criteria 2 and 3 apply.
- 4.12** The health and vitality of centres in the district is monitored through the Town Centre Audit programme. Further details are set out in Appendix 2 including the number of different uses within each defined centre in the Local Plan. The balance of uses needs to be managed to ensure that centres remain attractive to shoppers, visitors, residents and businesses during the day and in the evening. In centres where the number of hot food takeaways has not reached the threshold set out in HFT2, this SPD also seeks to limit the number of hot food takeaways concentrating next to each other and their impact on the mix of uses along an active street frontage.
- 4.13** Where there are a significant number of vacant units in proportion to the size of the centre, it also has a detrimental impact on the vitality and viability of a centre by reducing pedestrian footfall and economic activity. Therefore this guidance gives consideration for a unit to be occupied by a hot food takeaway even if the threshold has already been reached and there is no demand for an alternative use. The applicant needs to demonstrate that the premises have been marketed for a period of at least 6 months for an alternative main town centre use.

- 4.14** Shutters closed during the day can have a negative impact on the street frontage. The dead frontages created can deter shoppers and even deter other uses from locating on the high street. To encourage shoppers and visitors and create active and vibrant streets it is important to ensure that shutters are designed appropriately. There are a number of different grille options available in modern shutters. Grilles that allow views through are preferred and can be open mesh or transparent.

Relevant Local Plan Policy

LP13, LP14, LP16

4.3 HFT3 Proximity to Schools

Policy HFT 3

Proximity to Schools

Where planning permission is sought for a hot food takeaway (new or variation of condition) within 400m of the principal entry point to a primary (infant and/or junior or middle) or secondary school, and the proposal meets planning policy in all other respects, planning permission will only be permitted subject to the condition that opening hours are restricted to the following:

A primary school (infant and/or junior or middle): the hot food takeaway is not open to the public between 3pm to 5pm weekdays and there are no over the counter sales⁽¹⁸⁾ during these times.

¹⁸ The selling of a product directly to the public in the premise

4 Requirements for Hot Food Takeaway Applications

A secondary school: the hot food takeaway is not open to the public before 5pm on weekdays and there are no over the counter sales before that time.

HFT3 will not apply where the application site is within the designated Principal Centres of Huddersfield and Dewsbury and the designated Town Centres of Batley, Cleckheaton, Holmfirth and Heckmondwike.

In all cases HFT2 Town Centre Vitality and Viability will also need to be complied with.

- 4.15** Reducing children's exposure to foods contributing towards obesity such as those sold in hot food takeaways can reduce access to food and drink that is high in fat, salt and sugar.
- 4.16** A specific issue has been identified with teenagers leaving secondary schools at lunchtimes to access hot food takeaways. Children in primary school do not normally leave school premises during school hours but research indicates that the most popular time for purchasing food from shops is after school⁽¹⁹⁾.
- 4.17** The aim of this guidance is to ensure that during times when children are making food choices, such as lunchtime and after school, the environment and availability of hot food takeaways is not encouraging unhealthy choices.
- 4.18** Hot food takeaways within easy walking distance of schools can provide an attractive and affordable food option for pupils. In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population the Council therefore considers it

appropriate to restrict the hours of operation of hot food takeaways within 400m of primary (infant and/or junior or middle) and secondary schools.

- 4.19** The council has created 'restrictive zones' which represent a realistic 5 minute walk-time (400m) (10 minutes there and back) from the entrance points of every relevant school in the district. These restrictive zones represent the ease with which pupils may walk along certain routes. A greater distance can usually be walked in 10 minutes along a straight main road for example than could be walked where there are barriers to movement such as busy junctions. Further information on the reasoning for a 5 minute walk as a restrictive zone is shown in Appendix 3. HFT3 will apply in all circumstances where any of the application site (red line boundary) falls within the restrictive zone.
- 4.20** Primary, middle and secondary school locations may change over time, sometimes with new ones opening or an existing one relocating or expanding. In these cases, the new location of the school entrances will automatically have a restrictive zone as per this SPD. Where an existing school closes without a replacement at the same site, the restrictive zone will no longer apply.
- 4.21** Maps showing the 400m restrictive zones around schools (including infant, junior, primary, middle, secondary and special schools) are available on the Councils webpages. These maps are to be used by potential applicants and those involved in the determination of planning applications to ascertain whether a premise falls within a 400m zone.

Relevant Local Plan Policy

LP47 (j)

4 Requirements for Hot Food Takeaway Applications

4.4 HFT4 Noise Abatement and Extraction of Odours

Policy HFT 4

Noise abatement and extraction of odours

Proposals for new hot food takeaways must demonstrate effective kitchen odour control and extract systems and appropriate noise attenuation measures. Noise attenuation and odour control measures must:

- Be acceptable in terms of visual amenity, including location and external finish;
- Not adversely impact on neighbouring occupiers by virtue of noise, vibration or odour; and
- Remain appropriate to the type of food being prepared and be routinely and properly maintained.

Proposals must demonstrate appropriate sound proofing of party walls and ceilings where necessary.

Where appropriate, restrictions on the hours of operation will be considered.

All applications must be accompanied by an Odour and Noise Impact Assessment. This should include full details of the extraction system proposed including the internal layout and external appearance showing the location of all the main components of the system, together with details of any necessary noise attenuation and odour abatement measures.

4.22 A common concern associated with takeaways is the impact on the amenity of adjoining occupiers through the generation of noise and odour, usually from ineffective, inappropriate and/or badly maintained kitchen odour control and extract systems or inadequate noise attenuation measures.

4.23 Noise can be generated both from odour control and extract equipment and from the normal operation of the premises itself. Badly installed, poorly maintained or inappropriate equipment is not only unsightly but can lead to significant odour, noise and vibration disturbance. Noise generated internally usually from the kitchen can also be a nuisance to occupiers of premises adjacent to the takeaway, as can noise generated from normal customer activity such as vehicle movements, particularly motorcycle delivery vehicles and slamming car doors and general customer noise outside the premises.

4.24 The position and appearance of flues providing odour extraction for takeaways can be detrimental to the street scene if they are prominently located, of poor quality and/or inadequately maintained. Consideration will therefore be given to the location and appearance of the proposed extraction equipment as well as to the proposed maintenance regime to ensure that there is minimum detriment to visual amenity. In sensitive locations such as Conservation Areas extraction equipment should be installed as much as possible within the building if practicable and appropriate.

4.25 The design of kitchen odour control and extract systems and ventilation equipment should ensure that odours, fumes and/or noise do not negatively impact on the amenity of neighbours. The use of equipment appropriate to the type of food being produced is also essential to reduce cooking smells. Such equipment should at the least meet minimum industry standards so that odour is effectively dispersed externally and

4 Requirements for Hot Food Takeaway Applications

also cannot penetrate through the building into neighbouring property. Such equipment must also be properly maintained so that such measures continue while ever the premises are in operation.

- 4.26** Applications must be accompanied by an Odour and Noise Impact Assessment which should include suitable mitigation measures and must include full details of the extraction system proposed including the internal layout and external appearance and location. This should also show the location of the flue termination point in relation to adjacent properties and any necessary noise attenuation measures. The applicant will be expected to demonstrate that the proposed extract system will not cause a noise or vibration problem. This is to ensure that odour control and extract systems are properly designed and installed so that they are effective and do not require remedial work or replacement⁽²⁰⁾.
- 4.27** The takeaway operating hours are also relevant to noise issues that can arise from the operation of a takeaway. Noise can occur from food preparation or delivery activities even though the takeaway is not open for customers. Noise from multiple movements of delivery vehicles, especially if they are using motorcycles, can cause significant noise issues. Consideration will therefore be given to restricting the hours of operation of the proposed hot food takeaway in predominantly residential areas or other areas where noise sensitive premises are attached or in close proximity.
- 4.28** A takeaway proposed where there is residential accommodation on the floor directly above will not normally be acceptable unless the residential accommodation is occupied by the operator of the takeaway (or their family or employee of the takeaway). In some circumstances it may be acceptable if the applicant can demonstrate that there is (or will be) a significant level of sound insulation in the separation floor between the

two uses, but permission is unlikely to be forthcoming for late night/early morning use. The demonstration of adequate sound insulation should be in the form of an acoustics report from a suitably qualified person.

Relevant Local Plan Policy

LP16 (b) and (g), LP52

4.5 HFT5 Waste Disposal

Policy HFT 5

Waste Disposal

Any proposal for a hot food takeaway should;

- Accommodate commercial bin stores within the building where practicable. If this is not possible the bin store must be on site and adequately screened in a manner and location that does not detract from the street scene or the character of the area and that does not cause odour nuisance to neighbouring occupiers;
- Locate bin stores to enable access for refuse collection vehicles; and
- Consider the provision of bins for customer's litter in locations that do not cause a nuisance or obstruction on the highway or any other public or private space.

4 Requirements for Hot Food Takeaway Applications

All applications must be accompanied by a Waste Management Strategy which should cover storage and disposal of waste including provision of grease traps where appropriate. It should also consider recycling and the use of sustainable food packaging, such as cardboard boxes and paper straws.

- 4.29** As it is a legal requirement that businesses that produce waste comply with the Environmental Protection Act 1990 (s34 Duty of Care etc as respects waste), the appropriate disposal of all waste arising from the operation of a hot food takeaway will be a material consideration when such applications are received.
- 4.30** It is important that the waste generated by the operation of a hot food takeaway does not detract from the character of the area or cause nuisance to other users or occupiers in the vicinity. Proposals will not be acceptable if waste cannot be adequately stored and if proper access for refuse collection vehicles cannot be safely provided.
- 4.31** All applications must be accompanied by a Waste Management Strategy so that waste disposal details can be properly assessed. The Waste Management Strategy should include details of the storage of trade waste including the location, number and size of bins, the size and storage facilities for which must be commensurate with the amount of waste produced, the provision of bins for customer's litter at the premises and elsewhere if appropriate, screening measures, access for service vehicles, the frequency of disposal of waste/council refuse collection and the provision of grease traps appropriate for the use proposed to avoid grease and fat entering the public sewerage system.

4.32 The Waste Management Strategy should also include measures to deter vermin, for example smaller bins that are emptied more frequently are less likely to attract rats and will help to keep odour release to a minimum. The Waste Management Strategy will be considered against policies in this SPD and other appropriate requirements such as those set out by Yorkshire Water relating to wastewater discharge.

4.33 The Kirklees Council Waste Management Design Guide for New Developments (Waste Collection, Recycling and Storage Facilities Guidance)⁽²¹⁾ contains guidance on the storage and collection of commercial waste, including size, nuisance issues, security, access and fire risk. This guidance should be taken into account when preparing a Waste Management Strategy.

4.34 The council also encourages the Waste Management Strategy to consider recycling and other initiatives such as 'litter picks' in the vicinity of the takeaway. There should be enough space within the bin storage area to include separate bins for dry mixed recyclables and glass. Applicants are also encouraged to consider the use of sustainable food packaging, such as cardboard boxes and paper straws.

Relevant Local Plan Policy

LP16 (b) and (f), LP52

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

4.6 HFT6 Takeaway Design and Community Safety

Policy HFT 6

Takeaway design and community safety

When determining applications for hot food takeaways consideration will be given to safety and residential amenity. This includes the design of the premises and any outdoor areas.

The advice of West Yorkshire Police and the Community Safety Partnership in relation to personal safety or crime and disorder will be given significant weight in determining such planning applications.

Where appropriate, restrictions in opening hours may be required and applicants may need to provide and/or contribute to deterrent measures.

4.35 Hot food takeaways can make a valuable contribution to the vibrancy of the night time economy. In this context, when considering proposals for hot food takeaways it is important to ensure that the safety of both takeaway operators and users as well as residential amenity in the local area is considered. The aim is to manage the impact of people congregating around such venues which could lead to problems of noise, disturbance and anti-social behaviour.

4.36 It is therefore important to consider community safety in the design of the takeaway. This will include associated outdoor spaces and the consideration of natural surveillance as well as reducing the risk of conflict with vehicles. Many hot food takeaways are focused on the night time economy so it is also important to consider the impact of premises which are closed during the day through consideration of the design of shutters, shop fronts and natural surveillance to seek to ensure

a welcoming environment at all times of the day. Such design elements will be considered in accordance with the Local Plan Design Policy (LP24).

4.37 Local Planning Authorities are required to take Section 17 of the Crime and Disorder Act into account when making decisions on planning applications and this would involve consideration of whether or not a proposal would generate crime and disorder if it were to be approved. The West Yorkshire Police Designing Out Crime Officer at Kirklees Council will assess the merits of individual applications following consultation with West Yorkshire Police and an assessment of crime data in the area. Where potential crime and disorder concerns are identified, it is likely they will recommend refusal or amendment of the application.

4.38 The Council will also liaise with 'Safer Kirklees', the Kirklees Community Safety Partnership which brings together various groups to enable the Council to consider community safety. This group will be able to advise on appropriate deterrent measures such as CCTV cameras. More information on the work of the Community Safety Partnership can be accessed at: www.kirklees.gov.uk/saferkirklees.

Relevant Local Plan Policy

LP16 (b) and (c), LP24, LP25, LP35

4 Requirements for Hot Food Takeaway Applications

4.7 HFT7 Highway Safety

Policy HFT 7

Highway safety

Applications for hot food takeaways will be refused where the use is considered to have an unacceptable adverse impact on highway efficiency and safety, including the consideration of:

- The existing use and location of the site or premises;
- Accessibility for pedestrians, cyclists and vehicular traffic; and
- The operational requirements of the business.

4.39 Hot food takeaways usually generate high numbers of short visits, by customers either with or without a car, by delivery and other service vehicles needed for the normal operation of the business and also increasingly cycles, mopeds or motorbikes picking up orders for delivery to customers' homes. Delivery vehicles will therefore be taken to mean those vehicles delivering both to and from the premises. These visits also tend to be concentrated at certain times, at lunchtime and in the evening depending on opening hours.

4.40 It is important when considering applications for hot food takeaways that the safety of all users, as well as the amenity of the occupiers of nearby homes and businesses is not adversely affected. It is important that vehicle movements associated with hot food takeaways do not worsen existing traffic conditions in the immediate area such that highway or pedestrian safety is compromised. Consideration will therefore be given as to whether the proposal is detrimental compared to the existing use of the site or premises and whether the proposal is located where there is an existing evening economy or other conditions

where a certain amount of activity would be expected when the premises are open. The existing circulation by pedestrian and vehicular traffic should not be materially worsened by the proposal even where such uses would normally be expected to operate. This will include the consideration of road safety incidents.

4.41 Hot food takeaways can generate a high number of car borne visits that require short term parking. If there is a lack of suitable parking spaces nearby, customers and delivery drivers may choose to, or have no alternative but to park for short periods in inappropriate locations. This can lead to conflict with other road users and dangerous conditions for pedestrians. Consideration will therefore be given to the presence of existing traffic controls such as double yellow lines, laybys used for bus stops, zebra crossings or other crossings or controls or the presence of junctions where inconsiderate parking would cause a danger to pedestrians or other road users or which would disperse short term parking resulting in loss of amenity for residents or other businesses. If parking arrangements in the vicinity of the premises cannot safely accommodate the increased need for short stay parking the proposal will not be acceptable if it cannot demonstrate that such arrangements could be put in place.

4.42 The normal operational requirements of hot food takeaway premises also generate a certain amount of vehicle movement, including delivery vehicles both loading and unloading, waste disposal and other service vehicles, as well as parking arrangements for staff. Any application for a hot food takeaway will need to demonstrate that appropriate existing or proposed off-street parking arrangements or other acceptable on-street parking arrangements needed for the proper and safe functioning of the premises are or can be made available.

Relevant Local Plan Policy

LP16 (d) and (e)

5 Other Considerations and Legislation affecting Hot Food Takeaways

5 Other Considerations and Legislation affecting Hot Food Takeaways

Licensing

5.1 A premises licence is required for any business selling hot food and drink between the hours of 11pm and 5am, and this is issued by the council under the Licensing Act 2003. The Licensing Act is a permissive regime which means that unless the authority receives representation in objection to the application for a licence, it is automatically granted. If a representation is received, then it must be relevant to the application and show how the proposed activities will impact on one or more of the four licensing objectives which are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

5.2 For further information please contact the Licensing Service:

www.kirklees.gov.uk/entertainment

Kirklees Council - Licensing Service

PO Box 1720

Huddersfield

HD1 9EL

Tel: 01484 456868

email: licensing@kirklees.gov.uk

Food Safety

5.3 The food business operator of any new food business must register the premises as a food business with the Council at least 28 days prior to starting to operate or taking it over if it is an existing business. It is also a legal requirement to notify the Council of any significant change (e.g. where you change what you do or if there is a change in partnership or you set up a limited company etc.) or closure of an establishment. It is free to register. If you make, prepare or handle food that comes from animals (products of animal origin), for example meat or dairy products, other than for direct sale to the consumer, you may need to be approved by the Council. You should contact Environmental Services for advice before starting to prepare/sell products of animal origin as you must have approval before starting to operate.

5.4 It is strongly advised that the applicant should contact the food safety team prior to submitting an application for planning permission. Food safety officers can provide detailed advice on the current requirements of food hygiene and health and safety legislation. Advice provided before any application is submitted can help ensure that all necessary requirements are met prior to the commencement of the business.

5.5 More information can be found on the Council's website: www.kirklees.gov.uk/foodbusiness

Kirklees Council - Environmental Health

PO Box 1720

Huddersfield

HD1 9EL

Tel: 01484 414739

5.6 There is also large amount of information on setting up a food business and the legal requirements for food businesses at the Food Standards Agency website: www.food.gov.uk

5 Other Considerations and Legislation affecting Hot Food Takeaways

Environmental Health

- 5.7 Environmental Health can be consulted on planning applications where the application may create harmful impacts from noise, odour, litter and light.
- 5.8 Through the planning process Environmental Health can ensure that the extract system at a new hot food takeaway is suitable to effectively control odours without causing excessive noise. This should prevent statutory odour and noise nuisance from the system and therefore avoid the need for any enforcement action under the Environmental Protection Act 1990.
- 5.9 Guidance on bin storage and waste management can be found within the Environmental Protection Act 1990. The applicant needs to consider their duty of care to dispose of waste lawfully under the Environmental Protection Act. More information on this can be found at paragraphs 4.30 and 4.32 of this document.
- 5.10 Please visit the Kirklees website for further information:
www.kirklees.gov.uk/noise

6 Monitoring, Implementation and Review

6 Monitoring, Implementation and Review

Monitoring

- 6.1** The successful implementation of this SPD will be assessed through the Annual Monitoring Report (AMR). The AMR will note when the SPD has been used in determining planning applications, the number and location of new hot food takeaways permitted and refused and the new hot food takeaways approved with restricted opening hours. Monitoring will also include noting changes in school entrances and the opening of new primary, middle, secondary and special schools.

Implementation

- 6.2** The SPD will be primarily implemented through the development management process and the determination of planning applications. The SPD does not have the status of the development plan (for the purpose of Section 38 of the Planning and Compulsory Purchase Act 2004), but it will be an important material consideration in determining planning applications.

Review

- 6.3** The Council's AMR will highlight any issues that may need a review. Where such a review is required, a timetable for this activity will be included in the Local Development Scheme as resources permit.
- 6.4** Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Plan, may also prompt the need for further reviews.

Appendix 1: The Obesogenic Environment

This is an evidence base focusing on the harms of excess weight and the relationship between hot food takeaways and levels of obesity. It provides the evidence to support the requirements shown in HFT1 and HFT3. This appendix covers the impacts of obesity and the current situation locally.

Whole systems approach to support healthy environments and reduce obesity

Kirklees Council recognises that the decisions and behaviours of individuals, including the use of hot food takeaways are influenced by a complex relationship with a broad range of factors. This can be defined as the ‘wider determinants of health’. Obesity is complex. It is influenced by what we eat, how we access our food, availability and affordability of healthy food and our skills and understanding of cooking healthy food. It is also about how physically active we are, how easy it is to walk and cycle around our communities, our income and our social norms. This complex relationship can create what is known as an obesogenic environment⁽²²⁾. This is where the environments in which individuals, families and communities live make it challenging for people to make healthy choices, which increases the risk of becoming overweight or obese. The Foresight Report⁽²³⁾ also states that “Changes to our environment (including both the activity and food related environment) are a necessary part of any response to support behaviour change and appropriate behaviour patterns.”

While the planning system alone cannot solve the obesity crisis, when utilised effectively it can be a powerful tool for positively influencing healthy behaviours and providing healthy options through the built and natural environment⁽²⁴⁾.

Having a positive policy framework for a healthier food environment benefits Local Planning Authorities, public health, businesses and most importantly consumers and communities. It allows for all interests to be considered and balanced during development planning. The planning system should consider the impact of developments on people’s eating behaviours and their health implications. Building on the evidence of existing literature, the Town and Country Planning Association and The Office for Health Improvement and Disparities (OHID) (formerly Public Health England), developed a framework for influencing and planning for healthy weight environments⁽²⁵⁾. One element focus’s on ‘Healthy Food measures aimed at improving the food environment for access to, consumption and production of healthier food choices:



Figure 3 Planning Healthy Weight Environments (Ross & Chang, 2014)

[Tackling obesities: future choices - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
[Tackling obesities: future choices - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
 Hamidi S, Ewing R., Compact Development and BMI for Young Adults. 2020, J Am Plann Assoc., pp. 86(3): 349-363.
[\[PDF\] Using planning powers to promote healthy weight environments in England | Semantic Scholar](#)

Appendix 1: The Obesogenic Environment

1 Movement and access

- Clearly signposted, with direct walking and cycling networks
- Safe and accessible networks, and a public realm for all
- Walking prioritised over motor vehicles, and vehicle speed managed
- Area-wide walking and cycling infrastructure provided
- Use of residential and business travel plans

2 Open spaces, play and recreation

- Planned network of multi-functional green and blue spaces
- Easy-to-get-to natural green open spaces of different sizes
- Safe and easy-to-get-to play and recreational spaces for all, with passive surveillance
- Sports and leisure facilities designed and maintained for everyone to use

3 Healthy food

- Maintain and enhance opportunities for community food growing
- Avoid over-concentration of unhealthy food uses such as hot-food takeaways in town centres and in proximity to schools or other facilities aimed at children and young people
- Shops/food markets that sell a diverse offer of food choices and are easy to get to by walking, cycling or public transport

4 Neighbourhood spaces and social infrastructure

- Community and healthcare facilities provided early as a part of new development

- Services and facilities co-located within buildings where feasible
- Public spaces that are attractive, easy to get to, and designed for a variety of uses

5 Buildings

- Adequate internal spaces for bike storage, dining and kitchen facilities
- Adequate private or semi-private outdoor space per dwelling
- Car parking spaces are minimised across the development
- Well-designed buildings with passive surveillance

6 Local economy

- Enhance the vitality of the local centre by providing a more diverse retail and food offer
- Centres and places of employment that are easy to get to by public transport, and on walking and cycling networks
- Facilities are provided for people who are walking and cycling to local centres and high streets, such as street benches, toilets and secure bike storage

It is therefore within this context in which the Hot Food Takeaway SPD plays a vital role in terms of enabling healthy environments across Kirklees.

Obesity is determined by a wide range of factors sitting within the wider determinants of health, including the environment and therefore actions to reduce obesity prevalence requires a whole systems approach⁽²⁶⁾.

The Obesogenic Environment

Evidence shows that the environment can help people access and choose healthier food options on our high streets, around schools and in our town centres⁽²⁷⁾. The quality of the local environment in which people live and work are contributing factors to excess calorie consumption and inactive lifestyles which make it challenging for people to make healthy choices and increase the risk of becoming overweight or obese⁽²⁸⁾.

This complex relationship can create what is known as an obesogenic environment and is demonstrated in the table and image below:

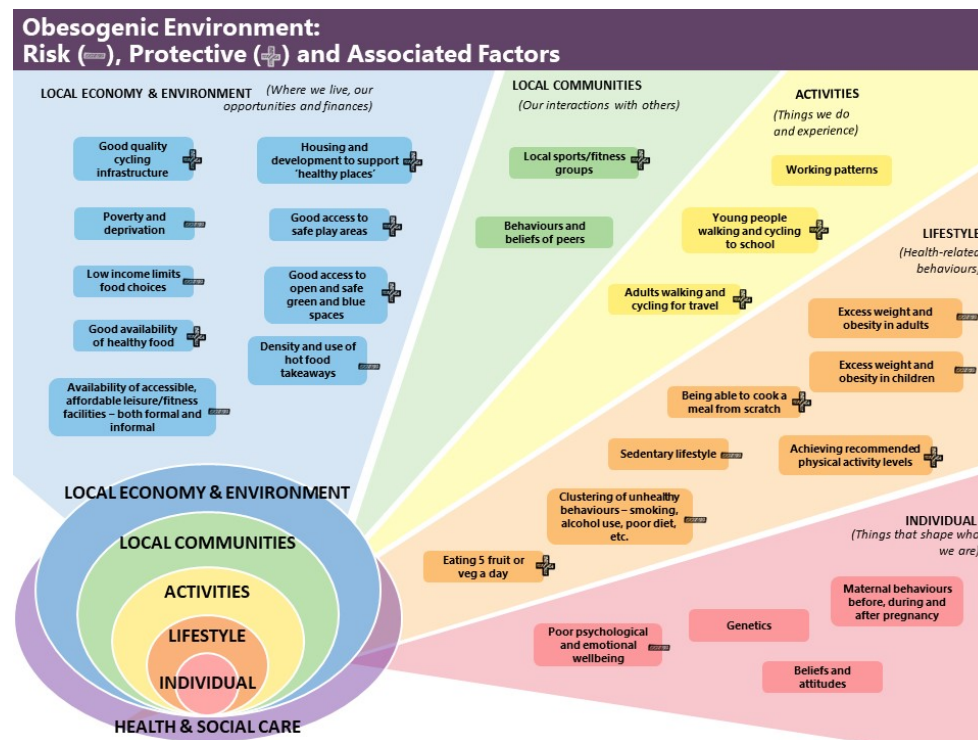


Figure 4 The Obesogenic Environment

	Risk (-)	Protective (+)	Associated Factors
Local Economy and Environment <i>(Where we live, our opportunities and finances)</i>	Poverty and deprivation Low income limits food choices Availability of accessible, affordable leisure/fitness facilities – both formal and informal	Good quality cycling infrastructure Housing and development to support 'healthy places' Good access to safe play areas Good access to open and safe green and blue spaces Good availability of healthy food	
Local Communities <i>(Our interactions with others)</i>		Local sports/fitness groups	Behaviours and beliefs of peers

[Healthy weight environments: using the planning system - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Healthy weight environments: using the planning system - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Appendix 1: The Obesogenic Environment

	Risk (-)	Protective (+)	Associated Factors
Activities (Things we do and experience)		Young people walking and cycling to school Adults walking and cycling for travel	Working patterns
Lifestyle (Health-related behaviours)	Excess weight and obesity in adults Excess weight and obesity in children Sedentary lifestyle Clustering of unhealthy behaviours – smoking, alcohol use, poor diet, etc.	Being able to cook a meal from scratch Achieving recommended physical activity levels Eating 5 fruit or veg a day	
Individual (Things that shape who we are)	Poor psychological and emotional wellbeing		Maternal behaviours before, during and after pregnancy Genetics Beliefs and attitudes

Table 7 Obesogenic Environment

The impact of obesity

The rise in obesity is one of the biggest threats to health in the UK. In England, among adults 16 and over, 68% of men and 60% of women were overweight or obese in 2019. Among children, 18% of boys and 13% of girls were obese and children with an obese parent were more likely to be obese⁽²⁹⁾.

Food and nutrition, and our levels of physical activity, are second only to smoking tobacco in the impact on our health. A combination of eating too much energy as calories and a lack of physical activity leads to obesity, diabetes, heart disease, stroke and some cancers. Eating habits established in childhood and adolescence tends to continue and affect adult health. Individuals with irregular meal patterns are more likely to become overweight and obese⁽³⁰⁾.

Obesity is associated with an increased risk of earlier death and a range of diseases that have a significant health impact on individuals, such as diabetes, heart disease, cancer and musculoskeletal problems. Additionally, the risk of maternal death from childbirth and infant death are increased⁽³¹⁾.

It is estimated that obesity is responsible for more than 30,000 deaths each year. On average, obesity deprives an individual of an extra 9 years of life, preventing many individuals from reaching retirement age⁽³²⁾.

Obesity is caused by the imbalance between calories (or energy) taken into the body and calories used by the body and burnt off in physical activity, over a prolonged period. Excess energy results in the accumulation of excess body fat. Therefore it is an individual's biology, for example, genetics and metabolism, and their eating and physical activity behaviour that are primarily responsible for maintaining a healthy body weight⁽³³⁾.

29 Health Survey for England 2019 <https://digital.nhs.uk/data-and-information/publications/statistical/health-survey-for-england/2019>

Kirklees Joint Strategic Needs Assessment, 2013

Kirklees Joint Strategic Needs Assessment, 2013

Health matters: obesity and the food environment; Public Health England; 31 March 2017

Kirklees Joint Strategic Needs Assessment, 2013

The typical adult diet exceeds recommended dietary levels of sugar and fat⁽³⁴⁾. One of the dietary trends in recent years has been an increase in the proportion of food eaten outside the home, which is more likely to be high in calories. Over half of British adults have experienced an increase in the number of fast food shops on their nearest high street since they started living there⁽³⁵⁾. The Greater London Authority takeaways toolkit states that ‘the increase in fast food outlets will be a contributory factor in the growth of the obesogenic environment’⁽³⁶⁾.

Children who are obese or overweight are increasingly developing type 2 diabetes and liver problems during childhood. They are more likely to experience bullying, low-esteem and a lower quality of life. They are highly likely to go on to become overweight adults at risk of cancer, heart and liver disease. They are also disproportionately from low-income households and black and minority ethnic families⁽³⁷⁾.

The regular consumption of takeaway food is linked to obesity in children and young adults. A study carried out involving children aged 9 -10 years old in three English cities, found that regular consumption of takeaway food, higher body fat weight, raised blood cholesterol and poor diets was greater when

compared to children who rarely or never consumed takeaways⁽³⁸⁾. Additional calorie consumption was noted among children who ate takeaway food in the home compared to children who rarely eat these meals⁽³⁹⁾.

Prevalence of fast food outlets in deprived areas

Research shows that fast-food outlets are more prevalent in areas of deprivation and this research supports the supposition that fast-food outlets are associated with weight gain in children⁽⁴⁰⁾.

Research also shows that takeaway food can be a low-cost option for purchasers⁽⁴¹⁾. Takeaway food outlets are 2-3 times as many in the most deprived parts of England compared to the least deprived areas⁽⁴²⁾. Furthermore, the frequency of takeaway food consumption among children from lower socio-economic groups⁽⁴³⁾, led to greater total calorie consumption than children in higher socio-economic groups⁽⁴⁴⁾.

The chart below illustrates the association between the density of fast-food outlets and area level deprivation. The local authorities with a higher deprivation score (more deprived) have a greater density of fast food outlets⁽⁴⁵⁾.

34 Health matters: obesity and the food environment; Public Health England; 31 March 2017

35 Butland B, Jebb S, Kopelman P, McPherson K, Thomas S, Mardell J, et al. Tackling Obesities: Future Choices – Project report. Government Office for Science, 2007

36 Takeaways Toolkit: Tools, interventions and case studies to help local authorities develop a response to the health impacts of fast food takeaways. Greater London Authority, November 2012

37 Childhood Obesity, A Plan for Action, Department of Health and Social Care, 2018

38 Pearce M, Bray I, Horswell M. Weight gain in mid-childhood and its relationship with the fast-food environment. Journal of Public Health Volume 40, Issue 2, June 2018, Pages 237–244

39 Donin, A. S. et al. Takeaway meal consumption and risk markers for coronary heart disease, type 2 diabetes and obesity in children aged 9-10 years: a cross-sectional study. Arch. Dis. Child. archdischild-2017-312981 (2017). doi:10.1136/archdischild-2017-312981

40 Pearce M, Bray I, Horswell M. Weight gain in mid-childhood and its relationship with the fast food environment. Journal of Public Health Volume 40, Issue 2, June 2018, Pages 237-244

41 Smith, K. J. et al. Takeaway food consumption and cardio-metabolic risk factors in young adults. Eur. J. Clin. Nutr. 66, 577–584 (2012)

42 Drewnowski, A. & Spector, S. E. Poverty and obesity: the role of energy density and energy costs. Am. J. Clin. Nutr. 79, 6-16 (2004)

43 Public Health England. Obesity and the environment Density of fast food outlets (2016)

44 Donin, A. S. et al. Takeaway meal consumption and risk markers for coronary heart disease, type 2 diabetes and obesity in children aged 9-10 years: a cross-sectional study. Arch. Dis. Child. archdischild-2017-312981 (2017). doi:10.1136/archdischild-2017-312981

45 Goffe, L., Rushton, S., White, M., Adamson, A. & Adams, J. Relationship between mean daily energy intake and frequency of consumption of out-of-home meals in the UK National Diet and Nutrition Survey. Int. J. Behav. Nutr. Phys. Act. 14, (2017)

Appendix 1: The Obesogenic Environment

Relationship between density of fast food outlets and deprivation

by local authority

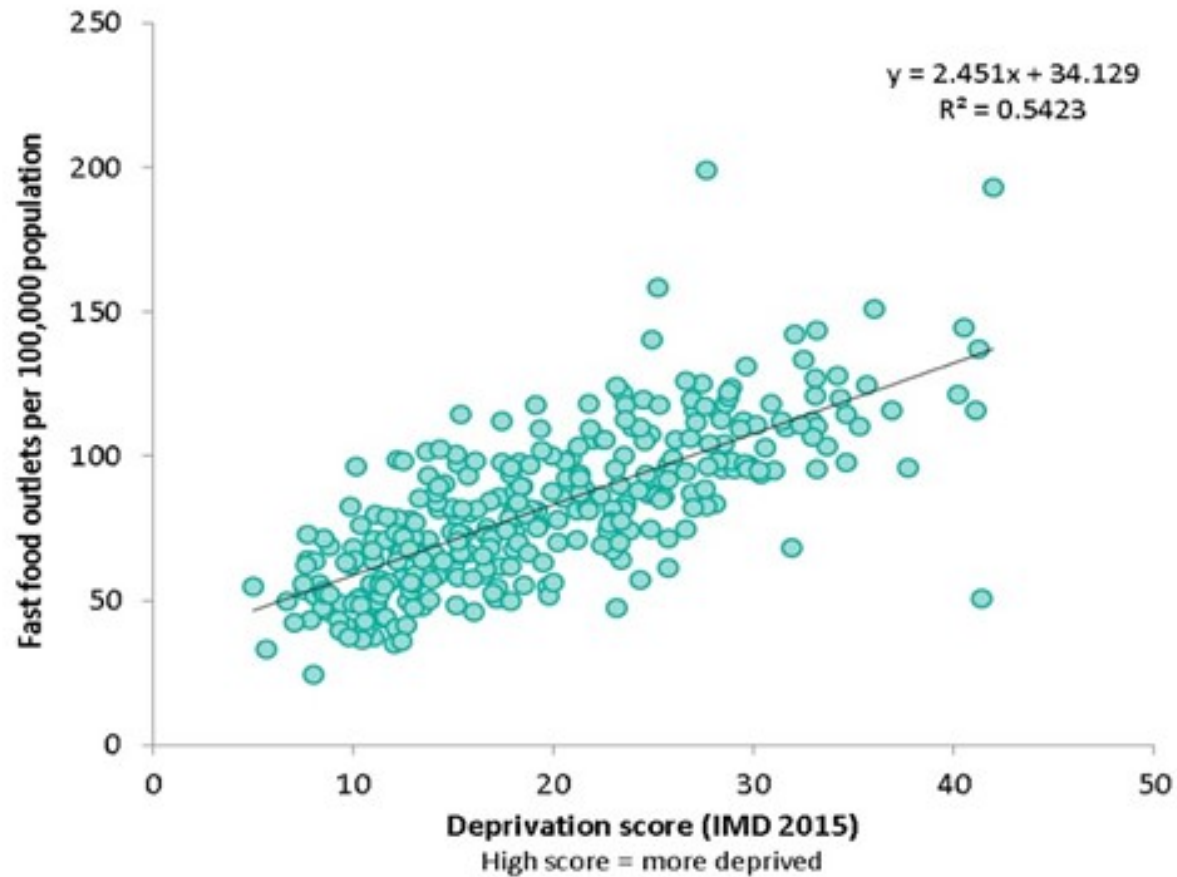


Figure 5 Relationship between density of fast food outlets and deprivation (PHE)

Adults living in the most deprived areas were the most likely to be obese. This difference was particularly pronounced for women, where 39% of women in the most deprived areas were obese, compared with 22% in the least deprived areas⁽⁴⁶⁾.

There are also inequalities in obesity rates between different socioeconomic groups, among children in reception and year 6, the prevalence of obesity in the 10% most deprived groups is approximately double that in the 10% least deprived. There is also a marked gradient in obesity levels among adults⁽⁴⁷⁾⁽⁴⁸⁾.

Tackling and preventing obesity is a high priority for the Government. OHID continues to prioritise reducing obesity, particularly among children and will work across the Department of Health and Social Care, the rest of government, the healthcare system, local government and industry to focus towards preventing ill health, in particular in the places and communities where there are the most significant disparities⁽⁴⁹⁾.

In Kirklees, levels of childhood obesity are rising in line with national trends. Obesity in children starting school is around twice as prevalent in those living in the most deprived areas compared to the least deprived areas, and with only a small number of overweight and obese children returning to a healthy weight in Year 6. A substantial number of children move out of the healthy weight category as they move through Primary school. This trend then continues into adulthood with 41% of 18-34 year olds in Kirklees been above a healthy weight⁽⁵⁰⁾.

In Kirklees, parents believe weight gain is a result of an external uncontrollable factor i.e. genetics or medication. Children give other reasons such as availability of cheap junk food, laziness and their parents working long hours, resulting in them eating whatever they can find when they return from school and turning to easy fast food for evening meals⁽⁵¹⁾.

Wider economic related impacts

The rising prevalence of obesity is a concern beyond the related poor health outcomes and mortality. Studies have projected an upward trend in obesity cases which will add further economic burden to healthcare services and wider society. The combined medical costs associated with treatment of obesity and associated diseases is estimated to increase by £1.9 -2 billion a year in the UK by 2030 compared to £6.1 billion in 2014 to 2015⁽⁵²⁾⁽⁵³⁾. Obesity also affects economic development, with the overall cost of obesity to the wider society estimated to be £27 billion⁽⁵⁴⁾.

Covid-19 and obesity

Throughout 2020, it has been demonstrated, that being overweight or living with obesity puts you at risk of dying from COVID-19. New evidence in the UK and internationally, indicates that being overweight or living with obesity is associated with an increased risk of hospitalisation, severe symptoms, advanced levels of treatment such as mechanical ventilation or admission to Intensive Care Units and death from COVID-19. These risks increase

46 Health Survey for England 2019 Overweight and obesity in adults and children <https://files.digital.nhs.uk/9D/4195D5/HSE19-Overweight-obesity-rep.pdf>

47 Obesity and the environment: regulating the growth of fast food outlets. Public Health England, March 2014

48 Butland B, Jebb S, Kopelman P, McPherson K, Thomas S, Mardell J, et al. Tackling Obesities: Future Choices – Project report. Government Office for Science, 2007

49 <https://fingertips.phe.org.uk/profile/national-child-measurement-programme>

50 Health and Inequalities Across the Life Course. Director of Public Health Kirklees Annual Report 2020-21 <https://www.kirklees.gov.uk/beta/delivering-services/pdf/public-health-report.pdf>

51 Kirklees Joint Strategic Needs Assessment, 2013

[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(11\)60814-3/fulltext#sec510819e1224](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(11)60814-3/fulltext#sec510819e1224)

52 Health matters: obesity and the food environment, Public Health England March 2017

53 Health matters: obesity and the food environment, Public Health England March 2017

Appendix 1: The Obesogenic Environment

progressively as an individual's body mass index (BMI) increases. The risk posed by being overweight or living with obesity to people with COVID-19 is relatively high⁽⁵⁵⁾.

Excess weight is one of the few modifiable factors for COVID-19 and so supporting people to achieve a healthier weight will be crucial to keeping people fit and well as we move forward⁽⁵⁶⁾.

Takeaway meals in England

Access to takeaway food outlets has been associated with increased takeaway food consumption and higher body weight⁽⁵⁷⁾.

The Ordnance Survey data shows that since 2017, the number of takeaway food outlets in England has risen in the last three years from 56,638 outlets to an additional 4,000 (8%) during this period⁽⁵⁸⁾. The takeaway industry has reported an increase in nominal expenditure on takeaway food from £7.9 billion in 2009 to £9.9 billion in 2016 and is set to grow further in the next five to six years⁽⁵⁹⁾. Annual growth of 2.6% per annum is forecasted over the next five years⁽⁶⁰⁾.

Takeaway food outlets are particularly associated with obesity, whereas restaurants and supermarkets are not. The food choices available in restaurant and meals eaten out of the home may be 'unhealthy', however, there is more varied food options available which include more healthy options and the

portion sizes tend to be smaller than takeaway food portions. In one UK study (of adults) only frequent use of takeaways (not cafes and not restaurants) was associated with obesity⁽⁶¹⁾⁽⁶²⁾. Access to supermarkets has been shown to be protective of obesity in adults⁽⁶³⁾⁽⁶⁴⁾.

55 Tackling obesity: empowering adults and children to live healthier lives. Department of Health & Social Care, July 2020

56 Tackling obesity: empowering adults and children to live healthier lives. Department of Health & Social Care, July 2020

57 Tackling obesity: empowering adults and children to live healthier lives. Department of Health & Social Care, July 2020

58 Keeble, M., Adams, J., White, M. *et al.* Correlates of English local government use of the planning system to regulate hot food takeaway outlets: a cross-sectional analysis. *Int J Behav Nutr Phys Act* **16**, 127 (2019)

59 Maguire, E. R., Burgoine, T. & Monsivais, P. Area deprivation and the food environment over time: A repeated cross-sectional study on takeaway outlet density and supermarket presence in Norfolk, UK, 1990-2008. *Health Place* **33**, 142–7 (2015)

60 Centre for Economics and Business Research. The Takeaway Economy Report. (2017)

Jaworowska, A. *et al.* Nutritional composition of takeaway food in the UK. *Nutr. Food Sci.* **44**, 414–430 (2014)

Penney, T. L. *et al.* Utilization of Away-From-Home Food Establishments, Dietary Approaches to Stop Hypertension Dietary Pattern, and Obesity. *Am. J. Prev. Med.* **53**, e155–e163 (2017)

Mackenbach, J. D. *et al.* Accessibility and Affordability of Supermarkets: Associations with the DASH Diet. *Am. J. Prev. Med.* **53**, 55–62 (2017)

Burgoine, T. *et al.* Interplay of Socioeconomic Status and Supermarket Distance Is Associated with Excess Obesity Risk: A UK Cross Sectional Study. *Int. J. Environ. Res. Public Health* **14**, 1290 (2017)

Density of Fast Food Outlets in England

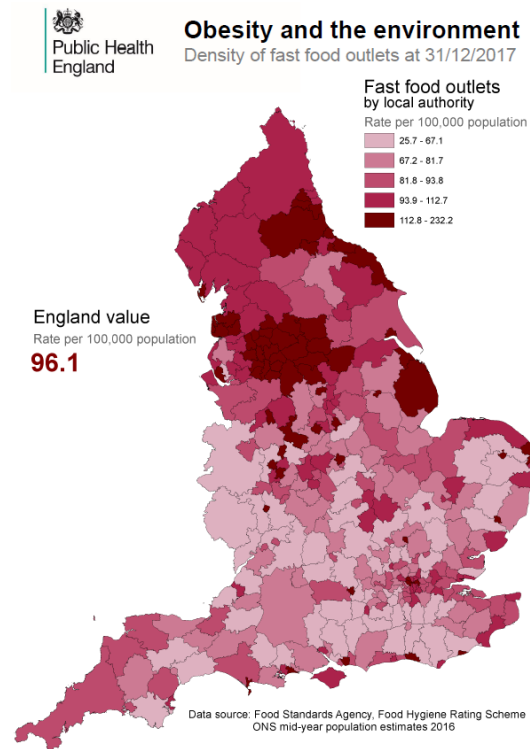


Figure 6 Density of Fast Food Outlets 2017 (PHE)

In December 2017 Kirklees recorded a density of 143.4 fast food outlets/per 100,000 population. This is worse compared to the benchmarks of England recorded at 96.1 and is worse than all the West Yorkshire Authorities⁽⁶⁵⁾.

Fast Food Outlets in Kirklees

Ward	Number of Fast Food Outlets	Fast Food Outlets per 1,000 population
Newsome (inc. Huddersfield Town centre)	75	3.09
Dalton	47	2.72
Greenhead	56	2.64
Cleckheaton	34	1.96
Heckmondwike	34	1.96
Dewsbury East	35	1.74
Batley East	28	1.45
Colne Valley	24	1.35
Dewsbury South	26	1.35
Crosland Moor and Netherton	25	1.28
Golcar	23	1.26
Birstall and Birkenshaw	20	1.18
Dewsbury West	24	1.07
Denby Dale	17	1.01
Mirfield	20	1.00
Liversedge and Gomersal	20	1.00

Appendix 1: The Obesogenic Environment

Ward	Number of Fast Food Outlets	Fast Food Outlets per 1,000 population
Batley West	20	0.96
Holme Valley North	16	0.93
Lindley	17	0.82
Ashbrow	16	0.78
Holme Valley South	13	0.67
Almondbury	12	0.66
Kirkburton	10	0.61

Table 8 Number of fast food outlets per 1,000 population by ward. Source: Public Health England Fast Food Outlets at 31/12/2017 and ONS mid-2020 population estimates

Childhood Obesity in Kirklees

Based on the 2018/19 National Child Measurement Programme, approximately 1 in 4 (23.2%) of reception age children and 1 in 3 (35.6%) of year 6 children had excess weight in 2018/19. It is important to recognise that the numbers of children have excess weight can vary significantly between different wards in Kirklees. This is detailed below:

Kirklees Ward	Reception excess weight (%)	Year 6 excess weight (%)
Almondbury	23.3	31.6
Ashbrow	24.2	46.6
Batley East	20.3	34.6

Kirklees Ward	Reception excess weight (%)	Year 6 excess weight (%)
Batley West	21.7	33.9
Birstall and Birkenshaw	19.9	37.7
Cleckheaton	32.4	42.0
Colne Valley	20.7	31.3
Crosland Moor and Netherton	20.1	38.7
Dalton	32.6	35.9
Denby Dale	28.0	35.2
Dewsbury East	26.1	37.6
Dewsbury South	28.0	37.4
Dewsbury West	25.1	42.0
Golcar	17.4	34.4
Greenhead	24.1	34.2
Heckmondwike	22.0	42.0
Holme Valley North	15.5	30.5
Holme Valley South	20.8	28.2
Kirkburton	19.0	32.6
Lindley	22.0	27.9
Liversedge and Gomersal	22.6	37.2

Kirklees Ward	Reception excess weight (%)	Year 6 excess weight (%)
Mirfield	19.0	27.8
Newsome	26.5	33.5

Table 9 Childhood obesity in Kirklees by ward NCMP (Year 2018/19)

Adult Obesity in Kirklees

Over half of all adults in Kirklees are overweight or obese. The proportion of adults who are obese has increased from 1 in 6 (17%) in 2005 to 1 in 5 (21%) in 2021⁽⁶⁶⁾. It is important to recognise that levels of adults who are overweight or obese can vary significantly between different wards in Kirklees. The areas with the highest percentage of overweight or obese adults are Dalton (65%) and Dewsbury West (74%) whilst the lowest proportions of overweight or obese adults are in Holme Valley South (51%) and Liversedge & Gomersal (53%).

Ward	Adults overweight or obese total	Adults overweight	Adults obese
Almondbury	58%	30%	23%
Ashbrow	59%	35%	21%
Batley East	57%	34%	19%
Batley West	63%	34%	25%
Birstall and Birkenshaw	64%	38%	19%

Ward	Adults overweight or obese total	Adults overweight	Adults obese
Cleckheaton	64%	38%	26%
Colne Valley	55%	38%	15%
Crosland Moor and Netherton	54%	31%	21%
Dalton	65%	32%	27%
Denby Dale	53%	27%	18%
Dewsbury East	63%	28%	31%
Dewsbury South	64%	43%	19%
Dewsbury West	74%	42%	25%
Golcar	57%	32%	20%
Greenhead	60%	32%	26%
Heckmondwike	61%	29%	24%
Holme Valley North	54%	36%	14%
Holme Valley South	51%	34%	15%
Kirkburton	57%	37%	16%
Lindley	55%	38%	17%
Liversedge and Gomersal	53%	35%	14%
Mirfield	64%	37%	24%

Appendix 1: The Obesogenic Environment

Ward	Adults overweight or obese total	Adults overweight	Adults obese
Newsome	56%	27%	27%
Kirklees Average	59%	34%	21%

Table 10 Adult obesity levels in Kirklees by ward Source: Current Living in Kirklees Survey 2021

The toolkit uses derived obesity rates at LSOA level based on the proportion of obese patients on GP registers. CLiK survey figures are self-reported, but the sample size is too small to enable figures at LSOA level to be used. As the methodologies differ, CLiK survey obesity rates are not comparable to GP register rates.

To summarise, the above information shows that obesity, and the long term consequences of obesity, is a growing problem with a significant burden on health and society. In addition, our food choices also directly cause and exacerbate other health risks un-related to obesity, such as the impact of trans-fat use on cardiovascular risk; and impact of salt in food on the risks from high blood pressure.

This appendix also shows that obesity is influenced by many factors, and hot food takeaways are just one of those factors. For this reason, the requirements shown in section 4 with regard to planning applications for hot food takeaways is not seen as the sole solution to reducing obesity in Kirklees. Kirklees Council and its partners are taking a broader approach to tackling obesity, which the requirements in the Hot Food Takeaway SPD can contribute to. More information on this whole systems, holistic approach (including working with schools, healthy eating campaigns and community cooking skills) can be found on the Kirklees Council web pages.

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

National Town Centre context

In recent years, there has been much research done considering the issues relating to town centres and the high street by Government and many other bodies. The Government published a report on High streets and town centres in 2030 in February 2019 concluding that;

'We are convinced that high streets and town centres will survive, and thrive, in 2030 if they adapt, becoming activity-based community gathering places where retail is a smaller part of a wider range of uses and activities....Individual areas will need to identify the mix that best suits their specific characteristics, local strengths, culture and heritage. Fundamentally, community must be at the heart of all high streets and town centres in 2030'.

A lack of diversity on high streets where there is the clustering of unhealthy outlets including fast food outlets has been identified and it is not healthy for local communities or the economy⁽⁶⁷⁾.

Local Evidence

The Local Planning Authority assesses the health and vitality of defined centres within the Kirklees District on an annual/biannual basis through the town centre audit programme. Principal, town and district centres are assessed annually and local centres are assessed every other year. The occupancy of ground floor units and gross ground floor floorspace within defined town centre boundaries are monitored including the number of hot food takeaways.

The audit programme data provides a snapshot of the occupancy of centres at the time the survey was undertaken. Therefore, the number and occupancy of shop units including those in use as hot food takeaways will change over time effecting the mix and balance of the type of shops, services, and unit vacancy within centres. Therefore, the percentage of hot food takeaway units, vacant units and total number of shop units surveyed will also change overtime. The latest occupancy data is published in the council's authority monitoring report and is used as a starting point for the consideration of planning applications.

The data in Table 11 'Town Centre Occupancy Data 2018/2019' is from the occupancy surveys of principal, town and district centres undertaken in 2019 and local centres undertaken in 2018 prior to the Covid pandemic. This data highlights the mix of main town centre uses within each of the defined centres at the time of the survey. As part of that mix the survey has identified that the number of hot food takeaways within the principal centres Primary Shopping Areas (PSA) is 2.6 %, town centres is 6.7% and in district centres it is 10.3% of all the units recorded in main town centre uses (as defined in the glossary of the Local Plan and National Planning Policy Framework) including those that are vacant. The number of hot food takeaway units cumulatively within the 61 defined local centres is 15%, however, this ranges from an individual centre having no hot food takeaways at all to the highest of 40%.

The hot food takeaway thresholds set out in this guidance reflect the role and function that the centres undertake which are set out in Local Plan policy LP13 Town centre uses.

Principal town centres and town centres provide for the shopping needs of residents across Kirklees and are the focus for financial services, offices, entertainment and leisure, arts, culture, tourism, further education, and health services.

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

District Centres provide a range of shopping for everyday needs and are the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities and health services with Local Centres providing for top-up shopping and food and drink.

Some centres have existing high concentrations of hot food takeaways for their role and function such as Heckmondwike Town Centre at 12.4%, Marsh, Moldgreen, Ravensthorpe, Skelmanthorpe district centres at 15.4%, 19.4%, 17.5%, 15.6% respectively and over half of the local centres (33) are above 15%. Centres need to be allowed to grow and diversify with a suitable mix of uses to promote their long-term vitality and viability and the over concentration of one type of use is detrimental to mix and balance of uses within them.

However, long term vacant units are also detrimental to the vitality and viability of centres and where there is no demand for other town centre uses it can be preferable for it to be occupied by a hot food takeaway. The vacancy rate as identified in the 2019 town centre occupancy survey shows that within principal, town and district centres, it ranges from 0 to 30%. In the local centres (2018 occupancy survey data) which vary from the largest that have above 40 units to the smallest which have less than 10 units within them, the vacancy rate ranges from 0 to 33%. The Footfall and Vacancies Monitor⁽⁶⁸⁾ from the British Retail Consortium and Springboard has reported that the national town centre vacancy rate was 10.3% in July 2019, the highest since January 2015.

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

2018/2019 Town Centre Occupancy Data

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
TCB1	Huddersfield PSA	175	38	36	97	57	88	491	17.9	10	2	
TCB2	Dewsbury PSA	52	12	14	26	24	42	170	24.7	7	4.1	
Principal Centres (2019)	Total	227	50	50	123	81	130	661	19.7	17	2.6	8.5
TCB 3	Batley	30	16	9	26	29	22	132	16.7	7	5.3	
TCB 4	Cleckheaton	48	15	22	34	30	9	158	5.7	11	7	
TCB 5	Holmfirth	52	13	16	39	26	11	157	7.0	5	6.7	
TCB 6	Heckmondwike	36	11	5	28	28	13	121	10.7	15	12.4	
Town Centres (2019)	Total	166	55	52	127	113	55	568	9.7	38	6.7	9.5
DCB 1	Almondbury	9	4	0	4	6	1	24	4.2	1	4.2	
DCB 2	Birstall	11	5	6	18	18	3	61	4.9	7	11.5	
DCB 3	Denby Dale	8	5	3	3	4	0	23	0.0	3	13	
DCB 4	Honley	8	4	4	9	7	1	33	3.0	0	0	
DCB 5	Kirkburton	7	4	4	3	10	1	29	7.1	1	3.5	
DCB 6	Lindley	14	7	2	15	13	2	53	3.8	5	3.8	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
DCB 7	Marsden	10	6	0	11	2	1	30	3.3	2	6.7	
DCB 8	Marsh	17	5	4	20	18	1	65	1.5	10	15.4	
DCB 9	Meltham	11	5	3	13	10	1	43	2.3	5	11.6	
DCB 10	Milnsbridge	18	5	5	14	10	7	59	11.9	7	11.9	
DCB 11	Mirfield	32	7	9	15	17	4	84	4.8	4	4.8	
DCB 12	Moldgreen	8	3	1	13	10	1	36	2.8	7	19.4	
DCB 13	Ravensthorpe	20	11	2	16	9	5	63	7.9	11	17.5	
DCB 14	Skelmanthorpe	5	4	3	11	7	2	32	6.3	5	15.6	
DCB 15	Slaithwaite	12	7	4	23	9	1	56	1.8	6	10.7	
District Centres (2019)	Total	190	82	50	188	150	31	691	4.5	71	10.3	4.7
LCB 1	Aspley	9	6	0	13	6	4	38	10.5	8	21.1	
LCB 2	Batley Carr	1	1	0	2	2	0	6	0.0	1	16.7	
LCB 3	Batley Rd	5	2	0	4	5	4	20	20.0	2	10.0	
LCB 4	Berry Brow	0	1	0	3	2	2	8	25.0	1	12.5	
LCB 5	Birchcliffe	0	2	1	3	3	0	9	0.0	0	0.0	
LCB 6	Birkby	11	14	4	16	12	4	61	6.6	11	18.0	
LCB 7	Birkenshaw	2	3	2	5	3	1	16	6.3	1	6.3	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
LCB 8	Blackmoorfoot Road	1	4	1	3	3	0	12	0.0	2	16.7	
LCB 9	Brockholes	0	1	0	3	2	0	6	0.0	1	16.7	
LCB 10	Chickenley	1	2	0	3	2	0	8	0.0	1	12.5	
LCB 11	Cophorn Gdns/ Keldergate	3	1	0	0	2	1	7	14.3	1	14.3	
LCB 12	Crosland Moor	6	2	1	12	8	3	32	9.4	8	25.0	
LCB 13	Cross Bank Carlinghow	0	1	0	1	2	1	5	20.0	1	20.0	
LCB 14	Earlsheaton	1	3	0	6	4	0	14	0.0	1	7.1	
LCB 15	Edge Top Road Thornhill	2	2	0	2	1	0	7	0.0	1	14.3	
LCB 16	Fartown Bar	9	6	4	11	12	2	44	4.5	6	13.6	
LCB 17	Golcar	4	3	0	2	4	1	14	7.1	0	0.0	
LCB 18	Gomersal	5	2	1	3	5	2	18	11.1	1	5.6	
LCB 19	Greenside	3	3	0	5	1	0	12	0.0	2	16.7	
LCB 20	Halifax Rd, Dewsbury	1	1	0	0	2	2	6	33.3	0	0.0	
LCB 21	Hillhouse	8	6	4	10	10	1	39	2.6	2	5.1	
LCB 22	James Street	0	1	0	3	1	0	5	0.0	2	40.0	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
LCB 23	Kirkheaton	4	3	0	5	7	1	20	5.0	3	15.0	
LCB 24	Lepton	2	3	0	3	0	0	8	0.0	3	3.5	
LCB 25	Linthwaite	2	2	0	11	4	0	19	0.0	5	26.3	
LCB 26	Littletown	2	2	0	5	3	1	13	7.7	2	15.4	
LCB 27	Lockwood	13	5	0	15	11	9	53	17.0	7	13.2	
LCB 28	Long Lane, Dalton	0	1	0	2	2	0	5	0.0	0	0.0	
LCB 29	Lower Hopton	1	1	0	2	2	2	8	25.0	1	12.5	
LCB 30	Lower Staincliffe	0	2	0	3	2	0	7	0.0	1	14.3	
LCB 31	Manchester Rd/ Longroyd Lane	2	3	0	5	1	1	12	8.3	3	25.0	
LCB 32	Moorend	5	4	0	10	4	2	25	8.0	5	20.0	
LCB 33	Mount Pleasant	5	6	0	1	7	0	19	0.0	1	5.3	
LCB 34	Mount St	1	1	0	2	1	0	5	0.0	1	20.0	
LCB 35	Netherton	4	4	0	5	7	0	20	0.0	4	20.0	
LCB 36	New Hey Rd	2	2	2	5	4	0	15	0.0	2	13.3	
LCB 37	New Mill	1	2	0	5	3	1	12	8.3	2	16.7	
LCB 38	Newsome	3	4	0	6	3	1	17	5.9	3	17.6	
LCB 39	Oakenshaw	4	2	1	2	1	4	14	28.6	2	14.3	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
LCB 40	Old Bank Rd	2	0	0	7	4	0	13	0.0	4	30.8	
LCB 41	Paddock	9	7	0	10	4	0	30	0.0	7	23.3	
LCB 42	Paddock Foot	3	2	2	4	2	2	15	13.3	2	13.3	
LCB 43	Rawthorpe	1	2	0	2	0	0	5	0.0	2	40.0	
LCB 44	Roberttown	5	3	0	6	6	0	20	0.0	2	10.0	
LCB 45	Salendine Nook	4	1	1	3	5	0	14	0.0	1	7.1	
LCB 46	Saviletown	7	3	0	2	4	2	18	11.1	1	5.6	
LCB 47	Scholes (HW)	2	3	0	7	4	1	17	5.9	4	23.5	
LCB 48	Scissett	21	2	0	8	11	1	43	2.3	2	4.7	
LCB 49	Sheepridge	1	1	0	4	2	1	9	11.1	2	22.2	
LCB 50	Shepley	1	2	1	2	4	0	10	0.0	1	10.0	
LCB 51	Six Lane Ends	1	2	1	3	3	0	10	0.0	3	30.0	
LCB 52	Slaithwaite Road	2	2	0	5	3	0	12	0.0	3	25.0	
LCB 53	Staincliffe	1	1	0	5	3	0	10	0.0	2	20.0	
LCB 54	The Knowl	0	4	0	1	7	2	14	14.3	1	7.1	
LCB 55	Thornhill	4	3	0	3	4	1	15	6.7	3	20.0	
LCB 56	Thornhill Lees	2	2	0	4	4	3	15	20.0	3	20.0	
LCB 57	Thornton Lodge	9	2	2	2	9	9	33	27.3	1	3.0	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
LCB 58	Trinity Street	3	2	2	9	1	1	18	5.6	4	22.2	
LCB 59	Wakefield Road, Earlsheaton	2	0	0	1	2	1	6	16.7	1	16.7	
LCB 60	Wakefield Road/ Dalton Green Lane	2	1	0	4	6	1	14	7.1	2	14.3	
LCB 61	Waterloo	5	2	2	12	6	0	27	0.0	6	22.2	
Local Centres (2018)	Total	210	161	32	301	248	75	1027	7.3	155	15.1	2.6

Table 11 Town Centre Occupancy Data 2018/2019

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

Further evidence supporting a restrictive buffer around Kirklees schools

This is an evidence base focusing on the harms of excess weight and the relationship between hot food takeaways within close proximity of schools and levels of obesity. It provides the evidence to support the requirement shown in HFT3. This appendix covers the impacts of obesity, particularly childhood obesity, and the current situation locally.

In Kirklees there are increasing numbers of children and adults who are overweight or obese and physically inactive. The evidence from the National Child Measurement Programme (2018/19) shows that in Kirklees approximately 1 in 4 (23.2%) of reception age children (5 year olds) and 1 in 3 (35.6%) of year 6 children (11 year olds) had excess weight in 2018/19. As children move into secondary school weight management continues to be a concern across Kirklees.

Increased obesity from a younger age contributes to a negative impact on the ability of children to live a healthier lifestyle⁽⁶⁹⁾. Obese children are more likely to be ill, be absent from school due to illness, experience health-related limitations and require more GP appointments than normal weight children. As children constitute the future workforce of an economy, this is also associated with a reduction in employee productivity and increased spending on health

care over the lifetime⁽⁷⁰⁾. This clearly illustrates the importance and relevance of addressing childhood obesity in the UK, if the UK economy and society is to make the most of the available human resources.

Research and reports into the impact of hot food takeaways near schools is an area that continues to expand. There are a number of case studies that look at councils who are using the planning system to introduce restrictions on the proliferation of fast food takeaways, taking a holistic approach to tackling the challenge of obesity⁽⁷¹⁾.

Hot food takeaways within easy walking distance of schools can provide an attractive and affordable food option for pupils. Research has indicated that children attending schools near fast food outlets are more likely to be obese than those whose schools are more inaccessible to such outlets⁽⁷²⁾.

A concentration of hot food takeaways in a particular area can create what are termed “obesogenic environments” (see Appendix 1) in which pupils have ready access to fast food outlets when travelling to and from school⁽⁷³⁾.

Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity⁽⁷⁴⁾⁽⁷⁵⁾. There is evidence to show that children regularly eat from hot food takeaways if they are located within the places where they spend time, i.e. either the school or home environment.

69 Janssen, H. G., Davies, I. G., Richardson, L. D., & Stevenson, L. (2017). Determinants of takeaway and fast food consumption: a narrative review. *Nutrition research reviews*, 1-19

70 Cawley J. The Economics Of Childhood Obesity. *Health Affairs* 29, NO. 3 (2010): 364-371

71 Tipping the scales Case studies on the use of planning powers to restrict hot food takeaways. Local Government Association, 2016

72 Engler-Stringer, R., Ha, L., Gerrard, A. and Muhajarine, N. (2014). The community and consumer food environment and children's diet: a systematic review. *BMC Public Health*. 14 (522) <https://journals.sagepub.com/doi/pdf/10.1177/0017896910364834>

73 Fraser, L. K., Edwards, K. L., Cade, J., & Clarke, G. P. (2010). The geography of fast food outlets: a review. *International journal of environmental research and public health*, 7(5), 2290-2308

74 Barrett, M., Crozier, S., Lewis, D., Godfrey, K., Robinson, S., Cooper, C., ... & Vogel, C. (2017). Greater access to healthy food outlets in the home and school environment is associated with better dietary quality in young children. *Public health nutrition*, 20(18), 3316-3325

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

A survey of nearly 2,500 Brent secondary school pupils showed that pupils attending schools with takeaways within 400m are more likely to visit a hot food takeaway after school at least once a week (62 per cent) than pupils at schools with no takeaways within a 400m radius (43 per cent)⁽⁷⁶⁾. Southwark carried out a survey in support of their local plan which showed pupils from schools with a closed gate policy would skip lunch in order to save money to spend in takeaways on the way home⁽⁷⁷⁾.

Research on the impact of local food environment round schools and its impact on diet, with a specific focus on primary and secondary schools in East London, concluded that the close proximity of hot food takeaway not only influences the obesity of the secondary school students but also the primary school students⁽⁷⁸⁾. This is because although primary school children are not allowed to leave by themselves, the lack of awareness amongst parents regarding child healthcare and obesity means parents are likely to walk the children to the takeaway.

Further to this, research found that '*more frequent takeaway meal consumption in children was associated with unhealthy dietary nutrient intake patterns and potentially with adverse longer term consequences for obesity and coronary heart disease risk.*'⁽⁷⁹⁾ Researchers have found that schools have more fast food outlets in close vicinity than would be expected by chance and that this was amplified in more deprived areas and that banning any new fast food outlets opening within 400m of schools could help reduce children's exposure to fast food⁽⁸⁰⁾.

In an analysis of the Millennium Cohort Study data the researchers found for certain children, in particular those with maternal education below degree level and those with lower self-regulation, that living near fast food restaurants or attending schools near fast food restaurants was associated with an increased Body Mass Index (50).

In 2019, the Royal Society for Public Health (RSPH) published a document⁽⁸¹⁾, one of the key learnings from this piece of work is that there is often a crucial window of exposure to obesogenic environments for children during their daily routes to and from school, which can have a substantial impact on food consumption and that unhealthy fast food outlets have in some cases become de facto extensions of the school environment. This often isn't driven by a desire for food but by a lack of other appropriate, safe, affordable and socially acceptable spaces for young people after school.

Where we live has a huge role to play in tackling childhood obesity, whether it is the way towns and cities are designed or how many fast food outlets can operate near schools. Local authorities have a range of powers and opportunities to create healthier environments, including developing planning policies to limit the opening of additional fast food outlets close to schools and in areas of over-concentration. They can also offer professional training, parenting support, social marketing campaigns and weight management services⁽⁸²⁾.

Kirklees considers that this guidance should be applied to both primary and secondary schools, as this approach takes into account the overall influence of the "obesogenic environment". It is acknowledged that the majority of

76 [mayor_of_london_-_m91_hot_food_takeaways.pdf](#)

77 Southwark Council (2018). P45 Hot Food Takeaways A Review of the Evidence. [Online]

78 Smith, D., Cummins, S., Clark, C., & Stansfeld, S. (2013). Does the local food environment around schools affect diet? Longitudinal associations in adolescents attending secondary schools in East London. BMC public health, 13(1), 70

79 Donin A, Nightingale C, Owen C, Rudnicka A, Cook D and Whincup P. Takeaway meal consumption and risk markers for coronary heart disease, type 2 diabetes and obesity in children aged 9–10 years: a cross-sectional study Archives of Disease in Childhood. Population Health Research Institute, St George's, University of London, London, 2017

Davis B & Carpenter C. Proximity of Fast-Food Restaurants to Schools and Adolescent Obesity. American Journal of Public Health, March 2009; 99(3): 505–510

Routing out childhood obesity. Royal Society for Public Health, 2019

Childhood obesity: a plan for action Chapter 2. HM Government June 2018

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

primary school pupils are likely to be accompanied by a supervising parent, guardian or adult, during the journeys to and from school. Some primary school children, such as those in year 6, are allowed to walk to and from school on their own, in preparation for the transfer to secondary schools. It is not just about the food choices that a secondary school pupil might make at lunch time or walking to and from home, but also about the food that the parents of primary age children might purchase for their children, and also the influence that heavily marketed 'fast-food' might have on the attitudes of impressionable young children. The Council considers the issue of primary school children using hot food takeaways is a concern that should be addressed alongside secondary school pupils.

Evidence for using a 400m-walking-distance restrictive buffer relative to Kirklees schools

One of the assumptions used to support the criteria is that 0.4km (or 400m) is a convenient distance people are willing to walk to either access facilities or services on foot or walk to a bus stop to access a facility, this distance is used by many local authorities who have adopted similar policies. This distance is approximately equivalent to a 5 minute walk time, resulting in a total 10 minute walk time (five minutes in each direction)⁽⁸³⁾. The 400m distance and the resultant 10 minute walking duration leaves sufficient time for pupils to leave school, purchase the hot food and subsequently return for the afternoon lessons.

A 10 minute walk one way (total 20 minutes walk time there and back) was considered as there is some evidence to show that it is this greater distance that can impact on the consumption of food from hot food takeaways by pupils⁽⁸⁴⁾, but this evidence is currently limited and therefore Kirklees will be using the more robust and evidenced 5 minute walk approach. The same

study observed hundreds of pupils leaving schools during a lunchtime, with a vast majority of the observed pupils purchasing unhealthy food types. The popular diet for those who ate off-campus consisted of fizzy drinks, chips and confectionery items.

There is acknowledgement that a 400m circumference as the crow flies (used by some local authorities) may have different walking times dependent on the street geography of the area. The zones are based on a 5 minute walk from the entrances of a school, created using RouteFinder™ and therefore include consideration of the street geography and create a more accurate indication of a 5 minute walk from the school gates. This will guide those involved in submitting hot food takeaway applications and those involved in the determination of these applications. Additionally, using this approach will contribute towards avoiding legal challenge when enforcing the requirement in the SPD. For example, a planning appeal in Barking and Dagenham was allowed as the Inspector considered that 400m would equate to a 5 minute walk as the crow flies and that taking into account site specific factors the actual journey time from the nearest school would take longer than 5 minutes. As a result, the inspector considered it unlikely that the proposed takeaway would therefore attract custom from pupils of the school⁽⁸⁵⁾.

The Inspector for an appeal in the London Borough of Lambeth, considered that it is more appropriate to use a typical walking route as a guide rather than a direct linear measurement. This is because this is typically the route that children would take whereas a linear route may cut across roads, gardens, railway lines etc⁽⁸⁶⁾.

Walking speeds can vary greatly depending on many factors such as height, weight, age, terrain, surface, load, effort and fitness. The average human walking speed is about 5.0 km per hour (3.1 miles per hour). Specific studies

⁸³ Obesity and the environment: regulating the growth of fast food outlets. Public Health England, March 2014

⁸⁴ Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove. Brighton and Hove City Council, September 2011

⁸⁵ 122 Fanshawe Avenue, Barking, Change of use from A2 to A5 takeaway (Ref: APP/Z5060/A/11/2167225)

⁸⁶ 489-491 Norwood Road, London SE27 9DJ Change of use of vacant ground floor commercial premises to mixed A3/A5 (restaurant and hot food takeaway) use (Ref: APP/N5660/W/17/3178462)

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

have found pedestrian walking speeds ranging from 4.51 km per hour (2.80 mph) to 4.75 km per hour (29.95 mph) for older individuals and from 5.32 km per hour (3.31 mph) to 5.43 km per hour (3.37 mph) for younger individuals and a brisk walking speed can be around 6.5 km per hour (4.0mph)⁽⁸⁷⁾⁽⁸⁸⁾. With this in mind, and to encompass the variety in age of the pupils, students and families that this requirement is aimed at, the 400m walking distance restrictive buffer has been created using the overall average walking speed of 4.8km per hour, this equates to a 5 minute walk time of 0.4km (or 400m), which is a convenient distance people are willing to walk to either access facilities and services on foot, or walk to a bus stop to access a facility⁽⁸⁹⁾.

Methodology used to generate a 400m-walking-distance restrictive buffer relative to Kirklees schools

A convenient method to map areas within a fixed walking distance of a source location is to use standard point-buffer functionality within a GIS. However, such an approach is premised on the notion that all parts of the resultant circular buffer are uniformly accessible from a given source point (e.g. school) and not constrained by real-world barriers/obstacles on the ground. In reality, (unconstrained) as-the-crow-flies movement on the ground from a source point is usually limited in occurrence. The circular-buffer approach therefore tends to exaggerate the overall areal extent of a source point's surroundings that are within a given walking distance in practice. Such a shortcoming does not provide a particularly sound basis for defining a restrictive zone intended to limit access to takeaways in proximity to schools.

As an alternative, two further means of generating appropriate 'restrictive' buffers were also examined. Specifically use of: (i) isodistance-distance buffering in MapInfo using the Drivetime web service; and (ii) distance buffering with RouteFinder™ (Network Analysis System for MapInfo) software. Both methods require use of a route network and source-location layer as input.

Drivetime-isodistance output was characterised by a buffer that tapered markedly with increased distance from the source location, yielding a poor correspondence to properties alongside the route layer used. Results using RouteFinder™ software were better, with reliable distances along input routes obtained.

Kirklees Council has opted for a hybrid approach to produce a mapped-restriction zone based on a 400m walking distance of primary and secondary schools (within which, establishment of hot food takeaway outlets will be restricted). The approach utilises (a) RouteFinder™ output (to determine only those portions of a constructed, district-wide walkable routes network within a specified distance of mapped access points (in/out of the school grounds); with (b) standard, 30m-line-buffer output applied to the output obtained at (a). Use of mapped access points (in/out of the school grounds) was considered preferable to the use of a single point (or polygon centroid) often used to depict a point within the footprint of the principal school building.

An essential pre-requisite of this methodology involves the acquisition/production of a district-wide, walkable-routes network (WRN). The WRN for Kirklees was constructed by combining these GIS data: (i) OS MasterMap Highways Network data – specifically “RoadLink (excluding motorways)”, “PathLink” and “ConnLink”; with (ii) the Local Authority's Public Rights of Way (PROW) map layer. Network topology and error identification/correction was assisted using the PolyBuilder tool in MapInfo. School access points (SAPs) were based substantially on Ordnance Survey (OS) MasterMap® Sites Layer data, with limited amendment to rectify recognised/identified omissions. Using the WRN and SAPs as input, 370m-walking-distance output was obtained using RouteFinder™, from which only those portions of the district-wide WRN within 370m of SAPs could be selected. Applying a standard, 30m-line buffer to that reduced-selection

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

WRN_(rs) yielded the final (370 + 30 = 400m) buffer (strictly, a 30m buffer of all walkable routes within 370m of SAPs). This approach provides good identification of properties alongside the WRN_(rs).

Appendix 4: Explanation of points based Public Health Toolkit

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Explanation of points based Public Health Toolkit

The council has a responsibility to enable and support residents to live in and access healthy environments. In order to reflect the complexities of the obesogenic environment, the council has developed a tool which will support the decision-making process for hot food takeaway proposals. The assessment tool uses a range of local data, known as indicators. These indicators were chosen to represent the health of the population living in a particular location. These indicators are also susceptible to be negatively impacted by fast food takeaways due to the types of the foods sold at such establishments so are important to consider during the application process. The indicators include:

- Index of Multiple Deprivation (IMD)* quintile
- Percentage of adults overweight
- Percentage of adults obese
- Percentage of 5-year olds with excess weight
- Percentage of 11-year olds with excess weight
- Diabetes prevalence rate
- Coronary heart disease prevalence rate

*The Indices of Deprivation are a unique measure of relative deprivation at a small local area level (Lower-layer Super Output Areas) across England and have been produced by the Government in similar way since 2000. The Indices provide a set of relative measures of deprivation for small areas across England, based on seven different domains, or facets, of deprivation:

- Income Deprivation
- Employment Deprivation
- Education, Skills and Training Deprivation
- Health Deprivation and Disability

- Crime
- Barriers to Housing and Services
- Living Environment Deprivation

Combining information from the seven domains produces an overall relative measure of deprivation, the Index of Multiple Deprivation (IMD).

Postcodes are scored against each of the indicators using the following criteria:

Category	Worst	2	3	4	Best
Range	Most deprived 20%	Most deprived 20-40%	Most deprived 40-60%	Least deprived 60-80%	Least deprived 80-100%
Score	6	4	2	0	0

Table 12 Public Health Toolkit Scoring - IMD RANK

Category	Worst	2	3	4	Best
Range	>=13%	12%-13%	11%-12%	10%-11%	<10%
Score	6	4	2	0	0

Table 13 Public Health Toolkit Scoring - ADULTS OBESE

Category	Worst	2	3	4	Best
Range	>=29%	26%-29%	23%-26%	20%-23%	<20%
Score	6	4	2	0	0

Table 14 Public Health Toolkit Scoring - 5 YEAR OLDS WITH EXCESS WEIGHT

Appendix 4: Explanation of points based Public Health Toolkit

Category	Worst	2	3	4	Best
Range	>=40%	38%-40%	36%-38%	34%-36%	<34%
Score	6	4	2	0	0

Table 15 Public Health Toolkit Scoring - 11 YEAR OLDS WITH EXCESS WEIGHT

Category	Worst	2	3	4	Best
Range	>=11.5%	9.5%-11.5%	7.5%-9.5%	5.5%-7.5%	<5.5%
Score	6	4	2	0	0

Table 16 Public Health Toolkit Scoring - DIABETES PREVALENCE

Category	Worst	2	3	4	Best
Range	>=4%	3.5%-4%	3%-3.5%	2.5%-3%	<2.5%
Score	6	4	2	0	0

Table 17 Public Health Toolkit Scoring - CORONARY HEART DISEASE PREVALENCE

The middle scoring category is set around the Kirklees average, with consistent ranges above and below the mid-point to the 'worst' and 'best' categories, respectively. Locations score points where they are around the average or above, and score most points when they fall into the 'worst' category. Any location that is the same as or below the Kirklees average for any of the indicators does not score any points and fall into the 'best' category. A postcode would be refused permission where it has a combined points total of more than 20 across the seven indicators of deprivation, obesity and related health conditions (out of a maximum possible score of 42, with mean and median scores for all Kirklees postcodes of 15 and 14, respectively). The threshold of more than 20 will encompass 20% of postcodes in Kirklees.

The tool utilises data from a range of sources, some refreshed annually, and others updated less frequently (see details below). The data in the tool will be updated in November each year, with the latest version of the tool being available for use with all planning applications from January of the following year.

Examples of how the tool works

Location: BD19 4HE

Category	Value	Score
IMD rank	Most deprived 20-40%	4 points
Adults overweight	29%	0 points
Adults obese	13.3%	6 points
5 year olds with excess weight	22.6%	0 points
11 year olds with excess weight	37.2%	2 points
Diabetes prevalence	8.5%	2 points
Coronary heart disease prevalence	4.1%	6 points
Total		20 points
Outcome		Accepted

Appendix 4: Explanation of points based Public Health Toolkit

Location: HD2 1BT

Category	Value	Score
IMD rank	Most deprived 10-20%	6 points
Adults overweight	36.4%	4 points
Adults obese	13.5%	6 points
5 year olds with excess weight	24.2%	2 points
11 year olds with excess weight	46.6%	6 points
Diabetes prevalence	9.8%	4 points
Coronary heart disease prevalence	3.7%	4 points
Total		32 points
Outcome		Rejected

Data Sources

Index of Multiple Deprivation (IMD)

Relative deprivation quintile at Lower Super Output Area (LSOA) level based on English Indices of Deprivation 2019, provided by Ministry of Housing, Communities and Local Government. Last updated: September 2019. Next update: Not known (likely to be 2024-25 based on previous updates).

Overweight adults

Percentage of adults with a Body Mass Index of 25-30 kg/m² at Ward level (not including obese adults, BMI 30+ kg/m²) from 2016 Current Living in Kirklees survey. Last updated: July 2016. Next update: Late 2022.

Obese adults

Percentage of adults (age 18+) with a Body Mass Index of 30+ kg/m² from GP practice Quality Outcome Framework registers in 2019/20. Composite obesity rates at LSOA level were created by apportioning GP practice values in proportion to the LSOA population registered to each practice (population from January 2021, provided by NHS Digital). Last updated: August 2020. Next update: October 2022.

5 year olds with excess weight

Percentage of Reception pupils with a Body Mass Index in the overweight or obese category (using population monitoring thresholds) at Ward level from 2018/19 National Child Measurement Programme. Last updated: September 2019. Next update: September 2022.

11 year olds with excess weight

Percentage of Year 6 pupils with a Body Mass Index in the overweight or obese category (using population monitoring thresholds) at Ward level from 2018/19 National Child Measurement Programme. Last updated: September 2019. Next update: September 2022.

Diabetes prevalence

Percentage of adults (age 17+) on the diabetes GP practice Quality Outcome Framework registers in 2019/20. Composite rates at LSOA level were created by apportioning GP practice values in proportion to the LSOA population registered to each practice (population from January 2021, provided by NHS Digital). Last updated: August 2020. Next update: October 2022.

Coronary heart disease prevalence

Percentage of people (all ages) on the coronary heart disease GP practice Quality Outcome Framework registers in 2019/20. Composite rates at LSOA level were created by apportioning GP practice values in proportion to the LSOA population registered to each practice (population from January 2021, provided by NHS Digital). Last updated: August 2020. Next update: October 2022.

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Hot Food Takeaway SPD Consultation - Key Issues ad Council Response

HFT1 Public Health Toolkit

Key Issue	Council Response
<p>Concerns that that this is not truly supplementary to policies of the development plan.</p>	<p><i>SPDs are produced to add clarity in relation to the application of planning policies set out in the Local Plan. The Hot Food Takeaway SPD provides clear guidance about how the council will implement Local Plan policies LP16 and LP47 and how decisions will be made which balance the need to consider the vitality and viability of centres whilst promoting healthy, active and safe lifestyles.</i></p>
<p>Concerns that this is unreasonable to the extent that it seems to lay the responsibility for poor scores entirely on hot food takeaways when nutritional quality in the rest of the food and drink sector (now within Class E) is very often worse.</p>	<p><i>The Public Health Toolkit is one way in which the local authority is working to reduce obesity. It is recognised that there are a range of factors which influence obesity and the obesogenic environment, as highlighted in the SPD.</i></p> <p><i>The scores used in the tool cover a range of indicators which demonstrate the levels of obesity and associated indicators at local level. A range of indicators are used so it's not unfairly weighted if it performs badly in one area. These indicators are as follows:</i></p> <ul style="list-style-type: none"> <i>• Deprivation</i> <i>• Diabetes</i> <i>• Coronary Heart Disease</i> <i>• Adults Overweight</i> <i>• Adults Obese</i> <i>• 5-year-olds with excess weight</i> <i>• 11-year-olds with excess weight</i> <p><i>The tool is proportionate, if the scores are significantly above Kirklees average for each indicator, then Public Health Improvement will advise consideration over the application, whilst recognising other mitigating factors.</i></p> <p><i>In Kirklees we are taking a whole systems approach, through the application of a range of policy drivers, working with our partners and stakeholders to coproduce measures which enable communities to access the support they need and through creating health promoting environments where healthy choices are the easy choice.</i></p> <p><i>Alongside the work we are undertaking concerning hot food takeaways, there are a broader set of</i></p>

	<p><i>system wide actions which support our healthy weight ambition:</i></p> <ul style="list-style-type: none"> • <i>Heathy Weight Declaration Commitments being delivered</i> • <i>Work to ensure that good quality food and nutrition is available to everyone irrespective of where they live and what they earn</i> • <i>Working with schools to ensure that good quality nutritional meals are provided to children, along with good quality opportunities to be physically active</i> • <i>Working with Early Years to ensure that children and families are equipped to lead healthy lives in terms of food, joyful movement, good quality sleep, etc.</i> • <i>Joint working between Planning and Public Health to ensure that the built environment is conducive to health</i> • <i>Working with Transport Strategy and policy to ensure that the transport schemes, existing and the new transport networks is conducive to health by way of active travel</i> • <i>Working with stakeholders to ensure that good quality opportunities to be physically active are offered to those not currently active</i> • <i>Working to develop a ‘weight neutral’ approach to focus on healthy behaviours rather than weight, shape and body size.</i>
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HFT2 Town Centre Vitality and Viability

Key Issue	Council Response
Some questions asked around why the threshold is 10% in Town Centres, and 15% elsewhere? Why not 10% everywhere?	<i>The threshold is 15% for district and local centres because these smaller centres have less shop units within them. When calculating the percentage of hot food takeaways within a defined centre boundary, one or two hot food takeaways could equate to 10%. For example, a local centre with 20 units surveyed that has 2 hot food takeaways would equate to 10%. District and local centres serve residential areas, hot food takeaways are a part of the local economy, they are part of the mix of uses within centres and provide consumer choice. Therefore, the threshold is slightly higher to allow for consumer choice and to support the local economy.</i>
The higher percentages for smaller centres often be rendered	<i>Policy HFT3 proximity to schools sets out conditions that limit opening hours of new hot food takeaways that are within 400m of primary and secondary schools. The policy does not seek to refuse</i>

irrelevant as the lower-order centres are not excluded from the effect of draft HFT3, which covers large swathes of settlements.	<i>applications in these areas and therefore the higher percentages allowed for in the smaller centres are still valid.</i>
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HFT3 Proximity to Schools

Key Issue	Council Response
<p>Appeal decisions and Local Plan Inspector's reports have consistently indicated that not only is there no evidence that the correlation between proximity and incidence implies causality, but that furthermore there is in the case of primary schools no mechanism by which causality could occur as primary school children are accompanied.</p> <p>Restricting the opening hours of restaurants that are within 400m of schools has no proven impact on obesity. Neither does restricting restaurants within 400m of schools. Primary and middle school children are almost always accompanied by adults and therefore any visits to restaurants will be a matter of choice for a responsible adult.</p>	<p><i>There are many appeal decisions which indicate that hot food takeaways close to schools exacerbate health and well-being issues in the area, as an example:</i></p> <p><i>A 2021 dismissed appeal decision is of particular relevance from Bristol City Council (APP/Z0116/W/21/3267875 100 Newquay Road, Knowle, Bristol). The inspector had regard to the location of the site within 400 metres of a primary school and an access to a planned secondary school. In the inspector's view, an additional takeaway alongside the existing convenience store and fish and chip shop would be likely to attract young people to the parade and may also attract parents looking for a quick meal or snack option after school or following after-school activities. In this location, the takeaway would not promote healthy lifestyles and would be likely to influence behaviour harmful to health, contrary to development plan policy.</i></p> <p><i>The obesity rates and percentage of children carrying excessive weight in primary schools are identified in the National Child Measurement Program (NCMP, 2018/19). In Kirklees 24.6% of reception children are overweight or obese and 36.7% of Year 6 children are overweight or obese. This demonstrates a need for the 400m restrictive zones around all schools in the Kirklees District.</i></p> <p><i>The percentages of overweight and obese reception and year 6 children have increased since the previous year which were 23.2% and 35.5% respectively.</i></p> <p>YouGov report that the average age for a child to begin walking themselves to school is 10. For most children this is the last year of primary school. The</p>

<p>There is no sound justification for proposed HFT3 which imposes commercial restrictions on restaurants that include an element of hot food takeaways within a 400m radius from a primary or secondary school.</p>	<p>most common time for children to purchase fast food is after school on the journey home, with many children skipping lunch in order to spend the money outside the school gate (Caraher, 2014). Nutritional surveys show that primary school age children eat takeaways regularly. According to a 2017 resident survey in Southwark 2% of primary school age children were reported to have eaten a takeaway on the way home from school. Given a choice children will choose to purchase the food which they find most pleasurable to eat with little regard for nutritional or health related factors (Macdiarmid et al, 2015).</p> <p><i>There is evidence that the food environment, including the physical accessibility of fast-food outlets, influences the types of food consumed, and may in turn contribute to obesity levels. Placing a takeaway right next to a school produced a 5.2% increase in obesity among students, linking obesity levels in schoolchildren to the proximity of fast-food restaurants to schools (Pathania, V. 2016).</i></p> <p><i>Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity (Fraser et al, 2010 & Barrett et al, 2017).</i></p>
<p>Closing a restaurant for 2 hours in the afternoon is prohibitive.</p>	<p><i>The SPD requires that there be no over the counter sales during this period. In reality staff could still be in the premises, preparing for the evening for example.</i></p> <p><i>This is the minimum requirement; a business could choose not to open at all over a lunchtime and open at 5pm instead.</i></p> <p><i>The requirement to close between 3pm and 5pm weekdays will only apply to new hot food takeaways within 400m of primary schools. As primary school children are not allowed out of school at lunch, there is no reason for a premise to be closed at this time. It would be unreasonable to ask hot food takeaways to close over lunch when there is no justification for them to do so.</i></p> <p><i>Research indicates that the most popular time for purchasing food from shops is after school.</i></p>
<p>The guidance, specifically HTF3 conflicts with the Framework (Para 81).</p>	<p><i>This SPD seeks to provide a framework to support a balanced and fair approach to supporting local business and economic growth whilst also taking</i></p>

	<p><i>steps to ensure our environments support the health and wellbeing of our residents.</i></p> <p><i>Paragraph 92 of the Framework states that planning policies and decisions should enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, for example access to healthier food.</i></p> <p><i>NPPG offers further guidance in that SPDs can seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate. Having regard to:</i></p> <ul style="list-style-type: none"> <i>• proximity to locations where children and young people congregate such as schools, community centres and playgrounds</i> <i>• evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations</i> <i>• over-concentration of certain uses within a specified area</i> <i>• odours and noise impact</i> <i>• traffic impact</i> <i>• refuse and litter</i> <p><i>The Government's Healthy Lives, Healthy People: A call to action on obesity in England (2011) recognises the role that the planning system can play in supporting public health and creating a healthier built environment, by for example, developing supplementary planning policies.</i></p> <p><i>Promoting healthy weight in children, young people and families: A resource to support local authorities (PHE, 2018) makes recommendations for local government, including a 'whole systems' approach to achieving aims such as improving the availability of healthy food. The report suggests that planning authorities should make full use of planning powers to restrict the proliferation of hot food takeaways near schools and the unacceptable clustering of hot food takeaways in town centres.</i></p>
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Kirklees Council

**Hot Food Takeaway Supplementary Planning
Document (SPD)**

Consultation Statement

September 2022

1. Introduction

- 1.1 The Hot Food Takeaway Supplementary Planning Document (SPD) provides detailed guidance to businesses and the local community on how Kirklees Council will assess planning applications for new hot food takeaways in partnership with Public Health and Environmental Health. This Consultation Statement sets out details on the early engagement and formal public consultation carried out to inform the preparation of the Hot Food Takeaway SPD.
- 1.2 This Consultation Statement has been prepared in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012 to support the adoption of the Hot Food Takeaway SPD and the council's Statement of Community Involvement (SCI). The SCI outlines how the council will work with local communities and stakeholders in developing planning policy documents, including SPDs.
- 1.3 In accordance with the Regulations, the consultation statement sets out:
- Who was consulted during the preparation of the SPD,
 - How they were consulted,
 - A summary of the main issues raised during the consultation,
 - How those issues have been addressed in the adopted SPD.

2. Background

- 2.1 The Hot Food Takeaway SPD provides detailed guidance to businesses and the local community on how Kirklees Council will assess planning applications for new hot food takeaways in partnership with Public Health and Environmental Health. The SPD is in accordance with the National Planning Policy Framework (NPPF) and supports Kirklees Local Plan policies LP16 (Food and drink and the evening economy) and LP47 (Healthy, active and safe lifestyles).
- 2.2 Policies LP16 (Food and drink and the evening economy) and LP47 (Healthy, active and safe lifestyles) form part of the Kirklees Local Plan Adopted February 2019.
- 2.3 The SPD explains the overall approach to the location of hot food takeaway proposals across Kirklees, including:
- Recognising the role of hot food takeaways on the vitality town and other centres;
 - The over concentration and appropriate level of clustering of hot food takeaways in centres;
 - Limiting opening hours of hot food takeaways within 400m of primary and secondary schools;
 - Limiting the impact of takeaways in relation to environmental health, highways issues and general residential amenity; and
 - Using local health intelligence to inform decision making via a health toolkit.
- 2.4 The council is committed to improving the health and wellbeing of its residents, workers and visitors. This commitment is established through the Kirklees Council Plan

2021/23, the Kirklees Health and Wellbeing Plan 2018-2023 and the Kirklees Healthy Weight Declaration. The commitment is further articulated within the Hot Food Takeaway SPD, which aims to reduce the trends towards increasing levels of obesity and poor diet in Kirklees by tackling issues of over concentration of hot food takeaways and the exposure of particularly vulnerable groups, such as school children to hot food takeaways.

3. Timetable of SPD production

- 3.1 The Hot Food Takeaway SPD was prepared by a project team led by the council’s Planning Policy team, including input from Planning Development Management, Highways Development Management, Public Health, West Yorkshire Police Designing Out Crime Officer, Waste Services and Environmental Health.
- 3.2 The production of the Hot Food Takeaway SPD has followed a number of stages. The timetable to produce the SPD is set out below.

Table 1: SPD Timetable

Dates	Stage or Consultation Topics/Event
October 2018 to September 2021	Evidence gathering and early engagement
August 2021 to September 2021	Strategic Environmental Assessment screening and consultation
9 November 2021 to 21 December 2021	Public consultation on the Hot Food Takeaway SPD

4. Early engagement on the preparation of the SPD

- 4.1 Early engagement on the preparation of the Hot Food Takeaway SPD was undertaken with internal stakeholders to understand their expectations and priorities to help inform the scope and content of the SPD. This period of early engagement was held from October 2018 until September 2021.
- 4.2 The following council specialisms were consulted as part of the preparation and initial drafting of the SPD and their input has shaped the content of the SPD:
- Public Health
 - Environmental Health
 - Planning Development Management
 - Highways Development Management
 - Waste Services
 - West Yorkshire Police Designing Out Crime Officer
- 4.3 A discussion was held with The Office for Health Improvement and Disparities (OHID) (formerly Public Health England) (November 2019).

- 4.4 Throughout this period of early engagement there was involvement of elected members through portfolio holder briefings including Cllr McBride, Cllr Mather and Cllr Khan, as follows:
- 4th March 2019
 - 15th April 2019
 - 25th November 2019
 - 2nd December 2019
 - 4th December 2019
- 4.5 Early engagement with the project team, wider internal specialisms and members, identified several issues which are set out in Table 2 below together with the council's response on how the draft SPD has addressed the issue.

Table 2: Draft Hot Food Takeaway SPD: Issues from Internal Early Engagement

Main issue raised	How it is addressed within the SPD
<p>Public health intelligence indicated increased levels of adult and child obesity with links to deprivation and hot food takeaways. Evidence is set out in the Draft Hot Food Takeaway SPD. In response to the evidence, Public Health considered that health issues needed to have a greater weight in decision making.</p>	<p>The draft SPD includes a Public Health Toolkit policy based on local evidence specific to Kirklees to determine the health impacts of a proposed hot food takeaway. While Kirklees evidence demonstrates that there are high levels of adult and child obesity in the district, the SPD allows for flexibility in the application of the policy through reference to other material considerations. This allows for the consideration of other factors such as the vitality and viability of a centre (see below as consultees considered that the balance of economic/social/health issues was an important consideration in the decision-making process).</p> <p>The toolkit was developed in consultation with Public Health, Development Management and the Policy team.</p>
<p>Impact on businesses and centres - concerns about the impact that restricting planning permission for hot food takeaways might have on the economy of an area particularly in areas where there may be high levels of vacant units in a centre.</p>	<p>The draft SPD contains guidance on town centre vitality and viability which recognises the role that hot food takeaways can play in the economy but also the need to balance this against the vitality and viability of the centre.</p> <p>Subject to consideration of the proposed Public Health Toolkit, the SPD does not promote a blanket approach to the refusal of hot food takeaways but looks to consider a flexible, proportionate approach based on</p>

	<p>local evidence and material considerations.</p> <p>The SPD considers proximity to schools as part of the decision-making process on hot food takeaway applications. The guidance outlines the council's approach at limiting the impact of takeaways on child health in locations in proximity of schools by restricting opening times.</p>
The impact of further hot food takeaways on residential amenity.	<p>The draft SPD contains guidance on:</p> <ul style="list-style-type: none"> • Noise abatement and extraction of odours • Waste Disposal • Takeaway design and community safety • Highway safety <p>This guidance has been developed in consultation with Environmental Health, Waste Management, Community Safety, Highway Management and Development Management. It adds further detail to guidance set out in the Kirklees Local Plan.</p>
Additional information required on support for businesses to provide healthy food.	<p>Reference is made to other council strategies and policies, which provide further support for businesses. This includes:</p> <ul style="list-style-type: none"> • Kirklees Food Initiatives and Nutrition Education (FINE) Project • Getting it Right First Time (GIRFT) – this programme is about educating and supporting food businesses and is focused on how to comply with regulations. <p>Reference is also made under other considerations and legislation affecting hot food takeaways. This includes:</p> <ul style="list-style-type: none"> • Licensing • Food Safety • Environmental Health

4.6 In response to Covid-19, the Government introduced measures through the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 to allow pubs, restaurants, and cafes to operate temporarily as hot food takeaways. Usually, planning permission would be required for this. In the light of the temporary changes, early engagement on the SPD was put on hold. Early engagement on the SPD restarted in May 2021 with a review by the internal project group of the document and the previous issues raised as outlined in Table 2. A review of updated

local health intelligence data by Public Health was also undertaken to inform the SPD guidance and to update the public health toolkit.

4.7 Further member and officer engagement was then undertaken prior to formal public consultation, which included:

- 8th September 2021 - Senior Leadership Team
- 14th September 2021 - Executive Team
- 20th September 2021 - Portfolio Holder Briefing (Cllr Mc Bride, Cllr Firth and Cllr Khan)
- 23rd September 2021 - Briefing note and briefings offered to leaders of each political party and Planning Committee Chairs
- 7th October 2021 - Planning Committee Chairs briefed
- 11th October 2021 - Leadership Management Team
- 19th October 2021 - Economy and Neighbourhoods Scrutiny Panel
- 21st October 2021 - Green Party briefing

5. Consultation on Strategic Environmental Assessment Screening

5.1 As part of the process for developing the Hot Food Takeaway SPD, an assessment of the requirement for a Strategic Environmental Assessment (SEA) was undertaken. Consultation on the SEA Screening statement started on 5th August 2021 and finished 10th September 2021.

5.2 The council notified the following specified bodies of the SEA screening statement by email inviting comments in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004:

- Environment Agency
- Historic England
- Natural England

5.3 Responses were received from all three of the consulted bodies. A full summary of the responses received for the SEA consultation can be seen in the SEA determination statement.

5.4 The responses received confirmed the council's position that a further SEA was not required as the SPD will not change or introduce new planning policy over and above the Local Plan and, whilst there may be some environmental effects, these have already been covered in principle in the Sustainability Appraisal of the Local Plan.

6. Public Consultation on the Hot Food Takeaway SPD

6.1 Public consultation on the draft Hot Food Takeaway SPD was carried out for a 6-week period from Tuesday 9th November to Tuesday 21st December 2021. The consultation was carried out in accordance with the council's Statement of Community Involvement (SCI) December 2019. The consultation was available on-line and comments could be submitted by e-mail and post. Consultees are set out at Appendix 1.

6.2 In compliance with regulations 12, 13 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the following actions were undertaken:

- The draft Hot Food Takeaway SPD, SEA screening statement and SEA determination statement were published on the council’s online consultation portal.
- Details of the consultation and details of how to obtain hard copies of the documents were displayed in the windows of the customer service centres in Huddersfield and Dewsbury, all Kirklees libraries, on the council’s web page and on the council’s social media platforms.
- A press notice was published in the Huddersfield Examiner on 19th November 2021 and the Dewsbury Reporter on 18th November 2021 highlighting the consultation process.
- A feature space was placed on the council website on 9th November 2021 advertising the Hot Food Takeaway SPD consultation.
- A press release was posted on Kirklees Together on 9th November 2021 and on the Council’s social media platforms from 9th November 2021.
- An article was published in the ‘Heads Up’ Newsletter online on 8th November 2021 informing all schools (heads, business managers and other relevant parties) about the consultation.
- Statutory consultees, Neighbourhood Planning Groups, organisations and private individuals that expressed an interest in planning policy and future publication of SPDs (see Appendix 1) were contacted directly by letter or e-mail with details about the consultation, where to view the document, how to obtain hard copies and how to comment.
- Children’s groups, health related organisations, Kirklees Employee Networks, local groups, local businesses, 5% random sample of Kirklees takeaways, Kirklees based fast food chains, fast food related bodies, multi-nationals and Kirklees GP surgeries (see Appendix 1) were contacted directly by letter or e-mail with details about the consultation, where to view the document, how to obtain hard copies and how to comment.
- A notification email was sent to all councillors on 9th November 2021 detailing the start of the consultation.

7. Main Issues Raised and The Council’s Response

7.1 A total of 25 comments (from 9 consultees) were received to the public consultation on the Hot Food Takeaway SPD. The number of consultees by group is shown in table 3 below.

Table 3: Number of Consultees

Consultee Group	Number of Consultees
Regional/Local Organisations	0
National Organisations	6
Developers/Planning Agents	0
Residents/Individuals	3
Local Planning Authorities/Councils	0

Town/Parish Councils	0
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7.2 Comments were received from the following:

- Environment Agency
- Historic England
- Kentucky Fried Chicken (Great Britain) Limited
- Natural England
- Plan Ware Ltd (McDonald’s Restaurants LTD)
- The Coal Authority
- Private individual x3

7.3 A full list of public consultation comments received and the council’s responses to these can be found in Appendix 2. A summary of the main issues raised during consultation, including those from internal stakeholders, is set out below. It summarises the main points and the council’s response to how these issues have been addressed in the SPD.

Table 4: Summary of Main Issues and Council Response

Summary of Main Issue	Council Response
<p><u>HFT1 Public Health Toolkit</u></p> <p>Concerns that that this is not truly supplementary to policies of the development plan.</p>	<p><i>SPDs are produced to add clarity in relation to the application of planning policies set out in the Local Plan. The Hot Food Takeaway SPD provides clear guidance about how the council will implement Local Plan policies LP16 and LP47 and how decisions will be made which balance the need to consider the vitality and viability of centres whilst promoting healthy, active and safe lifestyles.</i></p>
<p>Concerns that this is unreasonable to the extent that it seems to lay the responsibility for poor scores entirely on hot food takeaways when nutritional quality in the rest of the food and drink sector (now within Class E) is very often worse.</p>	<p><i>The Public Health Toolkit is one way in which the local authority is working to reduce obesity. It is recognised that there are a range of factors which influence obesity and the obesogenic environment, as highlighted in the SPD.</i></p> <p><i>The scores used in the tool cover a range of indicators which demonstrate the levels of obesity and associated indicators at local level. A range of indicators are used so it is not unfairly weighted if it performs badly in one area. These indicators are as follows:</i></p> <ul style="list-style-type: none"> • <i>Deprivation</i> • <i>Diabetes</i> • <i>Coronary Heart Disease</i> • <i>Adults Overweight</i>

	<ul style="list-style-type: none"> • <i>Adults Obese</i> • <i>5-year-olds with excess weight</i> • <i>11-year-olds with excess weight</i> <p><i>The tool is proportionate, if the scores are significantly above the Kirklees average for each indicator, then Public Health Improvement will advise consideration over the application, whilst recognising other mitigating factors.</i></p> <p><i>In Kirklees we are taking a whole systems approach, through the application of a range of policy drivers, working with our partners and stakeholders to coproduce measures which enable communities to access the support they need and through creating health promoting environments where healthy choices are the easy choice.</i></p> <p><i>Alongside the work we are undertaking concerning hot food takeaways, there are a broader set of system wide actions which support our healthy weight ambition:</i></p> <ul style="list-style-type: none"> • <i>Healthy Weight Declaration Commitments being delivered</i> • <i>Work to ensure that good quality food and nutrition is available to everyone irrespective of where they live and what they earn</i> • <i>Working with schools to ensure that good quality nutritional meals are provided to children, along with good quality opportunities to be physically active</i> • <i>Working with Early Years to ensure that children and families are equipped to lead healthy lives in terms of food, joyful movement, good quality sleep, etc.</i> • <i>Joint working between Planning and Public Health to ensure that the built environment is conducive to health</i> • <i>Working with Transport Strategy and policy to ensure that the transport schemes, existing and the new transport networks is conducive to health by way of active travel</i> • <i>Working with stakeholders to ensure that good quality opportunities to be physically active are offered to those not currently active</i>
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	<ul style="list-style-type: none"> Working to develop a 'weight neutral' approach to focus on healthy behaviours rather than weight, shape and body size.
<p><u>HFT2 Town Centre Vitality and Viability</u></p> <p>Some questions asked around why the threshold is 10% in Town Centres, and 15% elsewhere? Why not 10% everywhere?</p>	<p>The threshold is 15% for district and local centres because these smaller centres have less shop units within them. When calculating the percentage of hot food takeaways within a defined centre boundary, one or two hot food takeaways could equate to 10%. For example, a local centre with 20 units surveyed that has 2 hot food takeaways would equate to 10%. District and local centres serve residential areas, hot food takeaways are a part of the local economy, they are part of the mix of uses within centres and provide consumer choice. Therefore, the threshold is slightly higher to allow for consumer choice and to support the local economy.</p>
<p>The higher percentages for smaller centres can often be rendered irrelevant as the lower-order centres are not excluded from the effect of draft HFT3, which covers large swathes of settlements.</p>	<p>Policy HFT3 proximity to schools sets out conditions that limit opening hours of new hot food takeaways that are within 400m of primary and secondary schools. The policy does not seek to refuse applications in these areas and therefore the higher percentages allowed for in the smaller centres are still valid.</p>
<p><u>HFT3 Proximity to Schools</u></p> <p>Appeal decisions and Local Plan Inspector's reports have consistently indicated that not only is there no evidence that the correlation between proximity and incidence implies causality, but that furthermore there is in the case of primary schools no mechanism by which causality could occur as primary school children are accompanied.</p> <p>Restricting the opening hours of restaurants that are within 400m of schools has no proven impact on obesity. Neither does restricting restaurants within 400m of schools. Primary and middle school children are almost always accompanied by adults</p>	<p>There are many appeal decisions which indicate that hot food takeaways close to schools exacerbate health and well-being issues in the area, as an example:</p> <p>A 2021 dismissed appeal decision is of particular relevance from Bristol City Council (APP/Z0116/W/21/3267875 100 Newquay Road, Knowle, Bristol). The inspector had regard to the location of the site within 400 metres of a primary school and an access to a planned secondary school. In the inspector's view, an additional takeaway alongside the existing convenience store and fish and chip shop would be likely to attract young people to the parade and may also attract parents looking for a quick meal or snack option after school or following after-school activities. In this location, the takeaway would not promote healthy lifestyles and would be likely to influence behaviour harmful to health, contrary to development plan policy.</p>

<p>and therefore any visits to restaurants will be a matter of choice for a responsible adult.</p>	<p><i>The obesity rates and percentage of children carrying excessive weight in primary schools are identified in the National Child Measurement Program (NCMP, 2018/19). In Kirklees 24.6% of reception children are overweight or obese and 36.7% of Year 6 children are overweight or obese. This demonstrates a need for the 400m restrictive zones around all schools in the Kirklees District.</i></p>
<p>There is no sound justification for proposed HFT3 which imposes commercial restrictions on restaurants that include an element of hot food takeaways within a 400m radius from a primary or secondary school.</p>	<p><i>The percentages of overweight and obese reception and year 6 children have increased since the previous year which were 23.2% and 35.5% respectively.</i></p> <p><i>YouGov report that the average age for a child to begin walking themselves to school is 10. For most children this is the last year of primary school. The most common time for children to purchase fast food is after school on the journey home, with many children skipping lunch in order to spend the money outside the school gate (Caraher, 2014). Nutritional surveys show that primary school age children eat takeaways regularly. According to a 2017 resident survey in Southwark 2% of primary school age children were reported to have eaten a takeaway on the way home from school. Given a choice children will choose to purchase the food which they find most pleasurable to eat with little regard for nutritional or health related factors (Macdiarmid et al, 2015).</i></p> <p><i>There is evidence that the food environment, including the physical accessibility of fast-food outlets, influences the types of food consumed, and may in turn contribute to obesity levels. Placing a takeaway right next to a school produced a 5.2% increase in obesity among students, linking obesity levels in schoolchildren to the proximity of fast-food restaurants to schools (Pathania, V. 2016).</i></p> <p><i>Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity (Fraser et al, 2010 & Barrett et al, 2017).</i></p>

<p>Closing a restaurant for 2 hours in the afternoon is prohibitive.</p>	<p><i>The SPD requires that there be no over the counter sales during this period. In reality staff could still be in the premises, prepping for the evening for example.</i></p> <p><i>This is the minimum requirement; a business could choose not to open at all over a lunchtime and open at 5pm instead.</i></p> <p><i>The requirement to close between 3pm and 5pm weekdays will only apply to new hot food takeaways within 400m of primary schools. As primary school children are not allowed out of school at lunch, there is no reason for a premise to be closed at this time. It would be unreasonable to ask hot food takeaways to close over lunch when there is no justification for them to do so.</i></p> <p><i>Research indicates that the most popular time for purchasing food from shops is after school.</i></p>
<p>The guidance, specifically HTF3 conflicts with the Framework (Para 81).</p>	<p><i>This SPD seeks to provide a framework to support a balanced and fair approach to supporting local business and economic growth whilst also taking steps to ensure our environments support the health and wellbeing of our residents.</i></p> <p><i>Paragraph 92 of the Framework states that planning policies and decisions should enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, for example access to healthier food.</i></p> <p><i>NPPG offers further guidance in that SPDs can seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate. Having regard to:</i></p> <ul style="list-style-type: none"> <i>• proximity to locations where children and young people congregate such as schools, community centres and playgrounds</i> <i>• evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations</i> <i>• over-concentration of certain uses within a specified area</i>

	<ul style="list-style-type: none"> • <i>odours and noise impact</i> • <i>traffic impact</i> • <i>refuse and litter</i> <p><i>The Government’s Healthy Lives, Healthy People: A call to action on obesity in England (2011) recognises the role that the planning system can play in supporting public health and creating a healthier built environment, by for example, developing supplementary planning policies.</i></p> <p><i>Promoting healthy weight in children, young people and families: A resource to support local authorities (PHE, 2018) makes recommendations for local government, including a ‘whole systems’ approach to achieving aims such as improving the availability of healthy food. The report suggests that planning authorities should make full use of planning powers to restrict the proliferation of hot food takeaways near schools and the unacceptable clustering of hot food takeaways in town centres.</i></p>
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7.4 All comments on to the public consultation have been considered in preparing the final SPD. There were some objections to the principles within the SPD, which resulted in some minor changes to the document. A number of comments were received that supported the preparation of the SPD. Appendix 2 contains all the comments received and the council’s response. A summary of main changes is outlined at 7.5. A comprehensive update of the evidence base has been undertaken with input from colleagues in The Office for Health Improvement and Disparities (OHID) (formally Public Health England).

7.5 The main changes to the SPD as a result of comments received are summarised as follows:

- Whole systems approach – this section of the document has been expanded to include all Council initiatives that are part of the whole systems approach to support healthy environments and reduce obesity.
- Shutters – these can now be closed during the day, but they will need to be designed appropriately. It is not reasonable to ask a business to close during the day, but not allow them to secure their premises. Solid grilles should be avoided, instead grilles that allow views through should be used.
- Appendix 1 – this has been updated to fully explain the obesogenic environment and how this SPD is just one part of tackling the problems associated with enabling healthy weight environments as part of a whole systems approach across Kirklees.

- Appendix 3 – this has been updated to add evidence relating to the link between the presence of a hot food takeaway within 400m of schools and childhood obesity.
 - Updated tables and graphs to represent the most up to date data available (updated CLik survey and mid-year population estimates).
- 7.6 The council has also taken the opportunity to make some minor additional changes to the SPD to provide clarification, corrections, or minor up-dates to text. The key changes are set out in Appendix 3 (please note Appendix 3 does not include changes that are de minimis in nature).
- 7.7 Further engagement post consultation has been undertaken with council members, Senior Leadership Teams and with Public Health including:
- 25th May 2022 - Growth and Regeneration Senior Leadership Team
 - 26th May 2022 - Corporate Strategy and Public Health Senior Leadership Team
 - 5th July 2022 - Portfolio Holder Briefing (Cllr Turner and Cllr Firth)
 - 5th July 2022 - Briefing note and briefings offered to leaders of each political party and Planning Committee Chairs
 - 5th July 2022 - Briefing note sent to all Cabinet Members
 - 7th July 2022 - Cllr Lukic briefed
 - 14th July 2022 - Cllr Lawson briefed
 - 14th July 2022 - Leadership Management Team
 - 30th August 2022 - Economy and Neighbourhoods Scrutiny Panel
 - Continued joint working with Planning policy and Public Health colleagues.

Appendix 1: Consultee List

Adjoining Authorities	
Barnsley Metropolitan Council Bradford Metropolitan District Council Calderdale Council City of York Council High Peak Borough Council	Leeds City Council Oldham Council Peak District National Park Authority Wakefield Council
Town & Parish Councils	
Cawthorne Parish Council Denby Dale Parish Council Dunford Parish Council Gunthwaite and Ingbirchworth Parish Council High Hoyland Parish Council Holme Valley Parish Council Kirkburton Parish Council	Meltham Town Council Mirfield Town Council Morley Town Council Ripponden Parish Council Saddleworth Parish Council Sitlington Parish Council Tintwistle Parish Council West Bretton Parish Council
Neighbourhood Planning Groups	
Holme Valley Kirkheaton Lepton	Mirfield Netherton & South Crosland
Statutory Consultees	
British Telecom Calderdale and Huddersfield NHS Foundation Trust Environment Agency Highways England Historic England Local Enterprise Partnership Leeds City Region Locala Mid Yorkshire Hospitals NHS Trust National Grid Natural England Network Rail	NHS Greater Huddersfield Clinical Commissioning Group NHS Property Services Northern Gas Networks NTL Group Ltd Southwest Yorkshire Foundation Trust Sport England The Coal Authority West Yorkshire Combined Authority West Yorkshire Police Authority Yorkshire Water Services Ltd
Kirklees Schools	
All nursery, infant, primary and secondary schools	Heads Up – Twice weekly newsletter (Tuesday & Friday)
Children's groups	
Huddersfield Town Foundation Ltd Kirklees Family Information Service	Kirklees Youth Alliance Thriving Kirklees
Health related organisations	
CCG Clinical Diabetes Chair CCG Clinical lead for cancer CCG Clinical lead for Covid	Kirklees Healthy Weight Declaration Strategic Steering Group NHS Greater Huddersfield CCG Clinical lead for diabetes

CCG programme lead diabetes & Covid Diabetes UK Head of Public Health - Kirklees	NHS Kirklees Clinical Commissioning Group Public Health England
Kirklees Employee Network	
Black Minority Ethnic Network (BAME) Disabled Employee Network (DEN) Green Employee Network (GEN) Kirklees Youth Council	Lesbian, Gay, Bisexual, Trans Network (LGBT) Well-Being User Group (Well-BUG) Working Carers Support Network (WCSN) Well-Being User Group (Well-BUG)
Local Groups	
Auntie Pam's Food Network Health Watch Kirklees Honeyzz Diabetic Support Group Kirklees Wellness Service Local Workplace Health Group Mutual Aid Groups	Safer Kirklees – Community Safety Partnership Shape up together – healthy living and eating group The FINE (food initiatives nutrition education) Team Third Sector Leaders Worth Unlimited Huddersfield
Businesses	
Around Town Federation of Small Businesses Huddersfield BID Mid Yorkshire Chamber of Commerce Network B2B Huddersfield Perfect People Group LTD	Revell Ward – First Friday Club Switalskis Solicitors Business Networking in Batley The Yorkshire Asian Business Association The Yorkshire Mafia
Kirklees fast food chains	
Chickanos (Huddersfield, Batley & Dewsbury) Mother Hubbard's	Mr Ts UK Fried Chicken
5% random sample of Kirklees takeaways	
Al Faisal Asian Takeaway Amirs Indian Spice Bello Pizza Burger King Cheeky Chicken Chopsticks Elite Fastfood Foodies Express Golden Pizza Grange Moor Fisheries Gravy's Caribbean Flavours Harrys Takeaway Hill Side Kitchen Honley Fish and Chips Icon – The Burger Boss Istanbul Shawarma	Mamuz Sandwich Bar Newsome Fisheries Peking House Pizza Al Taglio Pizza Beach Pizza Republic Pizza Village Salam Fried Chicken Scholes Fisheries and Scholes on Tour Shakas Shell's Kitchen Super Wok Tarantino + The Netherton Chippy Tsuen Wan

Fast Food related bodies	
British Curry Award body Chinese Catering Association Food and Drink Federation	National Federation of Fish Fryers National Takeaway Association The Pizza Pasta and Italian Food Association
Multi Nationals	
Burger King Dominos German Doner Kebab KFC	McDonalds Papa John's Pizza Hut
Kirklees GP Surgeries	
All GP Surgeries	
Internal Consultees	
Community Cohesion Community Safety Heads of Communities	Homes and Neighbourhoods Learning and Early Support Public Health
Agents Forum	
Acumen Designers & Architects ADP Architecture AHJ Architects A N Designs AR Wilson Ltd Bamford Architectural B K Designs Barry Summers Chartered Surveyor Chris West Architect David Storrie Planning DB Architects Dencroft Garages Derrie O'Sullivan Architect Design Line Architectural DK Architects Emerson Farrar Bamforth Associates Ltd FCS Consultants Ltd Haigh Huddleston & Associates Hallam Design Associates	Hawdon Russell Architects Heppensalls Huddersfield Architects Society J A Oldroyd & sons Jade 3 Architects Jg-d John Elliott Surveyors Langtry Langton Architects Malcom Sizer Planning Ltd Martin Walsh Architectural Michael Clynch Architect Michael Denton Associates Ltd Paul Matthews Architectural Raja Riaz Robert Halstead – Chartered Surveyors & Town Planners S.A.R Architects Ltd SB Homes Ltd Wake Architects Ltd
Private Individuals	
Approximately 580 individuals who expressed an interest in being consulted and other agents who have expressed an interest in being consulted were invited to comment.	

Appendix 2: Full list of comments received on the public consultation and the council's response

ID	Organisation	Document Section / Page	Comment	Change(s) Required	Council response and proposed changes to the SPD
HFT_SPD7	Private individual	1.1	How can any committee, possibly conceive, that there are not enough fast-food outlets in Batley Town centre? This planning section notes that all impacts must be considered, including health, and highways! None of this is being considered in the slightest.		<p>No change.</p> <p>Comment noted.</p> <p>This SPD provides guidance on health and highways impacts, that must be considered as part of any planning application for a hot food takeaway.</p>
HFT_SPD8	Natural England	1.1	<p>Thank you for your consultation on the above dated 9 November 2021, which was received by Natural England on 9 November 2021.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure, and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate</p>		<p>No change.</p> <p>The requirement for Strategic Environmental Assessment (SEA) was fully considered through the Screening Statement and Determination Statement, which can be viewed at: Hot food takeaway Supplementary Planning Document Consultation Kirklees Council</p>

			<p>to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>An SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Please send all planning consultations electronically to the consultation hub at consultations@naturalengland.org.uk.</p>		
HFT_SPD9	Historic England	1.1	Thank you for your consultation email of 9 December 2021.		<p>No change.</p> <p>Comment noted.</p>

			<p>Our specialist staff have considered the information submitted and we do not have any comments to make on the proposals.</p> <p>Please do not hesitate to contact us again if you require any further information or have any future proposals for us to consider.</p>		
HFT_SPD10	Environment Agency	1.1	<p>Thank you for consulting the Environment Agency on the above SPD.</p> <p>We will not be making any comments on this document as it does not relate directly to any of the issues within our remit.</p>		<p>No change.</p> <p>Comment noted.</p>
HFT_SPD11	The Coal Authority	1.1	<p>Thank you for your notification received on the 9th November 2021 in respect of the above consultation.</p> <p>The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Kirklees Council area there are recorded coal mining features at surface and shallow depth including 3885 mine entries, shallow workings, surface mining activity and reported surface hazards. These features pose a potential risk to surface stability and public safety.</p>		<p>No change.</p> <p>Comment noted.</p>

			However, we note that this current consultation relates to a Hot Food Takeaway SPD and can confirm that the Planning team at the Coal Authority have no specific comments to make on this document.		
HFT_SPD3	Private individual	2.8	What has been said is correct in every particular. What hasn't been mentioned is that hot food takeaways are endemic in most countries; yet they don't have as great an obesity problem. This policy is moving towards a nanny state.		No change. The SPD is part of a package of measures to promote and support healthy eating choices.
HFT_SPD14	Kentucky Fried Chicken	3.3	Amendments to the Use Classes Order in 2020 seem to remove the possibility of ancillary hot food takeaway activity and, therefore, of mixed uses that comprise it. Instead, the threshold for such a use falling outside Class E is either when sale is no longer principally to visiting members of the public or when consumption of hot food sold there is mostly (i.e. more than half) off the premises. It is for the applicant to decide what to apply for, but guidance as to how premises may trade and thus what ought to be applied for will certainly reduce the chances of unlawful development.	In deciding what to apply for, applicants must consider the likely proportions of visiting members of the public and of hot food consumed off the premises. Experience from similar premises elsewhere will be most useful in predicting these, but in the absence of this, the proportion of space for hot food preparation and the number of tables and chairs can be useful predictors.	Comment noted. Proposed Modification: 3.3 <u>It is for the applicant to determine whether their business will trade as a hot food takeaway which sells hot food where the consumption of that food is mostly undertaken off the premises and apply for planning permission for the correct use. In deciding whether an application is for a hot food takeaway, consideration will be given to the proportion of space designated for hot food preparation. To help with this, key considerations of how the business will operate are set out in paragraph 3.5. Where clarification is required, applicants are advised to consult with Kirklees Council. Restaurants and cafes often have an</u>

				Applicants should be aware that it is their responsibility to apply for the correct use.	ancillary takeaway element and hot food takeaways can have ancillary eat in facilities.
HFT_SPD15	Kentucky Fried Chicken	Table 4 Examples of Hot Food Takeaway Sui Generis Use	We do not consider that the list of uses is accurate or useful, as many of the uses listed are often combined with a restaurant within the same planning unit and the proportion of visiting members of the public and of hot food consumed off the premises can vary both from site to site and seasonally. Drive-throughs in particular can be difficult to categorise, as customer behaviour (e.g. eating in the restaurant or their car whilst still on site, taking-away from the counter then eating in their car, eating some in their car whilst still on site and then driving away) can all affect how premises are categorised.	Ideally delete table, but at least replace "fast food" with "Some" before "Drive Through" and pluralise latter.	<p>Comment noted.</p> <p>Table 4 sets out examples of uses which are considered to be hot food takeaways, and those which are not. This list is not exhaustive.</p> <p>It is the applicant's responsibility to apply for the correct use.</p> <p>Proposed Modification: Fast Food <u>Some Drive Throughs</u></p>
HFT_SPD16	Kentucky Fried Chicken	Policy HFT1 Public Health Toolkit	We are concerned that this is not truly supplementary to policies of the development plan, not least because, if it were, then the relevant policy would have required the scale of its effect to be mapped with evidence for why the particular scoring has been used. It is also unreasonable to the extent that it seems to lay the responsibility for poor scores entirely on hot food takeaways, when nutritional quality in the rest of the food and drink sector (now within Class E) is very often worse (Robinson et al, 2018).		<p>Comment noted.</p> <p>No change.</p> <p>SPDs are produced to add clarity in relation to the application of planning policies set out in the Local Plan. The Hot Food Takeaway SPD provides clear guidance about how the council will implement Local Plan policies LP16 and LP47 and how decisions will be made which balance the need to consider the vitality and viability of</p>

			<p>Attached: Robinson et al (2018) (Over)eating out at major UK restaurant chains: observational study of energy content of main meals.</p>		<p>centres whilst promoting healthy, active and safe lifestyles.</p> <p>The Public Health Toolkit is one way in which the local authority is working to reduce obesity. It is recognised that there are a range of factors which influence obesity and the obesogenic environment, as highlighted in the SPD.</p> <p>The scores used in the tool cover a range of indicators which demonstrate the levels of obesity and associated indicators at local level.</p> <p>A range of indicators are used so it's not unfairly weighted if it performs badly in one area.</p> <p>These indicators are as follows:</p> <ul style="list-style-type: none"> • Deprivation • Diabetes • Coronary Heart Disease • Adults Overweight • Adults Obese • 5-year-olds with excess weight • 11-year-olds with excess weight <p>The tool is proportionate, if the scores are significantly above Kirklees average for each indicator, then Public Health Improvement will advise</p>
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					<p>consideration over the application, whilst recognising other mitigating factors.</p> <p>In Kirklees we are taking a whole systems approach, through the application of a range of policy drivers, working with our partners and stakeholders to coproduce measures which enable communities to access the support they need and through creating health promoting environments where healthy choices are the easy choice.</p> <p>Alongside the work we are undertaking concerning hot food takeaways, there are a broader set of system wide actions which support our healthy weight ambition:</p> <ul style="list-style-type: none"> • Healthy Weight Declaration Commitments being delivered • Work to ensure that good quality food and nutrition is available to everyone irrespective of where they live and what they earn • Working with schools to ensure that good quality nutritional meals are provided to children, along with good quality opportunities to be physically active. These opportunities are extended into the Holiday Activity and Food
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					<p>programmes and enrichment activities supported by the schools.</p> <ul style="list-style-type: none"> • Working with Early Years to ensure that children and families are equipped to lead healthy lives in terms of food, joyful movement, good quality sleep, etc. • Joint working between Planning and Public Health to ensure that the built environment is conducive to health • Working with Transport Strategy and Policy to ensure that the transport schemes, existing and the new transport networks is conducive to health by way of active travel • Working with stakeholders to ensure that good quality opportunities to be physically active are offered to those not currently active.
HFT_SPD17	Kentucky Fried Chicken	Policy HFT2 Town Centre Vitality and Viability Table 5 Shopping Centre Hierarchy Hot Food	We appreciate the recognition in the higher percentages for smaller centres that hot food takeaways are often a lower order use in the retail hierarchy. However, as the mapping shows, this will often be rendered irrelevant as the lower-order centres are not excluded from the effect of draft HFT3, which covers large swathes of settlements.		<p>Comment noted.</p> <p>No change.</p> <p>Policy HFT3 proximity to schools sets out conditions that limit opening hours of new hot food takeaways that are within 400m of primary and secondary schools. The policy does not seek to refuse applications in these</p>

		Takeaway Threshold			areas and therefore the higher percentages allowed for in the smaller centres are still valid.
HFT_SPD19	Private individual	Policy HFT2 Town Centre Vitality and Viability Table 5 Shopping Centre Hierarchy Hot Food Takeaway Threshold	<p>We wish to comment on the Hot Food Takeaway Supplementary Planning Document.</p> <p>We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim Lane & Smiths Ave should be included? If it does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only</p>		<p>Support.</p> <p>The boundary of Marsh district centre is defined in the Kirklees Local Plan which was adopted on 27 February 2019.</p> <p>Marsh District centre boundary encompasses the area on Westbourne Road that is predominately occupied by retail, leisure and other commercial uses and has been defined in accordance with the National Planning Policy Framework. It does not include the fish and chip shops on Jim Lane and Smiths Avenue as these are separated from the district centre by residential properties.</p> <p>The purpose of policy HFT2 is to ensure that the introduction of a new hot food takeaway within a defined centre is not harmful to its vitality and viability.</p> <p>Local Plan policy LP16 Food and drink uses, and the evening economy sets out several criteria that will be considered for a planning application including those located outside of</p>

			<p>counts as one hot food takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different takeaways – would this only count as 1?</p> <p>In any event, Marsh exceeds the 15% threshold for District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		<p>defined centres which have been supplemented by policies the Hot Food Takeaway SPD.</p> <p>KFC in Marsh is counted as one unit and is a fast-food restaurant rather than a hot food takeaway. It is classed as a fast-food restaurant because the proportion of the premise used for the hot food takeaway element (as opposed to a seating area) is equal to or smaller than the non-hot food takeaway element.</p> <p>Where adjacent shop units are occupied by different uses such as hairdressers, opticians, convenience store, hot food takeaway for example, planning permission is required to merge units into one and as such the proposal would be subject to local and national planning policy.</p> <p>The threshold is 15% for district and local centres because these smaller centres have less shop units within them. When calculating the percentage of hot food takeaways within a defined centre boundary, one or two hot food takeaways could equate to 10%. For example, a local centre with 20 units surveyed that has 2 hot food takeaways would equate to</p>
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					10%. District and local centres serve residential areas, hot food takeaways are a part of the local economy, they are part of the mix of uses within centres and provide consumer choice. Therefore, the threshold is slightly higher to allow for consumer choice and to support the local economy.
HFT_SPD21	Kentucky Fried Chicken	Policy HFT2 Town Centre Vitality and Viability Table 5 Shopping Centre Hierarchy Hot Food Takeaway Threshold	We appreciate the recognition in draft HFT2 that hot food takeaways are often a lower order use in the retail hierarchy with the higher percentages therein for smaller centres.		Support. No change. Comment noted.
HFT_SPD18	Kentucky Fried Chicken	Policy HFT3 Proximity to Schools	We appreciate the recognition in draft HFT2 that hot food takeaways are often a lower order use in the retail hierarchy with the higher percentages therein for smaller centres. However, as the mapping shows, this will often be rendered irrelevant as lower-order centres are not excluded from the effect of draft HFT3. This would be in direct conflict with the sequential approach and result in progressively less sustainable development patterns and loss of footfall for	Include exemptions for all town centres and delete references to primary schools throughout.	HFT2 would be the first principle that any planning application would need to comply with, if it does and is within 400m of a school restricted opening hours would apply, as per HFT3. Supporting information and evidence for HFT3 can be found in Appendix 3 of the SPD, including further evidence supporting a restrictive buffer around schools and evidence for using a 400m-walking-distance restrictive buffer.

		<p>co-located lower-order uses (e.g. convenience stores).</p> <p>Similarly, we appreciate some of the thinking behind the different time restrictions for primary and secondary schools, but appeal decisions (see 2159082 attached) and Local Plan Inspector's reports have consistently indicated that not only is there no evidence that the (weak and often conflicting) correlation between proximity and incidence implies causality, but that furthermore there is in the case of primary schools no mechanism by which causality could occur as primary school children are accompanied.</p> <p>As there are about four or five primary schools for each secondary school, it can easily be seen that the downside impacts are far greater in scale from such a policy where primary schools are included than they are for one that does not.</p>		<p>Our approach is proportionate and demonstrates flexibility. If the scores are significantly above Kirklees average for each indicator, then Public Health Improvement will advise consideration over the application, whilst recognising other mitigating factors.</p> <p>There are many appeal decisions which indicate that hot food takeaways close to schools exacerbate health and well-being issues in the area, as an example:</p> <p>A 2021 dismissed appeal decision is of particular relevance from Bristol City Council (APP/Z0116/W/21/3267875 100 Newquay Road, Knowle, Bristol). The inspector had regard to the location of the site within 400 metres of a primary school and an access to a planned secondary school. In the inspector's view, an additional takeaway alongside the existing convenience store and fish and chip shop would be likely to attract young people to the parade and may also attract parents looking for a quick meal or snack option after school or following after-school activities. In this location, the takeaway would not</p>
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					<p>promote healthy lifestyles and would be likely to influence behaviour harmful to health, contrary to development plan policy.</p> <p>The obesity rates and percentage of children carrying excessive weight in primary schools as identified in the National Child Measurement Program (NCMP, 2018/19). In Kirklees 24.6% of reception children are overweight or obese and 36.7% of Year 6 children are overweight or obese. This demonstrates a need for the 400m restrictive zones around all schools in the Kirklees District.</p> <p>The percentages of overweight and obese reception and year 6 children have increased since the previous year which were 23.2% and 35.5% respectively.</p> <p>YouGov report that the average age for a child to begin walking themselves to school is 10. For most children this is the last year of primary school. The most common time for children to purchase fast food is after school on the journey home, with many children skipping lunch in order to spend the money outside the school gate (Caraher, 2014). Nutritional surveys</p>
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					<p>show that primary school age children eat takeaways regularly. According to a 2017 resident survey in Southwark 2% of primary school age children were reported to have eaten a takeaway on the way home from school. Given a choice children will choose to purchase the food which they find most pleasurable to eat with little regard for nutritional or health related factors (Macdiarmid et al, 2015).</p> <p>There is evidence that the food environment, including the physical accessibility of fast-food outlets, influences the types of food consumed, and may in turn contribute to obesity levels. Placing a takeaway right next to a school produced a 5.2% increase in obesity among students, linking obesity levels in schoolchildren to the proximity of fast-food restaurants to schools (Pathania, V. 2016)</p> <p>Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity (Fraser et al, 2010 & Barrett et al, 2017).</p>
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HFT_SPD22	McDonald's Restaurants LTD	Policy HFT3 Proximity to Schools	<p>Objection We have considered the proposed Supplementary Planning Document, with regard to the principles set out within the Framework. We fully support the documents' aim of promoting healthier living and tackling obesity. However, the proposed guidance in HFT3 and its approach is unsound.</p> <p>Restricting the opening hours of restaurants that are within 400m of schools has no proven impact on obesity. Neither does restricting restaurants within 400m of schools. Primary & middle school children are almost always accompanied by adults and therefore any visits to restaurants will be a matter of choice for a responsible adult. If primary children are unaccompanied, they are unlikely to have the financial capacity to purchase a meal. Closing a restaurant for 2 hours in the afternoon is prohibitive, especially as the guidance makes no allowance for when schools are closed (almost half the year, or approximately 170 days per year).</p> <p>McDonald's and most other restaurants do not choose to locate near schools as a matter of choice or principle. However, with the predominance of primary schools it is almost impossible to find locations for new restaurants that are in sustainable locations close to the residential population. Schools</p>	<p>Planware Ltd would welcome and support proposals for a wider study of the causes of obesity and their relationship with development, including examination of how new development can best support healthy lifestyles and the tackling of obesity. When a cogent evidence base has been assembled, this can then inform an appropriate policy response. That time has not yet been reached.</p> <p>It is considered until such a time has been reached, HFT3 should be removed. At the very least, reference to primary schools and the associated restrictions on</p>	<p>This SPD seeks to provide a framework to support a balanced and fair approach to supporting local business and economic growth whilst also taking steps to ensure our environments support the health and wellbeing of our residents.</p> <p>Paragraph 92 of the Framework states that planning policies and decisions should enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, for example access to healthier food.</p> <p>NPPG offers further guidance in that SPDs can seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate. Having regard to:</p> <ul style="list-style-type: none"> • proximity to locations where children and young people congregate such as schools, community centres and playgrounds • evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations • over-concentration of certain uses within a specified area • odours and noise impact
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		<p>are located near residential populations too. Requiring a restaurant to closed for 2 hours in the afternoon will preclude good quality restaurants and encourage those that just serve the evening economy such as kebab or pizza takeaway. Such takeaways have less of an incentive to consider healthy eating. The diversion of jobs and investment to less restrictive and less sustainable areas will occur.</p> <p>The guidance is also unclear on the matter of takeaway from drive-thrus or deliveries from those stores as it references counter sales. Drive-thru lanes are not typically used by unaccompanied children as one must use a vehicle to use the lane. Delivery is age restricted in the app and by purchase method.</p> <p>The SPG guidance takes no account of food sold from other retail establishments, such as supermarkets, filling stations, local shops and CNT's. All of these are located in residential areas, and thus in proximity to primary and secondary schools. Class E retail outlets and food and drink uses can also sell food that is high in calories, fat, salt and sugar, and low in fibre, fruit and vegetables. This means that the policy takes an inconsistent approach towards new development that sells food and discriminates against operations with a Sui Generis use. It also means that the policy has</p>	<p>opening hours should be removed</p>	<ul style="list-style-type: none"> • traffic impact • refuse and litter <p>The Government's Healthy Lives, Healthy People: A call to action on obesity in England (2011) recognises the role that the planning system can play in supporting public health and creating a healthier built environment, by for example, developing supplementary planning policies.</p> <p>Promoting healthy weight in children, young people and families: A resource to support local authorities (PHE, 2018) makes recommendations for local government, including a 'whole systems' approach to achieving aims such as improving the availability of healthy food. The report suggests that planning authorities should make full use of planning powers to restrict the proliferation of hot food takeaways near schools and the unacceptable clustering of hot food takeaways in town centres.</p> <p>Our approach is proportionate and demonstrates flexibility. If the scores are significantly above Kirklees average for each indicator, then Public Health Improvement will advise consideration over the application,</p>
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		<p>a disproportionate effect on operations with a Sui Generis use.</p> <p>If a restaurant is required to close for 2 hours, what happens to the staff for that period of time? Staff cannot be expected to take a 2-hour unpaid break during their working hours. No thought to the practical approach of the policy has been made. What implications will this have on the local working population? What impacts will it have on the general public and other customers of the restaurant who need refreshments or a place to meet at these times?</p> <p>The guidance, specifically HTF3 conflicts with the Framework. Para 81 states: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."</p> <p>The lack of evidence of a causal link between proximity of takeaways to local schools and its impact on obesity has been confirmed in a number of planning decisions.</p>	<p>whilst recognising other mitigating factors.</p> <p>The approach seeks to balance health and economy aims.</p> <p>The obesity rates and percentage of children carrying excessive weight in primary schools as identified in the National Child Measurement Program (NCMP, 2018/19). In Kirklees 24.6% of reception children are overweight or obese and 36.7% of Year 6 children are overweight or obese. This demonstrates a need for the 400m restrictive zones around all schools in the Kirklees District.</p> <p>The percentages of overweight and obese reception and year 6 children have increased since the previous year which were 23.2% and 35.5% respectively.</p> <p>Supporting information and evidence for HFT3 can be found in Appendix 3 of the SPD, including further evidence supporting a restrictive buffer around schools and evidence for using a 400m-walking-distance restrictive buffer.</p>
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			<p>In South Ribble the Planning Inspectorate raised concerns about a similar 400m school proximity restriction on fast food, stating ‘the evidence base does not adequately justify the need for such a policy’, and due to the lack of information, it is impossible to ‘assess their likely impact on the town, district or local centres’.</p> <p>Similarly, research by Brighton & Hove concluded that ‘the greatest influence over whether students choose to access unhealthy food is the policy of the individual schools regarding allowing students to leave school premises during the day’.</p> <p>The recent Inspectors response to the London Borough of Croydon (January 2018) regarding a similar prohibition on hot food takeaways, (where a similar campaign to persuade takeaway proprietors to adopt healthy food options existed) confirmed that the councils own ‘healthy’ plans would be stymied by the proposed policy, as would purveyors of less healthy food. The policy failed to distinguish between healthy and unhealthy takeaway food, and “confounds its own efforts to improve healthiness of the food provided by takeaway outlets” and failed to “address the demand for the provision of convenience food”. The Inspector concluded that because the</p>		<p>YouGov report that the average age for a child to begin walking themselves to school is 10. For most children this is the last year of primary school. The most common time for children to purchase fast food is after school on the journey home, with many children skipping lunch in order to spend the money outside the school gate (Caraher, 2014). Nutritional surveys show that primary school age children eat takeaways regularly. According to a 2017 resident survey in Southwark 2% of primary school age children were reported to have eaten a takeaway on the way home from school. Given a choice children will choose to purchase the food which they find most pleasurable to eat with little regard for nutritional or health related factors (Macdiarmid et al, 2015).</p> <p>There is evidence that the food environment, including the physical accessibility of fast-food outlets, influences the types of food consumed, and may in turn contribute to obesity levels. Placing a takeaway right next to a school produced a 5.2% increase in obesity among students, linking obesity levels in schoolchildren to the proximity of fast-food</p>
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		<p>reasons for the policy do not withstand scrutiny, they must be regarded as unsound.</p> <p>The inspector at Nottingham City Council stated “There is insufficient evidence to support the link between childhood obesity and the concentration or siting of A3, A4 and A5 uses within 400m of a secondary school to justify the criterion of policy LS1 that proposals for A3, A4 and A5 uses will not be supported outside established centres if they are located within 400m of a secondary school unless it can be clearly demonstrated that the proposal will not have a negative impact on health and well-being the criterion and justification should therefore be deleted/amended.</p> <p>The inspector at Rotherham stated “Policy SP25 sets out various criteria against which proposals for hot food takeaways will be assessed. One of the criteria is designed to prevent hot food takeaways within 800 metres of a primary school, secondary school or college when the proposed site is outside a defined town, district or local centres. Having carefully considered the material before me and the discussion at the Hearing I do not consider there is sufficient local evidence to demonstrate a causal link between the proximity of hot food takeaways to schools and colleges and levels of childhood obesity. Although I accept that levels of childhood</p>		<p>restaurants to schools (Pathania, V. 2016).</p> <p>Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity (Fraser et al, 2010 & Barrett et al, 2017).</p> <p>This guidance applies to hot food takeaways and not restaurants. However, the local authority has also committed to a range of other measures to contribute towards tackling obesity.</p> <p>In Kirklees we are taking a whole systems approach, through the application of a range of policy drivers, working with our partners and stakeholders to coproduce measures which enable communities to access the support they need and through creating health promoting environments where healthy choices are the easy choice.</p> <p>Alongside the work we are undertaking concerning hot food takeaways, there are a broader set of system wide actions which support our healthy weight ambition:</p>
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		<p>obesity need to be tackled by both local and national initiatives I do not consider there are sufficient grounds at the present time to include this particular aspect of land use policy in the RSPP”.</p> <p>In Guildford, the inspector stated “Finally, the submitted Plan contains a requirement common to Policy E7 Guildford town centre, E8 District Centres and E9 Local Centres and isolated retail units that resists proposals for new hot food takeaways within 500 metres of schools. However, the evidence indicates that childhood obesity in Guildford is lower than the average for England. Childhood obesity may be a product of a number of factors, not necessarily attributable to takeaway food; takeaways often sell salads as well as nutritious foods; not all kinds of takeaway food are bought by children; children have traditionally resorted to shops selling sweets and fizzy drinks, which would be untouched by the policy; and the policy would have no bearing on the many existing takeaways. In this context there is no evidence that the requirement would be effective in safeguarding or improving childhood health. It would be an inappropriate interference in the market without any supporting evidence and would therefore be unsound”.</p> <p>Planware Ltd considers there is no sound justification for proposed Policy HFT3 which</p>		<ul style="list-style-type: none"> • Healthy Weight Declaration Commitments being delivered • Work to ensure that good quality food and nutrition is available to everyone irrespective of where they live and what they earn • Working with schools to ensure that good quality nutritional meals are provided to children, along with good quality opportunities to be physically active. These opportunities are extended into the Holiday Activity and Food programmes and enrichment activities supported by the schools. • Working with Early Years to ensure that children and families are equipped to lead healthy lives in terms of food, joyful movement, good quality sleep, etc. • Joint working between Planning and Public Health to ensure that the built environment is conducive to health • Working with Transport Strategy and policy to ensure that the transport schemes, existing and the new transport networks is conducive to health by way of active travel • Working with stakeholders to ensure that good quality
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			<p>imposes commercial restrictions on restaurants that include an element of hot food takeaways within a 400m radius from a primary or secondary school. Policy HFT3 should therefore be removed to provide consistency and to abide by the Framework.</p>		<p>opportunities to be physically active are offered to those not currently active</p> <ul style="list-style-type: none"> • Working to develop a ‘weight neutral’ approach to focus on healthy behaviours rather than weight, shape and body size. <p>There are many appeal decisions which indicate that hot food takeaways close to schools exacerbate health and well-being issues in the area, as an example:</p> <p>A 2021 dismissed appeal decision is of particular relevance from Bristol City Council (APP/Z0116/W/21/3267875 100 Newquay Road, Knowle, Bristol). The inspector had regard to the location of the site within 400 metres of a primary school and an access to a planned secondary school. In the inspector's view, an additional takeaway alongside the existing convenience store and fish and chip shop would be likely to attract young people to the parade and may also attract parents looking for a quick meal or snack option after school or following after-school activities. In this location, the takeaway would not promote healthy lifestyles and would be likely to influence behaviour</p>
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					<p>harmful to health, contrary to development plan policy.</p> <p>In conclusion, the SPD is supported by robust evidence based on Kirklees health indicators. The policy approach is proportionate and flexible through the consideration of material considerations which seek to balance health and economic aims.</p>
HFT_SPD20	Private individual	Policy HFT4 Noise Abatement & extraction of Odours	<p>We wish to comment on the Hot Food Takeaway Supplementary Planning Document.</p> <p>We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim Lane & Smiths Ave should be included? If it</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</p>

			<p>does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only counts as one hot food takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different takeaways – would this only count as 1?</p> <p>In any event, Marsh exceeds the 15% threshold for District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		
HFT_SPD4	Private individual	Policy HFT5 Waste Disposal	<p>Litter in the vicinity of hot food takeaways is a major problem. Food debris attracts vermin; and the streets are a mess. All premises should be obliged to provide lidded bins, which owners should empty. They also should clear up outside their premises. Whilst only a small percentage of</p>		<p>No change.</p> <p>Comment noted.</p> <p>This SPD requires applicants to submit a Waste Strategy as part of any planning application.</p>

			food is consumed in the immediate area, it is obvious by the amount of litter that these customers seem particularly negligent about disposing of their litter.		
HFT_SPD12	Historic England	Policy HFT5 Waste Disposal	<p>Historic England is the Government’s statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England’s historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.</p> <p>Thank you for consulting Historic England on the above document. Our comments are confined to the following:</p> <ul style="list-style-type: none"> • We support the first bullet reference under HFT 5 Waste Disposal to bin stores external to the building needing to be adequately screened in a manner and location that does not detract from the street scene or the character of the area. <p>If you have any queries or would like to discuss anything further, please do not hesitate to contact me.</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted.</p>
HFT_SPD23	Private individual	Policy HFT5 Waste Disposal	We wish to comment on the Hot Food Takeaway Supplementary Planning Document.		<p>Support.</p> <p>No change.</p>

			<p>We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim Lane & Smiths Ave should be included? If it does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only counts as one hot food takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different takeaways – would this only count as 1?</p>		<p>Comment noted. See response to HFT_SPD19.</p>
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			<p>In any event, Marsh exceeds the 15% threshold for District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		
HFT_SPD13	Historic England	Policy HFT6 Takeaway Design and Community Safety	<p>Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.</p> <p>Thank you for consulting Historic England on the above document. Our comments are confined to the following:</p> <ul style="list-style-type: none"> • We note that HTF 6 Takeaway Design and Community Safety is restricted to the control of the design of takeaways as it relates to 		<p>Comment noted.</p> <p>Proposed Modification: Add: <u>LP24, LP25, LP35</u> To the 'Relevant Local Plan Policy' Box</p>

			<p>safety and residential amenity. However, we would suggest that the supporting text highlights that policies within the Local Plan covering design and the historic environment (namely policies LP24, LP25 and LP35) will continue to control all other aspects of a proposals design and interaction with heritage assets.</p> <p>If you have any queries or would like to discuss anything further, please do not hesitate to contact me.</p>		
HFT_SPD24	Private individual	Policy HFT6 Takeaway Design and Community Safety	<p>We wish to comment on the Hot Food Takeaway Supplementary Planning Document. We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</p>

			<p>Lane & Smiths Ave should be included? If it does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only counts as one hot food takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different takeaways – would this only count as 1?</p> <p>In any event, Marsh exceeds the 15% threshold for District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		
HFT_SPD25	Private individual	Policy HFT7 Highway Safety	We wish to comment on the Hot Food Takeaway Supplementary Planning Document.		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</p>

			<p>We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim Lane & Smiths Ave should be included? If it does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only counts as one hot food takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different takeaways – would this only count as 1?</p>		
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			<p>In any event, Marsh exceeds the 15% threshold for District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		
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Appendix 3: List of Minor Changes (Changes from internal comments including those listed in Appendix 3)

Modification Ref	Section	Page in draft	Policy/Para/Table/Figure	Tracked Change/Change
HFT_M1	2 Background	9	Paragraph 2.31 Hot Food Takeaways in Kirklees	Delete and insert text: The Current Living in Kirklees (CLiK) survey undertaken in 2016 <u>2021</u> found that 19% <u>24%</u> of adults have fast food or a takeaway at least once a week. Those living in the most deprived areas (10% <u>most deprived</u>) are the most likely to eat takeaway food at least once a week (21% <u>30%</u>) and those living in the least deprived areas are <u>among</u> the least likely (14% <u>18%</u>).
HFT_M2	2 Background	10	Paragraph 2.34 Adult Obesity in Kirklees	Delete and insert text: Over half of all adults in Kirklees are overweight or obese. The proportion of adults who are obese has increased from 1 in 6 (17%) in 2005 to 1 in 5 (22% <u>21%</u>) in 2016 <u>2021</u> .
HFT_M3	2 Background	11	Figure 1 Links between deprivation and obesity	Insert revised Figure 1: <u>REVISED FIGURE 1 TO BE INSERTED TO REFLECT UP TO DATE ADULT OBESITY DATA FROM 2021 CLiK SURVEY</u>
HFT_M4	2 Background	11	2.4 Kirklees Council Food Strategies and Initiatives	Delete and insert text: <u>A whole systems approach to support healthy environments and reduce obesity</u> Kirklees Council Food Strategies and Initiatives
HFT_M5	2 Background	11	Paragraph 2.39	Delete and insert text: <u>Within Kirklees there</u> There are a number of food initiatives <u>and a broader set of system wide actions which support our healthy weight ambition and to</u> available within Kirklees to assist and raise awareness of healthy alternatives for fast food operatives.
HFT_M6	2 Background	12	Paragraph 2.45 Fusion Housing	Delete text: 2.45 Fusion Housing offer a number of workshops and courses, including 'Come Dine With Me' Healthy Eating Course, and a Healthy Eating and Cooking workshop, both courses cover topics including a balanced diet, how to eat healthily and the importance of having a good diet. 2.46 Further information about Fusion Housing and the courses that they have

				to offer can be found here: 2.47 www.fusionhousing.org.uk/Our-Services/learning-and-employment/
HFT_M7	2 Background	12	New Paragraph 2.45	Insert text: <u>Everybody Active: Kirklees Physical Activity and Sport Strategy 2015-2020</u> <i><u>Everybody Active is a Kirklees-wide partnership that makes it easier for people to be active and for activity to be an enjoyable part of everyday life. The Everybody Active vision is more people, more active, more often in Kirklees. Which seeks to create conditions to encourage and make it easier for people to be more active. By making changes across all sectors like workplace, schools, travel, regeneration, community development, it can make it much easier for us all to be active and for activity to be an enjoyable part of everyday life.</u></i>
HFT_M8	2 Background	12	New Paragraph 2.47	Insert text: <u>Kirklees Food Charter 2020</u> <i><u>This is designed to drive change in the Kirklees food culture. It has action plans to impact on health, the economy and environment by promoting better local food, skills training, local food businesses and healthy eating. A culture that promotes safe, affordable, accessible, sustainable local food and that supports the environment.</u></i>
HFT_M9	3 What is a Hot Food Takeaway?	13	Table 4 Examples of Hot Food Takeaway Sui Generis Use	Delete and insert text: Fast Food <u>Some</u> Drive Throughs
HFT_M10	3 What is a Hot Food Takeaway?	13	Paragraph 3.3	Delete and insert text: <i><u>It is for the applicant to determine whether their business will trade as a hot food takeaway which sell hot food where the consumption of that food is mostly undertaken off the premises and apply for planning permission for the correct use. In deciding whether an application is for a hot food takeaway, consideration will be given to the proportion of space designated for hot food preparation. To help with this, key considerations of how the business will operate are set out in paragraph 3.5. Where clarification is required, applicants are advised to consult with Kirklees Council. Restaurants and cafes often have an ancillary takeaway element and hot food takeaways can have ancillary eat-in facilities.</u></i>

HFT_M11	HFT2 Town Centre Vitality and Viability	15	HFT2 Vacancy level considerations	<p>Delete and insert text: In centres where vacancy levels are more than 10% (or 25% in local centres) the Council requires evidence that occupancy of the unit has been attempted with a main town centre use other than a hot food takeaway before it will be supported. Where evidence suggests there is no demand for an alternative use, hot food takeaways could be considered favourably even if this would increase the proportion of hot food takeaways to above the threshold set out in this guidance.</p> <p><i><u>Hot food takeaways will be supported in centres that have reached the threshold in this guidance where it can be demonstrated that there is no demand for an alternative use and there is a vacancy level of 10% or more in principal, town, and district centres or a vacancy level of 25% or more in local centres and they meet planning policy in all other respects.</u></i></p>
HFT_M12	HFT2 Town Centre Vitality and Viability	15	HFT2 Shutters	<p>Delete and insert text: Conditions will be attached to any planning approval to ensure <i>that</i> shutters are not used between the hours of 9am and 5.30pm <i>designed</i> to prevent any harmful effects on the visual amenity of the street scene.</p>
HFT_M13	HFT2 Town Centre Vitality and Viability	16	Paragraph 4.14	<p>Delete and insert text: Shutters closed during the day can have a negative impact on the street frontage. The dead frontages created can deter shoppers and even deter other uses from locating on the high street. To encourage shoppers and visitors and create active and vibrant streets it is therefore important to ensure that shutters are not closed during the day <i>designed appropriately</i>. <i>There are a number of different grille options available in modern shutters. Grilles that allow views through are preferred and can be open mesh or transparent. Solid grilles are to be avoided.</i></p>
HFT_M14	HFT3 Proximity to Schools	16	HFT3	<p>Added definition of 'over the counter' as a footnote: <i>The selling of a product directly to the public in the premise</i></p>
HFT_M15	HFT3 Proximity to Schools	17	Paragraph 4.16	<p>Insert footnote: http://www.fhf.org.uk/meetings/2008-07-08_School_Fringe.pdf</p>

HFT_M16	HFT4 Noise Abatement and Extraction of Odours	18	Paragraph 4.22	Delete text: A common concern associated with hot food takeaways is the impact on the amenity of adjoining occupiers through the generation of noise and odour.....
HFT_M17	HFT4 Noise Abatement and Extraction of Odours	18	Paragraph 4.23	Delete text: Noise generated internally usually from the kitchen can also be a nuisance to occupiers of premises adjacent to the hot food takeaway, as can noise generated from normal customer activity such as vehicle movements, particularly motorcycle delivery vehicles and slamming car doors and general customer noise outside the premises.
HFT_M18	HFT4 Noise Abatement and Extraction of Odours	18	Paragraph 4.24	Delete text: The position and appearance of flues providing odour extraction for hot food takeaways can be detrimental to the street scene if they are prominently located, of poor quality and/or inadequately maintained.....
HFT_M19	HFT4 Noise Abatement and Extraction of Odours	19	Paragraph 4.27	Delete text: The takeaway operating hours are also relevant to noise issues that can arise from the operation of a hot food takeaway.
HFT_M20	HFT5 Waste Disposal	20	Paragraph 4.31	Insert text: All applications must be accompanied by a Waste Management Strategy so that waste disposal details can be properly assessed. The Waste Management Strategy should include details of the storage of trade waste including the <u>location</u> , number and size of bins, the size and storage facilities for which must be commensurate with the amount of waste produced,
HFT_M21	HFT5 Waste Disposal	20	Paragraph 4.33	Delete and insert text: Consideration should also be given to The Kirklees Council Waste Management Design Guide for New Developments (Waste Collection, Recycling and Storage Facilities Guidance) <u>contains guidance on the storage and collection of commercial waste, including size, nuisance issues, security, access and fire risk. This guidance should be taken into account when preparing a Waste Management Strategy.</u> to ensure that effective waste management provision is made.

				Insert Footnote: <u>Waste Management Design Guide for New Developments (kirklees.gov.uk)</u>
HFT_M22	HFT5 Waste Disposal	20	Paragraph 4.34	Insert text: The council also encourages the Waste Management Strategy to consider recycling and other initiatives such as 'litter picks' in the vicinity of the takeaway. <u>There should be enough space within the bin storage area to include separate bins for dry mixed recyclables and glass.</u> Applicants are also encouraged to consider the use of sustainable food packaging, such as cardboard boxes and paper straws.
HFT_M23	HFT6 Takeaway Design and Community Safety	21	Relevant Local Plan Policy	Insert text: <u>LP24, LP25, LP35</u>
HFT_M24	Appendix 1	26	Supporting information and evidence for HFT1 Public Health Toolkit	Delete and insert text: Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit <u>The Obesogenic Environment</u> This is an evidence base focusing on the harms of excess weight and the relationship between hot food takeaways and levels of obesity. It provides the evidence to support the requirements shown in HFT1 <u>and HFT3</u> . This appendix covers the impacts of obesity and the current situation locally.
HFT_M25	Appendix 1	26	Explanation of points based Public Health Toolkit	Move this section to a new Appendix 4.
HFT_M26	Appendix 1	28	Explanation of points based Public Health Toolkit	Delete and insert text: 5-year-olds with excess weight Next update: July <u>September</u> 2022 11-year-olds with excess weight Next update: July <u>September</u> 2022
HFT_M27	Appendix 1	28	Wider Determinants of Health	See attached documents for all amendments to this section of Appendix 1
HFT_M28	Appendix 1	32	Table 7 Number of fast food outlets per 1,000 population by ward	Insert revised Table 7: <u>REVISED TABLE 7 TO BE INSERTED TO REFLECT CHANGES IN MID-YEAR POPULATION ESTIMATES</u>

HFT_M29	Appendix 1	33	Adult Obesity in Kirklees	<p>Delete and insert text:</p> <p>Over half of all adults in Kirklees are overweight or obese. The proportion of adults who are obese has increased from 1 in 6 (17%) in 2005 to 1 in 5 (22% <u>21%</u>) in 2016 <u>2021</u>. It is important to recognise that levels of adults who are overweight or obese can vary significantly between different wards in Kirklees. The areas with the highest percentage of overweight or obese adults are Heckmondwike, Golcar <u>Dalton (65%)</u> and Dewsbury West (62% <u>74%</u>) whilst the lowest proportions of overweight or obese adults are in Dewsbury South (50%) and Batley West (51%) <u>Holme Valley South (51%) and Liversedge and Gomersal (53%)</u>.</p>
HFT_M30	Appendix 1	33	Table 9 Adult obesity levels in Kirklees by ward	<p>Insert revised Table 9:</p> <p><u>REVISED TABLE 9 TO BE INSERTED TO REFLECT 2021 CLIK SURVEY</u></p>
HFT_M31	Appendix 2	37	National Town Centre context	<p>Delete and insert text:</p> <p>The Royal Society for Public Health’s latest report published October 2018 on ‘Health on the High Street Running on empty’ has identified that the clustering of unhealthy outlets is leading to a lack of diversity on the High Street which is not healthy for local communities, economically or otherwise. It highlights that limits for different types of outlets through legislation would be particularly useful in particular where clustering of fast food outlets is a local concern.</p> <p><u>A lack of diversity on high streets where there is the clustering of unhealthy outlets including fast food outlets has been identified and it is not healthy for local communities or the economy.</u></p> <p>Add footnote: <u>Royal Society for Public Health, Health on the High Street Running on empty 2018 https://www.rsph.org.uk/static/uploaded/dbdbb8e5-4375-4143-a3bb7c6455f398de.pdf</u></p>
HFT_M32	Appendix 2	37	Local Evidence	<p>Delete and insert text:</p> <p>The Local Planning Authority assesses the health and vitality of defined centres within the Kirklees District on an annual/biannual basis through the</p>

				<p>town centre audit programme. Principal, town and district centres are assessed annually and local centres are assessed every other year. The occupancy of ground floor units and gross ground floor floorspace within defined town centre boundaries are monitored including the number of hot food takeaways.</p> <p><u>The audit programme data provides a snapshot of the occupancy of centres at the time the survey was undertaken. Therefore, the number and occupancy of shop units including those in use as hot food takeaways will change over time effecting the mix and balance of the type of shops, services, and unit vacancy within centres. Therefore, the percentage of hot food takeaway units, vacant units and total number of shop units surveyed will also change overtime. The latest occupancy data is published in the council's authority monitoring report and is used as a starting point for the consideration of planning applications.</u></p> <p>The <u>data in Table 10 is from the</u> occupancy surveys of principal, town and district centres undertaken in 2019 and local centres undertaken in 2018 <u>prior to the Covid pandemic. as shown in the table below This data highlights the mix of main town centre uses within each of the defined centres at the time of the survey. As part of that mix the survey</u> has identified that the number of hot food takeaways within the principal centres primary shopping areas (PSA) is 2.6 %, town centres is 6.7% and in district centres it is 10.3% of all the units recorded in main town centre uses (as defined in the glossary of the Local Plan and National Planning Policy Framework) including those that are vacant. The number of hot food takeaway units cumulatively within the 61 defined local centres is 15%, however, this ranges from an individual centre having no hot food takeaways at all to the highest of 40%.</p> <p><u>The hot food takeaway thresholds set out in this guidance reflect the role and function that the centres undertake which are set out in Local Plan policy LP13 Town centre uses.</u></p> <p><u>Principal town centres and town centres provide for the shopping needs of</u></p>
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				<p><u>residents across Kirklees and are the focus for financial services, offices, entertainment and leisure, arts, culture, tourism, further education, and health services.</u></p> <p><u>District Centres provide a range of shopping for everyday needs and are the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities and health services with Local centres providing for top-up shopping and food and drink.</u></p> <p><u>Some centres have existing high concentrations of Hot Food Takeaways for their role and function such as Heckmondwike Town Centre at 12.4%, Marsh, Moldgreen, Ravensthorpe, Skelmanthorpe district centres at 15.4%, 19.4%, 17.5%, 15.6% respectively and over half of the local centres (33) are above 15%. Centres need to be allowed to grow and diversify with a suitable mix of uses to promote their long-term vitality and viability and the overconcentration of one type of use is detrimental to mix and balance of uses within them.</u></p> <p>Over half, 33 local centres are already above the threshold of 15%. The thresholds set out in this guidance reflect the role and function that the centres undertake. <u>However, long term vacant units are also detrimental to the vitality and viability of centres and where there is no demand for other town centre uses it can be preferable for it to be occupied by a hot food takeaway.</u> The vacancy rate as identified in the 2019 town centre occupancy survey shows that within principal, town and district centres, it ranges from 0 to 30%. In the local centres (2018 occupancy survey data) which vary from the largest that have above 40 units to the smallest which have less than 10 units within them, the vacancy rate ranges from 0 to 33%. The Footfall and Vacancies Monitor(37) from the British Retail Consortium and Springboard has reported that the national town centre vacancy rate was 10.3% in July 2019, the highest since January 2015.</p>
HFT_M33	Appendix 3	42	Further evidence supporting a restrictive	See attached document for all amendments to this section of Appendix 3

			buffer around Kirklees schools	
HFT_M34	Appendix 3	43	Evidence for using a 400m-walking-distance restrictive buffer relative to Kirklees schools	<p>Delete and insert text:</p> <p>One of the assumptions used to support the criteria is that 0.4km (or 400m) is a convenient distance people are willing to walk to either access facilities or services on foot, or <u>foot or</u> walk to a bus stop to access a facility, this distance is used by many local authorities who have adopted similar policies. This distance is approximately equivalent to a 5-10 minute walk time, <u>resulting in a total 10-minute walk time</u> (five minutes in each direction)(47). The 400m distance and the resultant 10 minute walking duration leaves sufficient time for pupils to leave school, purchase the hot food and subsequently return for the afternoon lessons.</p> <p>A 10-minute walk <u>one way (total 20 minutes' walk time there and back)</u> was considered as there is some evidence to show that it is this greater distance that can impact on the consumption of food from hot food takeaways by pupils(48),.....</p>
HFT_M35	New		New Appendix 4: Explanation of points based Public Health Toolkit	New Appendix 4: Explanation of points based Public Health Toolkit

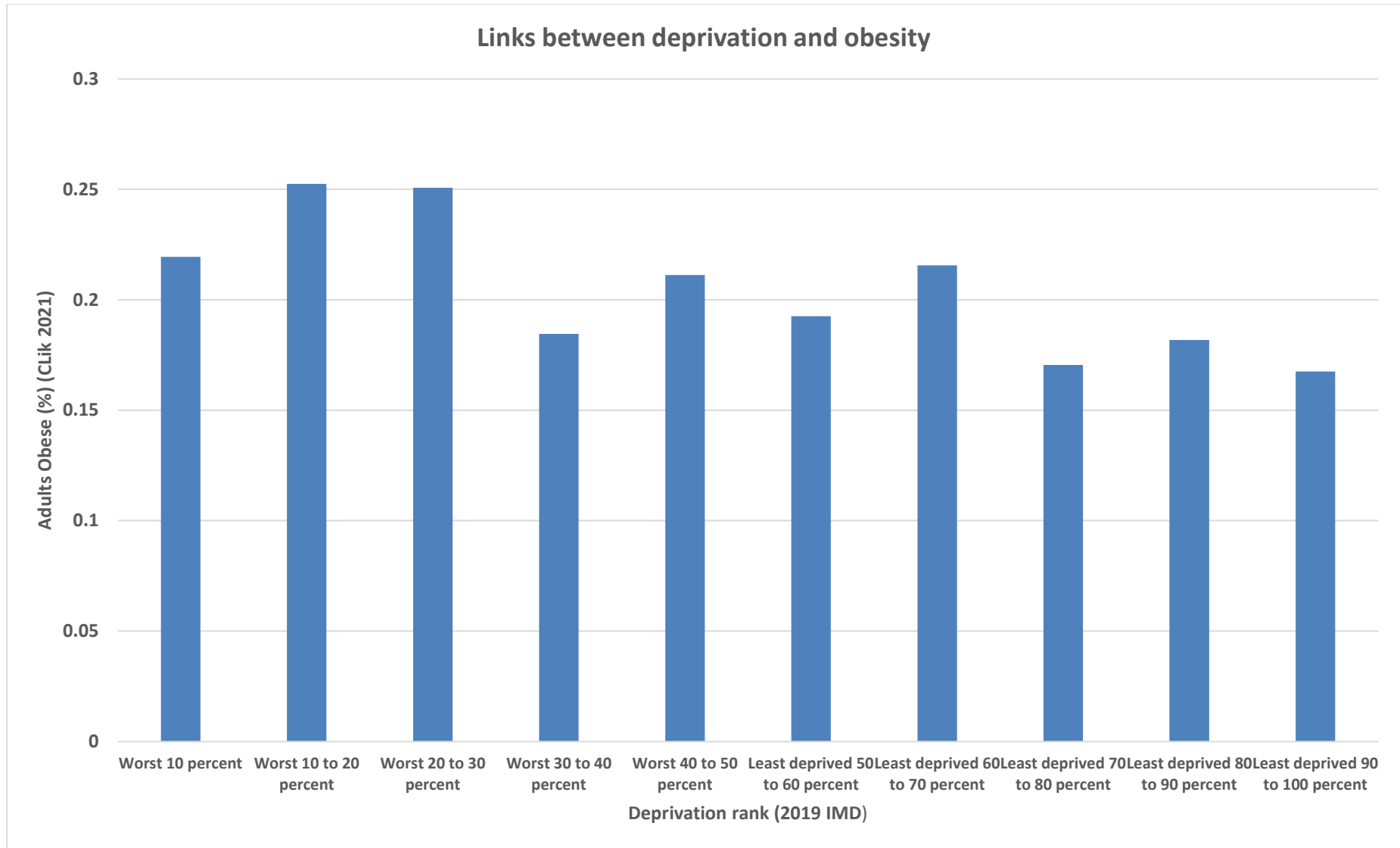


Figure 1 Links between deprivation and obesity (Current Living in Kirklees (CLiK) Survey 2016 2021 and IMD 2019)

Kirklees Hot Food Takeaway SPD Consultation Statement September 2022

Ward	Number of Fast Food Outlets	Fast Food Outlets per 1,000 population
Newsome (inc. Huddersfield Town centre)	75	3.14 <u>3.09</u>
Dalton	47	2.69 <u>2.72</u>
Greenhead	56	2.68 <u>2.64</u>
Cleckheaton	34	1.97 <u>1.96</u>
Heckmondwike	34	1.94 <u>1.96</u>
Dewsbury East	35	1.78 <u>1.74</u>
Batley East	28	1.43 <u>1.45</u>
Colne Valley	24	1.37 <u>1.35</u>
Dewsbury South	26	1.35
Crosland Moor and Netherton	25	1.29 <u>1.28</u>
Golcar	23	1.26
Birstall and Birkenshaw	20	1.19 <u>1.18</u>
Dewsbury West	24	1.08 <u>1.07</u>
Denby Dale	17	1.02 <u>1.01</u>
Mirfield	20	1
Liversedge and Gomersal	20	1
Batley West	20	0.98 <u>0.96</u>
Holme Valley North	16	0.94 <u>0.93</u>
Lindley	17	0.83 <u>0.82</u>
Ashbrow	16	0.78
Holme Valley South	13	0.68 <u>0.67</u>
Almondbury	12	0.66
Kirkburton	10	0.61

Table 7 Number of fast food outlets per 1,000 population by ward.

Ward	Adults overweight or obese	Adults overweight	Adults obese
Almondbury	52% <u>58%</u>	29% <u>30%</u>	23%
Ashbrow	54% <u>59%</u>	36% <u>35%</u>	18% <u>21%</u>
Batley East	54% <u>57%</u>	34%	20% <u>19%</u>
Batley West	51% <u>63%</u>	31% <u>34%</u>	20% <u>25%</u>
Birstall and Birkenshaw	60% <u>64%</u>	35% <u>38%</u>	25% <u>19%</u>
Cleckheaton	58% <u>64%</u>	40% <u>38%</u>	18% <u>26%</u>
Colne Valley	55%	39% <u>38%</u>	16% <u>15%</u>
Crosland Moor and Netherton	52% <u>54%</u>	32% <u>31%</u>	20% <u>21%</u>
Dalton	59% <u>65%</u>	32%	27%
Denby Dale	56% <u>53%</u>	30% <u>27%</u>	26% <u>18%</u>
Dewsbury East	57% <u>63%</u>	31% <u>28%</u>	26% <u>31%</u>
Dewsbury South	50% <u>64%</u>	28% <u>43%</u>	22% <u>19%</u>
Dewsbury West	62% <u>74%</u>	32% <u>42%</u>	30% <u>25%</u>
Golcar	62% <u>57%</u>	40% <u>32%</u>	22% <u>20%</u>
Greenhead	53% <u>60%</u>	33% <u>32%</u>	20% <u>26%</u>
Heckmondwike	62% <u>61%</u>	34% <u>29%</u>	28% <u>24%</u>
Holme Valley North	53% <u>54%</u>	33% <u>36%</u>	20% <u>14%</u>
Holme Valley South	52% <u>51%</u>	36% <u>34%</u>	16% <u>15%</u>
Kirkburton	59% <u>57%</u>	43% <u>37%</u>	16%
Lindley	59% <u>55%</u>	40% <u>38%</u>	19% <u>17%</u>
Liversedge and Gomersal	56% <u>53%</u>	29% <u>35%</u>	27% <u>14%</u>
Mirfield	61% <u>64%</u>	38% <u>37%</u>	23% <u>24%</u>
Newsome (inc. Huddersfield Town centre)	52% <u>56%</u>	33% <u>27%</u>	19% <u>27%</u>
Kirklees Average	56% <u>59%</u>	34%	22% <u>21%</u>

Table 9 Adult obesity levels in Kirklees by ward

Appendix 1 - The Obesogenic Environment

Wider Determinants of Health

Whole systems approach to support healthy environments and reduce obesity

Kirklees Council recognises that the decisions and behaviours of individuals, including the use of hot food takeaways are influenced by a complex relationship with a broad range of factors. This can be defined as the 'wider determinants of health'. Obesity is ~~more~~ complex. It is influenced by ~~than~~ what we eat, ~~how we access our food, availability and affordability of healthy food and our skills and understanding of cooking healthy food.~~ It is also ~~it's~~ about how physically active we are, how easy it is to walk and cycle around our communities, our income, ~~our skills and understanding of cooking healthy food, and~~ our social norms, ~~and our access to healthy food.~~ This complex relationship can create what is known as an obesogenic environment-(1). This is where the environments in which individuals, families and communities live make it challenging for people for make healthy choices, which increases the risk of becoming overweight or obese. The Foresight Report(2) also states that "Changes to our environment (including both the activity- and food-related environment) are a necessary part of any response to support behaviour change and appropriate behaviour patterns." This is demonstrated visually below:

While the planning system alone cannot solve the obesity crisis, when utilised effectively it can be a powerful tool for positively influencing healthy behaviours and providing healthy options through the built and natural environment(3).

Having a positive policy framework for a healthier food environment benefits Local Planning Authorities, public health, businesses and most importantly consumers and communities. It allows for all interests to be considered and balanced during development planning. The planning system should consider the impact of developments on people's eating behaviours and their health implications. Building on the evidence of existing literature, the Town and Country Planning Association and The Office for Health Improvement and Disparities (OHID) (formerly Public Health England), developed a framework for influencing and planning for healthy weight environments(4). One element focus's on 'Healthy Food measures aimed at improving the food environment for access to, consumption and production of healthier food choices:

Planning Healthy-Weight Environments – Six Elements

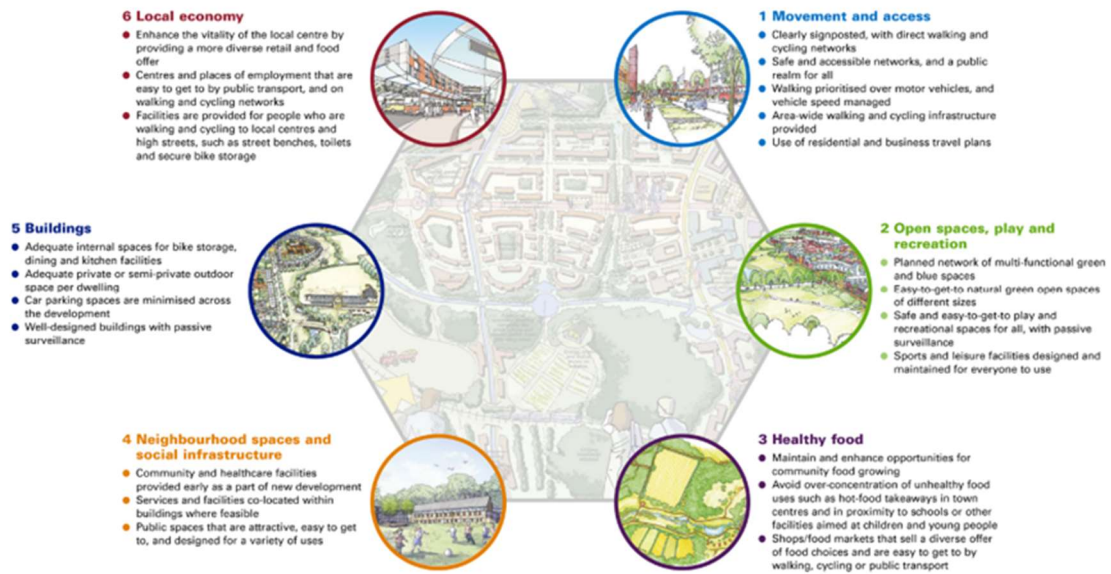


Figure 2. Planning Healthy Weight Environments Framework and the six themes (Ross & Chang, 2014).

It is therefore within this context in which the Hot Food Takeaway SPD plays a vital role in terms of enabling healthy environments across Kirklees.

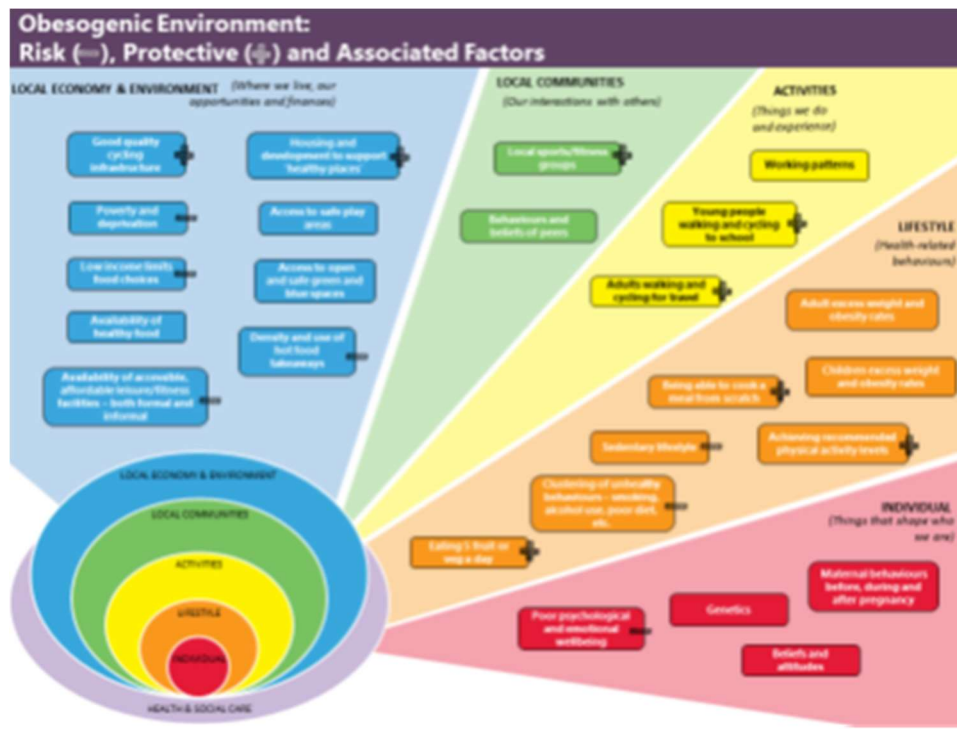
Obesity is determined by a wide range of factors sitting within the wider determinants of health, including the environment and therefore actions to reduce obesity prevalence requires a whole systems approach(5).

Exploding Rainbows Diagram inserted here

The obesogenic environment

Evidence shows that the environment can help people access and choose healthier food options on our high streets, around schools and in our town centres(6). The quality of the local environment in which people live and work are contributing factors to excess calorie consumption and inactive lifestyles which make it challenging for people to make healthy choices and increase the risk of becoming overweight or obese(7).

This complex relationship can create what is known as an obesogenic environment and is demonstrated visually below:



The impact of obesity

The rise in obesity is one of the biggest threats to health in the UK. In England, among adults 16 and over, 68% of men and 60% of women were overweight or obese in 2019, among children, 18% of boys and 13% of girls were obese and children with an obese parent were more likely to be obese(819) .

Food and nutrition, and our levels of physical activity, are second only to smoking tobacco in the impact on our health. A combination of eating too much energy as calories and a lack of physical activity leads to obesity, diabetes, heart disease, stroke and some cancers. Eating habits established in childhood and adolescence tends to continue and affect adult health. Individuals with irregular meal patterns are more likely to become overweight and obese(920) .

Obesity is associated with an increased risk of earlier death and a range of diseases that have a significant health impact on individuals, such as diabetes, heart disease, cancer and muscular skeletal problems. Additionally, the risk of maternal death from childbirth and infant death are increased(1024) .

It is estimated that obesity is responsible for more than 30,000 deaths each year. On average, obesity deprives an individual of an extra 9 years of life, preventing many individuals from reaching retirement age(1122) .

Obesity is caused by the imbalance between calories (or energy) taken into the body and calories used by the body and burnt off in physical activity, over a prolonged period. Excess energy results in the accumulation of excess body fat. Therefore, it is an individual's biology, for example, genetics and metabolism, and their eating and physical activity behaviour that are primarily responsible for maintaining a healthy body weight(1223).

The typical adult diet exceeds recommended dietary levels of sugar and fat(1324). One of the dietary trends in recent years has been an increase in the proportion of food eaten outside the home, which

is more likely to be high in calories. Over half of British adults have experienced an increase in the number of fast food shops on their nearest high street since they started living there(1425). The Greater London Authority takeaways toolkit states that 'the increase in fast food outlets will be a contributory factor in the growth of the obesogenic environment'(1526).

Children who are obese or overweight are increasingly developing type 2 diabetes and liver problems during childhood. They are more likely to experience bullying, low-esteem and a lower quality of life. They are highly likely to go on to become overweight adults at risk of cancer, heart and liver disease. They are also disproportionately from low-income households and black and minority ethnic families(1627).

The regular consumption of takeaway food is linked to obesity in children and young adults. A study carried out involving 9 -10 years children in three English cities, found that regular consumption of takeaway food, higher body fat weight, raised blood cholesterol and poor diets was greater when compared to children who rarely or never consumed takeaways(17). Additional calorie consumption was noted among children who ate takeaway food in the home compared to children who rarely eat these meals(18).

Prevalence of fast-food outlets in deprived areas

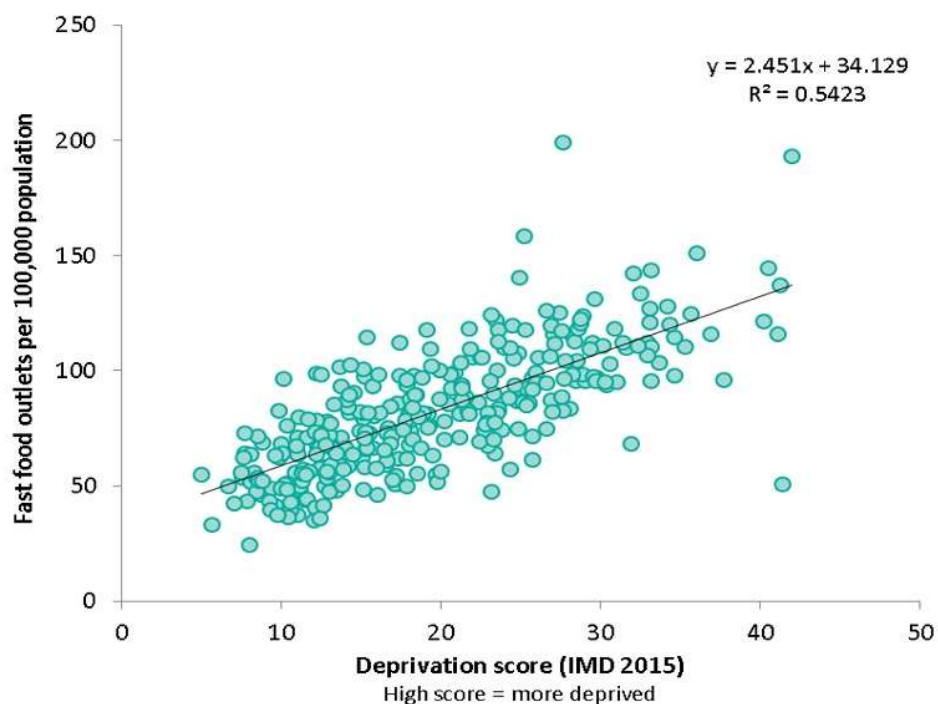
Research shows that fast-food outlets are more prevalent in areas of deprivation and this research supports the supposition that fast-food outlets are associated with weight gain in children(1928).

Research also shows that takeaway food can be a low-cost option for purchasers(20). Takeaway food outlets are 2-3 times as many in the most deprived parts of England compared to the least deprived areas (21). Furthermore, the frequency of takeaway food consumption among children from lower socio-economic groups (22), led to greater total calorie consumption than children in higher socio-economic groups (23).

The chart below illustrates the association between density of fast-food outlets and area level deprivation. The local authorities with a higher deprivation score (more deprived) have a greater density of fast food outlets(24):

Relationship between density of fast food outlets and deprivation

by local authority



Source: PHE

Adults living in the most deprived areas were the most likely to be obese. This difference was particularly pronounced for women, where 39% of women in the most deprived areas were obese, compared with 22% in the least deprived areas(2529).

There are also inequalities in obesity rates between different socioeconomic groups, among children in reception and year 6, the prevalence of obesity in the 10% most deprived groups is approximately double that in the 10% least deprived. There is also a marked gradient in obesity levels among adults(2630)(2731).

Tackling and preventing obesity is a high priority for the Government. OHID continues to prioritise reducing obesity, particularly among children and will work across the Department of Health and Social Care, the rest of government, the healthcare system, local government and industry to focus towards preventing ill health, in particular in the places and communities where there are the most significant disparities (28).

Reducing obesity, particularly among children, is one of the priorities of PHE. PHE aims to increase the proportion of children leaving primary school with a healthy weight, as well as reductions in levels of excess weight in adults(32).

In Kirklees, levels of childhood obesity are rising in line with national trends nationally. Obesity in children starting school is around twice as prevalent in those living in the most deprived areas compared to the least deprived areas, and with only a small number of overweight and obese children returning to a healthy weight in Year 6. A substantial number of children move out of the healthy weight category as they move through Primary school. This trend then continues into adulthood with 41% of 18-34 year olds in Kirklees been above a healthy weight(2933).

In Kirklees, parents believe weight gain is a result of an external uncontrollable factor i.e. genetics or medication. Children give other reasons such as availability of cheap junk food, laziness and their parents working long hours, resulting in them eating whatever they can find when they return from school and turning to easy fast food for evening meals(3034).

Wider economic related impacts

The rising prevalence of obesity is a concern beyond the related poor health outcomes and mortality. Studies have projected an upward trend in obesity cases which will add further economic burden to healthcare services and wider society. The combined medical costs associated with treatment of obesity and associated diseases is estimated to increase by £1.9 -2 billion a year in the UK by 2030 compared to £6.1 billion in 2014 to 2015 (31) (32). Obesity also affects economic development, with the overall cost of obesity to the wider society estimated to be £27 billion (33).

Covid-19 and obesity

Throughout 2020, we have seen that being overweight or living with obesity puts you at risk of dying from COVID-19. ~~As PHE's recent assessment has made clear, n~~New evidence in the UK and internationally, indicates that being overweight or living with obesity is associated with an increased risk of hospitalisation, severe symptoms, advanced levels of treatment such as mechanical ventilation or admission to Intensive Care Units and death from COVID-19. These risks increase progressively as an individual's body mass index (BMI) increases. ~~It suggests that the risk posed by being overweight or living with obesity to people with COVID-19 is relatively high.~~ Throughout 2020, we have seen that being overweight or living with obesity puts you at risk of dying from COVID-19. New evidence in the UK and internationally, indicates that being overweight or living with obesity is associated with an increased risk of hospitalisation, severe symptoms, advanced levels of treatment such as mechanical ventilation or admission to Intensive Care Units and death from COVID-19. These risks increase progressively as an individual's body mass index (BMI) increases. The risk posed by being overweight or living with obesity to people with COVID-19 is relatively high (34).

Excess weight is one of the few modifiable factors for COVID-19 and so supporting people to achieve a healthier weight will be crucial to keeping people fit and well as we move forward. ~~We must take action to to help everyone, especially children to prevent obesity developing~~(35).

Takeaway meals in England

Access to takeaway food outlets has been associated with increased takeaway food consumption and higher body weight (36).

The Ordnance Survey data shows that since 2017, the number of takeaway food outlets in England has risen in the last three years from 56,638 outlets to an additional 4,000 (8%) during this period (37). The takeaway industry has reported an increase in nominal expenditure on takeaway food from £7.9 billion in 2009 to £9.9 billion in 2016 and is set to grow further in the next five to 6 years (38). Annual growth of 2.6% per annum is forecasted over the next five years 6 (39).

Takeaway food outlets are particularly associated with obesity, whereas restaurants and supermarkets are not. The food choices available in restaurant and meals eaten out of the home may be 'unhealthy', however, there is more varied food options available which include more healthy options and the portion sizes tend to be smaller than takeaway food portions. In one UK study (of adults) only frequent use of takeaways (not cafes and not restaurants) was associated with

obesity (40) (41). Access to supermarkets has been shown to be protective of obesity in adults (42) (43).

Footnotes:

1. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287937/07-1184x-tackling-obesities-future-choices-report.pdf.
 2. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287937/07-1184x-tackling-obesities-future-choices-report.pdf
 3. Hamidi S, Ewing R. Compact Development and BMI for Young Adults. 2020, J Am Plann Assoc., pp. 86(3): 349-363.
 4. https://pdfs.semanticscholar.org/6997/d79b4e4d62bb9fea8d0a14f64051c3389c51.pdf?_ga=2.81305490.447073067.1647425935-1568852899.1647425935
 5. [Using planning powers to promote healthy weight environments in England \[version 1; peer review: 2 approved\]. Emerald Open Res 2020, 2:68](https://doi.org/10.35241/emeraldopenres.13979.1)
<https://doi.org/10.35241/emeraldopenres.13979.1>
 6. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863821/PHE_Planning_healthy_weight_environments_guidance_1_.pdf
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863821/PHE_Planning_healthy_weight_environments_guidance_1_.pdf.
 8. Health Survey for England 2019
<https://digital.nhs.uk/data-and-information/publications/statistical/health-survey-for-england/2019>
 9. Kirklees Joint Strategic Needs Assessment, 2013
 10. Kirklees Joint Strategic Needs Assessment, 2013
 11. Health matters: obesity and the food environment; Public Health England; 31 March 2017
 12. Kirklees Joint Strategic Needs Assessment, 2013
 13. Health matters: obesity and the food environment; Public Health England; 31 March 2017
 14. Butland B, Jebb S, Kopelman P, McPherson K, Thomas S, Mardell J, et al. Tackling Obesities: Future Choices – Project report. Government Office for Science, 2007
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Appendix 3 - Further evidence supporting a restrictive buffer around Kirklees schools

This is an evidence base focusing on the harms of excess weight and the relationship between hot food takeaways within close proximity of schools and levels of obesity. It provides the evidence to support the requirement shown in HFT3. This appendix covers the impacts of obesity, particularly childhood obesity, and the current situation locally.

In Kirklees there are increasing numbers of children and adults who are overweight or obese and physically inactive. The evidence from the National Child Measurement Programme (2018/19) shows that in Kirklees approximately 1 in 4 (23.2%) of reception age children (5-year-olds) and 1 in 3 (35.6%) of year 6 children (11-year-olds) had excess weight in 2018/19. As children move into secondary school weight management continues to be a concern across Kirklees.

~~As children move into secondary school weight management continues to be a concern across Kirklees. In 2009, 1 in 5 (18%) 14-year olds reported that they were on a diet or trying to lose weight, but they may not necessarily need to. Nationally, 4 in 5 obese teenagers went on to be obese adults(38).~~

Increased obesity from a younger age contributes to a negative impact on the ability of children to live a healthier lifestyle(39). Obese children are more likely to be ill, be absent from school due to illness, experience health-related limitations and require more GP appointments than normal weight children. As children constitute the future workforce of an economy, this is also associated with a reduction in employee productivity and increased spending on health care over the lifetime(40). This clearly illustrates the importance and relevance of addressing childhood obesity in the UK, if the UK economy and society is to make the most of the available human resources.

Research and reports into the impact of hot food takeaways near schools is an area that continues to expand. There are a number of case studies that look at councils who are using the planning system to introduce restrictions on the proliferation of fast food takeaways, taking a holistic approach to tackling the challenge of obesity(41).

Hot food takeaways within easy walking distance of schools can provide an attractive and affordable food option for pupils. Research has indicated that children attending schools near fast food outlets are more likely to be obese than those whose schools are more inaccessible to such outlets(42).

A concentration of hot food takeaways in a particular area can create what are termed “obesogenic environments” (see Appendix 1) in which pupils have ready access to fast food outlets when travelling to and from school (43).

Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity (44, 45). There is evidence to show that children regularly eat from hot food takeaways if they are located within the places where they spend time, i.e. either the school or home environment.

A survey of nearly 2,500 Brent secondary school pupils showed that pupils attending schools with takeaways within 400m are more likely to visit a hot food takeaway after school at least once a week (62 per cent) than pupils at schools with no takeaways within a 400m radius (43 per cent) (46).

Southwark carried out a survey in support of their local plan which showed pupils from schools with a closed gate policy would skip lunch in order to save money to spend in takeaways on the way home (47).

Research on the impact of local food environment round schools and its impact on diet, with a specific focus on primary and secondary schools in East London, concluded that the close proximity of hot food takeaway not only influences the obesity of the secondary school students but also the primary school students (48). This is because although primary school children are not allowed to leave by themselves, the lack of awareness amongst parents regarding child healthcare and obesity means parents are likely to walk the children to the takeaway.

Further to this, research found that 'more frequent takeaway meal consumption in children was associated with unhealthy dietary nutrient intake patterns and potentially with adverse longer-term consequences for obesity and coronary heart disease risk.'[\(4943\)](#).

In an analysis of the Millennium Cohort Study data the researchers found for certain children, in particular those with maternal education below degree level and those with lower self-regulation, that living near fast food restaurants or attending schools near fast food restaurants was associated with an increased Body Mass Index (50).

Researchers have found that schools have more fast food outlets in close vicinity than would be expected by chance and that this was amplified in more deprived areas and that banning any new fast food outlets opening within 400m of schools could help reduce children's exposure to fast food[\(5144\)](#).

In 2019, the Royal Society for Public Health (RSPH) published a document[\(5245\)](#), one of the key learnings from this piece of work is that there is often a crucial window of exposure to obesogenic environments for children during their daily routes to and from school, which can have a substantial impact on food consumption and that unhealthy fast food outlets have in some cases become de facto extensions of the school environment. This often isn't driven by a desire for food but by a lack of other appropriate, safe, affordable and socially acceptable spaces for young people after school.

Where we live has a huge role to play in tackling childhood obesity, whether it is the way our towns and cities are designed or how many fast food outlets can operate near schools. Local authorities have a range of powers and opportunities to create healthier environments, including they have the power to developing planning policies to limit the opening of additional fast food outlets close to schools and in areas of over-concentration. They can also offer professional training, parenting support, social marketing campaigns and weight management services[\(5346\)](#).

Kirklees considers that this guidance should be applied to both primary and secondary schools, as this approach takes into account the overall influence of the "obesogenic environment". It is acknowledged that the majority of primary school pupils are likely to be accompanied by a supervising parent, guardian or adult, during the journeys to and from school. Some primary school children, such as those in year 6, are allowed to walk to and from school on their own, in preparation for the transfer to secondary schools. ~~"While the causes of obesity are complex and obesity is multifaceted in aetiology, it is plausible that the condition is driven largely by environmental factors, which undermine the self-regulatory capacity that people have to make responsible decisions about personal diet and physical activity". So in this context~~ it is not just about the food choices that a secondary school pupil might make at lunch time or walking to and from home, but also about the food that the parents of primary age children might purchase for their children, and also the influence that heavily marketed 'fast-food' might have on the attitudes of impressionable young children. The Council considers the issue of primary school children using A5 units is a concern that should be addressed alongside secondary school pupils.

Footnotes:

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5144 Davis B & Carpenter C. Proximity of Fast-Food Restaurants to Schools and Adolescent Obesity. *American Journal of Public Health*, March 2009; 99(3): 505–510

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Strategic Environmental Assessment Determination Statement: Hot Food Takeaway Supplementary Planning Document (SPD)

November 2021

**Planning Policy Group
Investment and Regeneration Service
Kirklees Council
PO Box B93
Civic Centre III
Huddersfield
HD1 2JR**

1. Determination Statement on the need for a Strategic Environmental Assessment (SEA) for the Hot Food Takeaway Supplementary Planning Document

This document constitutes the determination statement as to the need for a full SEA under Regulation 9(3) of the Environmental Assessment of Plans and Programmes Regulations 2004. It sets out the results of the SEA screening process for the Council's proposed Hot Food Takeaway Supplementary Planning Document along with the reasoning behind the determination that a SEA is not required.

2. Consultation with 'Consultation Bodies'

In accordance with the Regulations and national Planning Practice Guidance, in August 2021 the Council consulted with the specified environmental organisations (Natural England, Historic England and the Environment Agency) to determine the need or otherwise for a SEA of the proposed Hot Food Takeaway Supplementary Planning Document. The Council has determined that a SEA is not required in this instance and the reasons for reaching this conclusion are summarised in the Hot Food Takeaway SEA Screening Opinion.

3. Summary of Responses from Consultation Bodies

Historic England:

"Thank you for consulting Historic England about the above Screening Opinion.

In terms of our area of interest, given the nature of the SPD, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within a Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we would endorse the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD.

The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me."

Natural England:

"Thank you for your consultation on the above dated 5 August 2021, which was received by Natural England on 5 August 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.”

Environment Agency:

“Thank you for giving us the opportunity to comment on the above document.

We understand that this SPD will not introduce any new policies, but will provide further detail and guidance to developers about implementing Local Plan policies ‘LP16 Food and drink uses and the evening economy’ and ‘LP47 Healthy, active and safe lifestyles’ which have already been subject to SEA.

We do not consider that this SPD will result in any significant environmental effects and therefore agree with the LPA’s conclusion that SEA is not required in this instance.

If you would like to discuss any of the above comments with us please do not hesitate to contact me on the details below.”

4. Conclusion

In accordance with the Hot Food Takeaway SEA Screening Opinion and the consultation responses received from the statutory consultees as set out above it is considered that a Strategic Environmental Assessment is NOT required for the Hot Food Takeaway SPD.

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Kirklees Council Local Plan Supplementary Planning Document Adoption Statement

Notice is hereby given in accordance with Regulations 14 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) that on 20th September 2022, Kirklees Council resolved to formally adopt the Hot Food Takeaway Supplementary Planning Document (SPD).

Consultation on the Hot Food Takeaway SPD was undertaken from Tuesday 9th November to Tuesday 21st December 2021. The SPD was modified to consider representations made, pursuant to section 23(1) of the Planning and Compulsory Purchase Act 2004. These modifications are set out in the Consultation Statement which includes a summary of the main issues raised through the consultation process and how they have been addressed.

The adopted Supplementary Planning Document, the Consultation Statement and the Adoption Statement can be viewed:

- on the council's website at [Adopted Supplementary Planning Documents \(SPDs\) | Kirklees Council](#)
- or upon application to local.development@kirklees.gov.uk for a copy to be delivered by post
- or by telephoning Planning Policy on (01484) 221627

Any changes to the availability of documents will be set out at:

[Statement of Community Involvement | Kirklees Council](#)

Any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of the decision. Such an application must be made promptly and, in any event, not later than three months after the date on which the SPD was adopted.

For further information or if you are unable to access the documents online, please contact the Planning Policy team by:

- e-mail at local.development@kirklees.gov.uk, or
- by telephoning Planning Policy on (01484) 221627

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Name of meeting: Cabinet
Date: 21 September 2022
Title of report: Huddersfield District Energy Network (HDEN) Outline Business Case Approval

Purpose of report:

- To update Cabinet on the outcome of the Huddersfield District Energy Network Outline Business Case Study and request approval in principle to progress to the Full Business Case stage
- For Cabinet to indicate their support in principle to taking forward the capital requirements of the scheme for consideration as part of the Council's Medium Term Financial Strategy for 2023/24 onwards.

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 If yes give the reason why: Spending of more than £250k
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – Yes Private Report/Private Appendix – Yes – Public report with a private appendix
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Colin Parr, Strategic Director for Environment & Climate Change, 7th July 2022
Is it also signed off by the Service Director for Finance?	Eamonn Croston, Service Director, 5th September 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft, Service Director for Legal, Governance and Commissioning, 6th September 2022
Cabinet member portfolio	Cllr Naheed Mather, Environment Cllr Will Simpson, Culture & Greener Kirklees The following Cabinet Members have also been consulted due to the relevance to their portfolios: Cllr Paul Davies (Corporate) Cllr Graham Turner (Regeneration)

Electoral wards affected: Huddersfield Town Centre (Dalton & Newsome)

Ward councillors consulted: None

Public or private:

This report is public with a private appendix.

The Key Decision Notice has been issued and this report is accompanied by a private appendix

in which commercially sensitive information is provided. The Appendix to this report is 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.

Has GDPR been considered? Yes

1. Summary

- 1.1. In January 2019, Kirklees Council declared a Climate Emergency and proposed an ambitious programme of activity to address the emergency¹. 'Net Zero' carbon emissions require significant societal changes to how we all live and work, with an urgent need to dramatically reduce our emissions and to adapt locally to a changing climate.
- 1.2. Kirklees Council wishes to rise to this challenge and be a leader to achieve this change with our local partner organisations, businesses and residents with the help and support of the national government and regional partners and aligned to our corporate ambitions for People, Places and Partners. This will be a challenging ambition, but it is also a great opportunity to improve our quality of life and create a borough that is healthier, more sustainable and fairer for everyone.
- 1.3. This report summarises the work undertaken to date regarding a Huddersfield District Energy Network (HDEN, also known as a 'heat network'), one of the Council's key carbon reduction projects, following a Cabinet Decision to undertake an Outline Business Case in February 2021. It presents and summarises the results of the Outline Business Case stage of work and sets out decisions required for the next phase including progressing the Outline Business Case to Full Business Case and how the Council can achieve the successful delivery of a Heat Network.
- 1.4. The report sets out recommendations for Cabinet to approve the OBC, agree in principle proposed capital borrowing requirements (subject to subsequent Full Business Case approval) for the Huddersfield District Energy Network (HDEN), and delegate authority to the Strategic Director for Environment and Climate Change in order to develop the scheme to Full Business Case stage (this stage of work is collectively referred to as Commercialisation).
- 1.5. The report private appendix (the Outline Business Case (OBC)) is to be considered in private, due to the content containing commercially sensitive information about future commercial negotiations and commercially sensitive information relating to the Council and HDEN potential customers (also known as off-takers).

2. Information required to take a decision

Background

- 2.1. The decarbonisation of heat supply is recognised by government as a key challenge to address to achieving the Paris Agreement (2015) aim of limiting the global rise in temperature to well below 2°C. Kirklees Council declared a Climate Emergency in 2019, recognising the challenges of a changing climate facing the area and has adopted an over-arching target for achieving net-zero carbon emissions for the district by 2038.
- 2.2. Government policy promotes the installation of District Energy Networks (DENs) as one of the most favourable means to decarbonise the local heat supply². By utilising a low carbon energy source, a DEN can very efficiently deliver heat and power to end users where there is sufficient density of demand.
- 2.3. District heat networks feature a system of insulated pipes which distribute heat (in the form of hot water) from a centralised heat generation plant to a number of different buildings to provide space heating and hot water. Instead of individual boilers, each building has a heat interface unit (HIU) which supplies heat from the network to the local building distribution system. For power (electricity), a local 'private wire' electricity network is can be installed in order to connect the energy source to the end customer.

¹ <https://www.kirklees.gov.uk/beta/climate-emergency/index.aspx>

² For further detail see the HM Government – Heat and Buildings Strategy 2021 (<https://www.gov.uk/government/publications/heat-and-buildings-strategy>) and HM Government Guidance on Heat Networks (<https://www.gov.uk/guidance/heat-networks-overview>)

- 2.4. Schemes can range in size from simply linking two buildings together, to spanning entire cities. In some countries the use of district heating is widespread. For example, in Denmark around 60% of the country's homes are connected to heat networks, including a scheme which supplies the whole of Copenhagen (these larger schemes tend to 'grow' incrementally over time as more heat sources and customers are added).
- 2.5. Generating and distributing heat at a district scale allows lower carbon forms of heat generation to be used which would not be viable at a building scale, including the capture and delivery of waste heat from power generation, energy from waste, or the transition to technologies such as combined heat and power engines and heat pumps.
- 2.6. DENs are considered a key low/zero carbon 'enabling' infrastructure, as once the network infrastructure is in place, it is both long-lasting (pipework typically lasts 40-50 years plus) and able to accommodate different sources of heat. This means that once an existing source of energy (e.g. the EfW) reaches end of life, it can be 'unplugged' and replaced by a new source that potentially has better 'net zero' carbon emissions credentials. For this reason, heat networks are considered by Government to be a key enabler in delivering net zero for urban environments.
- 2.7. Furthermore, DENs can develop and evolve over time, provided that the end customers can be matched to the amount of energy being fed into the network. The development of the HDEN has been predicated for identifying a sustainable basis for establishing a viable DEN. Once this first phase has been established and a cash-flow established, options can then be considered for how the network may evolve and grow over time.
- 2.8. DEN development is a step-by-step process, supported by Grant funding from the Department of Business, Energy and Industrial Strategy (BEIS) Heat Networks Delivery Unit (HNDU). The Council has previously benefitted from project development funding support from HNDU in order to undertake a Feasibility Study into the potential for a Huddersfield DEN, which was completed in 2018. The Council subsequently was successful in a further funding allocation from HNDU in order to further develop the opportunity to the completion of an Outline Business Case. This is known as the 'Detailed Project Development' (DPD) stage.
- 2.9. The development of DENs has been consistently supported by Government since 2014. The Government is supporting DEN development beyond the DPD stage through the new 'Green Heat Networks Fund' (GHNF), which launched in March 2022. This is a 3 year £288m capital grant fund that can support the commercialisation and construction of new low and zero carbon DENs. The scheme can support up to 50% of the construction and delivery costs of a DEN (and as part of these overall 50% of costs up to 100% of the costs of commercialisation – i.e. progressing the scheme to Full Business Case).
- 2.10. In Huddersfield there is a DEN opportunity arising from utilising the potential heat and power from the existing Huddersfield Energy from Waste (EfW) plant and delivering this as a low carbon energy solution for sites within the town centre. Furthermore, DENs are 'technology agnostic' meaning that when a heat source reaches end of life, it can be 'unplugged' and replaced with a new lower-carbon heat source, due to the long-lasting nature of the network infrastructure itself. Because of this, DENs play a key role in the Government's strategy for the decarbonisation of heat. EfW plants are included by Government as a source low carbon heat. Utilising the EfW is expected to deliver carbon savings in the region of 68% when considered against a 'business as usual' scenario of individual gas-fired boilers.
- 2.11. This Cabinet report follows on from an earlier report considered on 16th February 2021, which provided authorisation for the authority to undertake the next 'Detailed Project Development' stage of heat network development, resulting in a completed Outline Business Case (OBC). This is now complete and appended to this cabinet report. Key findings are summarised in this report. The OBC follows the HM Treasury's 'Five Case' Model and is comprised of five separate cases, as follows:

- **Strategic Case:** Sets out the strategic context, requirements, and benefits of undertaking the delivery of a District Energy Network in Huddersfield
- **Economic Case:** Summarises the analysis, decisions and steps taken by the project team to go from a longlist of options to a shortlist and finally a preferred option for the DEN.
- **Commercial Case:** provides detail of the commercial, legal and governance considerations that have been examined to develop a robust approach for the delivery of the DEN.
- **Financial Case:** Sets out the financial performance of the preferred option that was established in the Economic Case and it seeks to demonstrate the financial robustness of the preferred option under a set of clearly stated assumptions.
- **Management Case:** Sets out the next steps on the project in order to progress from OBC to Full Business Case (FBC).

2.12. Project Objectives and Critical Success Factors were agreed for the scheme in consultation with relevant internal Senior Officers and Portfolio holders. These are set out in the Strategic Case and are also summarised below:

Project Objectives

Item	Project Objectives (in order of priority)	Related Critical Success Factors
1	Help meet Kirklees Council's climate objectives and contribute to achieving district net zero by 2038.	3
2	To deliver a large-scale, long-term energy infrastructure project that delivers measurable decarbonisation and air quality improvements to the local area.	3
3	To contribute to the regeneration of Huddersfield by facilitating supply of low carbon energy to a mix of private and public sector buildings including new and existing buildings.	3, 6
4	To deliver the project in a way which provides the best overall balance of value and risk to the council , acting as an early adopter of district energy in the UK.	1, 4, 7, 8
5	Delivers energy for a fair price , delivers good levels of customer service and protects its customers, including those that are vulnerable. ³	2, 4, 6, 7
6	Provides a stimulus to the local economy by retaining wealth locally, and by providing job opportunities throughout construction and operation.	1, 4, 6, 7
7	Act as a catalyst for the development of further decarbonisation projects in the borough, through in-house capacity and knowledge building.	1, 3, 5, 6
8	Be an enabler and attractive to the future re-investment in the Kirklees EfW.	4, 5, 8

³ Whilst the aspiration towards customer service is valid, vulnerable customers are not currently within the planned off-taker customers for the first phase of the network. Off-takers have been identified on the basis of being stable, usually public sector partners considered able to commit to longer term power purchase agreements in order to facilitate the establishment of a stable, economically viable network.

Critical Success Factors (CSFs)

Item	Critical Success Factor
1	<p>PROCUREMENT</p> <p>The project must be set up and procured in accordance with the Council's procurement strategy with consideration to social value and insourcing.</p>
2	<p>CUSTOMER PROTECTION</p> <p>The scheme must ensure customers are receiving levels of service which reflect market good practice, and at least as good service vs. alternative heating options in terms of price, quality of service and protection.</p>
3	<p>ADDRESSING THE CLIMATE EMERGENCY</p> <p>The scheme must have a clear strategy for providing an affordable, secure, low carbon supply of heat in the short, medium and long-term, including supporting a zero-carbon objective and improvements to local air quality.</p>
4	<p>FINANCIAL RETURNS</p> <p>Council has control of where the financial benefits of the scheme accrue. Project must deliver a threshold IRR to Council to justify investment against associated risk and non-fiscal reward.</p>
5	<p>FUTURE DEVELOPMENT</p> <p>Scheme structure supports further expansion, connections, or changes in technology which may create beneficial outcomes.</p>
6	<p>SOCIAL</p> <p>The project must support the Council's wider objectives of regeneration and enhancement.</p>
7	<p>CONTROL</p> <p>The Council can control the scheme with the aim of ensuring project outcomes are met in terms of risk transfer and pricing.</p>
8	<p>FUNDING</p> <p>Scheme enables access to external funding.</p>

2.13. To undertake the completion of this OBC, the Council has procured the support of the following specialist external consultants:

- AECOM – Technical
- Hermetica Black – Commercial
- Asteros Ltd – Financial
- Womble Bond Dickinson – Legal
- Avieco – Project Management support

2.14. The scheme has been managed by the Council's Air Quality, Energy and Climate Change Team, part of the Environment and Climate Change Directorate.

Proposed Preferred Option for HDEN Development

Techno-Economic Summary (Economic Case)

2.15. As referred to above and set out in more detail in the Economic Case, the development of a DEN is an iterative process of refinement to go from longlist to shortlist to preferred option for delivering the DEN. This continues and further refines the favoured option set out in the 2018 Feasibility study report.

2.16. The preferred option is identified as being the delivery of low carbon heat and electricity from the existing Huddersfield Energy-from-Waste (EfW) plant to serve a mixture of Council and non-Council sites in and around the town centre. Heat is provided via a network of underground insulated pipes carrying hot water. Electricity will be delivered via a separate 'private wire' electricity network. A separate energy centre is proposed to be located at a Council-owned site at 37 Old Leeds Road. This will house pumps (for pumping the water around the network), plus accumulator vessels to store heat (hot water) and help smooth the network demand. It will also contain back-up gas boilers for providing heat during periods when the EfW is offline (due to

planned maintenance or unexpected outages). Back-up electricity will be provided via the national grid.

2.17. The preferred option utilises the existing EfW (itself originally designed to output heat into a heat network) and has been assessed as best meeting the above CSFs.

2.18. As per the CSFs, the scheme is intended primarily as a carbon reduction scheme, designed to increase the energy efficiency of the infrastructure associated with Huddersfield Town Centre (currently overwhelmingly derived from gas-fired boilers). Over the scheme lifespan (40 years) the HDEN is assessed on the Economic Case as saving 111,400 tonnes of CO₂. To put into context relative to the current 'business as usual' scenario (natural gas-fired boilers), the scheme is expected to achieve carbon savings of approximately 70%.

2.19. The scheme is also considered comparatively commercially attractive and self-financing in its own right (over a reference 40 year period – the network's nominal lifespan) in that it is designed to generate a financial operating surplus to repay any Council investment in the scheme and achieve an internal rate of return (IRR) greater than 6%, the rate typically considered viable for public sector schemes. Once the potential carbon savings achieved by the scheme are considered, which is included in the Social IRR (SIRR), a rate of above 11% is expected to be achieved for providing heat and power from the EfW. This is discussed further in the Private Appendix OBC Economic case. Current alternatives to a DEN, such as building-specific Air Source Heat Pumps are not considered likely to generate an equivalent return.

2.20. An alternative to facilitating low carbon heat solutions to buildings are site specific solutions. This is effectively the current situation due to the historic prevalence of gas boilers fired by natural gas and the historically relatively low price of this fuel source. However, for reasons of comparatively high carbon intensity of natural gas this approach is expected to be phased out by Government over the medium term. In addition, when coupled with the current price spikes and fluctuations it can be argued that the status quo delivers neither sufficiently low carbon heat, nor stable pricing to assist with financial planning. A DEN is considered to help deliver both of these points.

2.21. Operating a DEN infrastructure allows the heat source to be optimised for maximum efficient delivery and avoids the need to manage tens of individual boiler plants in individual sites. It also provides resilience and facilitates future decarbonisation through replacement of the heat source at a single point – such as the potential replacement of the EfW with a new facility when the current EfW reaches end of life, or replacement with a different low/zero carbon technology, such as heat pumps. In this way the benefits of the existing EfW can be utilised, whilst also allowing time for future potential heat sources to be considered.

It should also be noted that a DEN infrastructure is complex and requires careful design and optimisation, alongside significant engineering required to install the insulated pipework. Each option has considered a similar proposed route layout which has been considered with input from key Officer stakeholders managing the highways network and current and planned highways projects. Nonetheless, the route will be subject to further consultation and, if necessary, amendment following at the Commercialisation stage of the scheme.

Preferred Low and Zero Carbon Energy Options

2.22. Following a process of refinement and shortlisting, the Economic Case presents three shortlisted options for supplying the HDEN:

- **Option 1: EfW (heat and power):** taking heat and electricity from the existing energy from waste (EfW) plant, surplus electricity (around 40% of annual output) would continue to be exported to the national grid as it is currently).
- **Option 2: EfW (heat only):** taking heat only from the existing EfW (all electricity would continue to be exported to the national grid as it is currently).
- **Option 3: Heat pump (heat only):** constructing a purpose-built heat pump system consisting of a water source heat pump (WSHP) drawing heat from the River Colne and an air source heat pump (ASHP). These heat pumps would run on electricity to extract air from

the river and ambient air to supply the HDEN with heat only, no electricity is produced through this process.

- 2.23. Utilising the EfW (Options 1 and 2) is expected to generate significant carbon savings versus 'business as usual' (i.e. individual gas boilers), and both options are expected to generate significant carbon savings. These have been modelled in the economic case as well over 111,000 tonnes over the 40 year period (assuming EfW as the energy source). Broadly speaking, this represents a carbon saving of approximately 68% versus individual gas boilers. Further decarbonisation could also be achieved depending upon future energy sources considered for the network.
- 2.24. It is noted that the EfW is part-way through its anticipated operating lifespan. This provides the basis for a HDEN heat source whilst allowing for ample time to consider subsequent energy source options. This is considered in more detail in the Private Appendix OBC Strategic Case.
- 2.25. Modelling of these three potential energy sources established that the only option which was calculated to deliver positive economic returns is option 1, taking heat and power from the EfW plant. This means that at the time of writing, only a heat and power network using the EfW plant achieves an economically viable option. The EfW is the lead low carbon heat and power source, with a separate purpose-built energy centre providing gas backup and thermal storage. This option achieves both positive Internal Rate of Return and Social Internal Rate of Return scores (prior to the additional financial considerations of the financial case). Option 2 (EfW-derived heat only) does not achieve the required level of economic viability.

Network Route and Extent

- 2.26. As set out in the Private Appendix Full OBC Economic Case (section 2.3), the network route has been designed to serve a core group of town centre buildings, with the network extent (and cost of pipework) balanced with the energy available from the EfW, alongside connecting sufficient off-takers to achieve a commercial return, whilst also managing other constraints, such as crossing trunk roads and waterways. This means that the network requires approximately 6.2km of heating pipework and 14.1km of private wire cabling. This is intended as 'phase 1' of the HDEN with the aim of establishing a viable a network whilst also minimising risk through focusing on primarily Council and public sector sites as off-takers, plus a small number of commercial clients. This analysis is based upon this configuration of the network. This is intended to be flexible, and over time, further expansion of the network could take place. The proposed network route is illustrated in the diagram below.

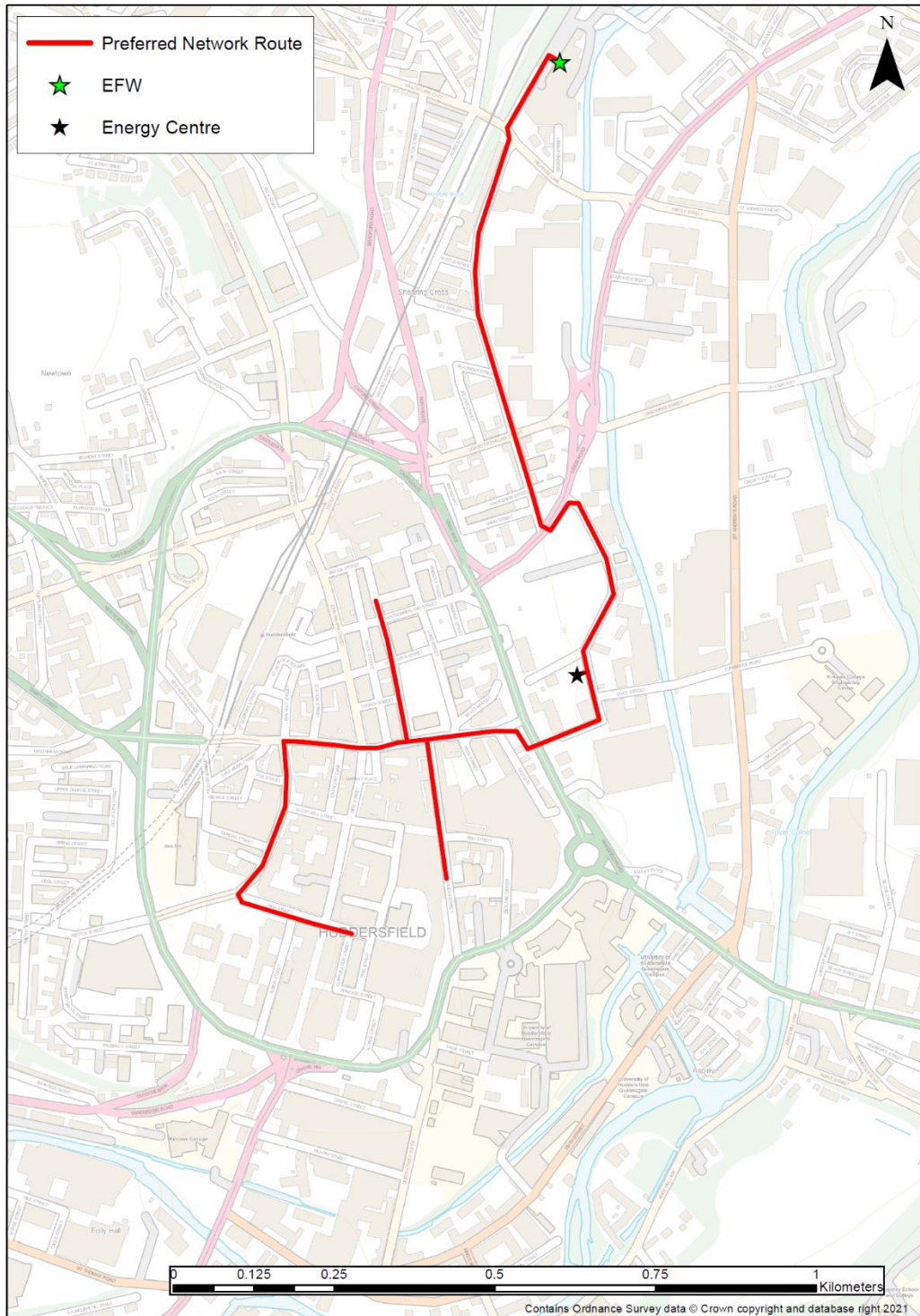


Figure 1 Proposed Network Route

2.27. The Network route has been carefully considered in order to ensure the network is able to balance connecting a sufficient number of town centre premises with a pipe network that is not disproportionately costly and that ensures that the network retains viable. It is important to note that this route represents the first phase of the network and that in future the network is designed to be able to be added to in order to connect additional buildings and alternative energy sources. The network route has been designed following consultation with internal stakeholders in relation to other schemes currently planned or underway and affecting the highway that could potentially be in conflict with this scheme. The route will be revisited at the commercialisation stage along with this related engagement to ensure that these assumptions remain valid. Ground-penetrating survey work will also be undertaken for identified route 'pinch points' where further detailed evidence may be needed.

Customers/Energy Off-takers

2.28. Network Customers have been considered in terms of their ability to commit to longer term power-purchase agreements (which the public sector is typically able to do) alongside their strategic town centre locations. It is therefore expected that Council sites will connect where their location allows and where technically possible. The HDEN provides a means of decarbonising the supply of heat at the point of entry of the building, reducing the dependence on building fabric improvement in order to achieve the Council's net zero commitments. Off-takers are detailed in the Private Appendix OBC Economic Case and can be broken down as follows in the table below. The extent of connections represents a balance between sufficient customers to justify the first phase of the network, whilst also remaining economically viable.

Off-taker	Engagement through the OBC process
Existing Council-owned sites in the town centre.	Engagement meetings between the HDEN project team and internal Asset Strategy and Technical Services teams along with the Council's Energy Engineer. Representation invited from all on the project Board.
Future Council developments (such as those coming forward through the Huddersfield Blueprint, including the Cultural Heart scheme)	Engagement meetings with the following: <ul style="list-style-type: none"> • Relevant Blueprint Programme Managers to identify where project completion dates can align with the HDEN. • Town Centre Highways scheme managers to identify a network route that takes into account current and planned highways schemes • Two specific HDEN meetings have taken place with the team managing the sustainability approach for the Cultural Heart Scheme. The HDEN provides a significant opportunity to provide low carbon heat to this significant redevelopment in the town centre.
External Partners (Four potential external organisations within Huddersfield Town Centre)	Individual stakeholder engagement with each separate party in order to provide information on the scheme opportunities and to gain asset information and energy usage data. The latter has been used to inform the assessments made in the production of the Economic Case.

2.29. For sites that cannot connect on day one (e.g. if there is existing energy plant infrastructure not yet close to end of life or if the site development timescales cannot align with the HDEN) then there is a potential for a future phased connection to the network.

2.30. External partners have been identified though being considered able to commit to longer power-purchase arrangements or to be located in a strategically beneficial location for the HDEN.. It is important to note that at this stage external partners have been engaged in the development of the scheme and OBC, as a mutually beneficial opportunity. There has been no formal commitment to the scheme agreed as yet, and this customer acquisition process is intended as a key task for the Commercialisation stage (i.e. for the Full Business Case).

Design of the Energy Centre

2.31. The Economic Case sets out the proposed rationale for the location and shortlisting process for agreeing the site at 37 Old Leeds Road for this purpose. This was supported by the Council's Asset Governance Board in September 2021. Following consultation with internal stakeholders, the desire to use this facility to make a bold visual statement of the building's purpose was agreed, which would also help support the regeneration of this area of the Town Centre. Illustrations of the preferred Energy Centre Design are included in the Private Appendix OBC Economic Case. At the appropriate point during Commercialisation the Strategic Director (Development) will be requested to formalise the decision to allocate the land for the Energy Centre.

Commercial Preferred Option

2.32. The Commercial Case sets out the details of the commercial, legal and governance considerations for the delivery of the HDEN. Five key commercial factors are set out which determine the proposed Commercial structure:

- The Council cannot operate a DEN on a commercial basis without establishing a standalone company (a special purpose vehicle or also known as an Energy Services Company, or ESCo).
- The DEN operator cannot be the private wire supplier without a supply licence (in practice, this means that either an organisation with a supply licence is needed as the supplier, or in the case of the EfW, the operator of the plant is considered to qualify for supply exemptions)
- The DEN depends upon close integration with the EfW Plant and Waste contract. The procurement of a new waste services contract provides a key strategic opportunity achieve mutual benefits for both schemes.
- The economic viability of the private wire element of the DEN is sensitive to current and future electricity market governance changes.
- The profitability of the DEN depends on an appropriate level of heat and power demand being secured from customers.

2.33. Following internal consultation and engagement with senior officers, relevant portfolio holders and other council officers, the recommended commercial structure for the HDEN that best meets the critical success factors is the establishment of a wholly council-owned Energy Services Company (ESCo) to install, own and operate the network, including the private wire assets. This is proposed to be a company limited by shares, with Kirklees Council the sole shareholder. This is set out in more detail in the Private Appendix OBC Commercial Case, alongside the other options considered. In summary, this model allows the following:

- The Council can engage in commercial activity without breaching its mandate
- Allows the most ability to manage the interaction between the procurement of the HDEN and the waste services contract.
- Balances profitability with achieving Kirklees' carbon reduction, regeneration and affordability goals,
- Provides a means for the council to benefit from the financial returns of the project; and
- Provides flexibility to allow a future change in commercial direction if required

Whilst a wholly-owned ESCo is considered the 'best fit' for the scheme, it is also important to note that any commercial structure will incur an element of risk to the authority. In the case of a wholly-owned ESCo there are also risks incurred through the need to potentially absorb losses and fund cash flow and future investment need. The Council will need subsidy control advice from legal advisors to ensure that the arrangements meet the appropriate arms-length requirements. There would also be a reputational risk, should the scheme not achieve the anticipated benefits.

2.34. There are two sources of revenue for the HDEN, which are detailed in the Private Appendix OBC Commercial Case.

- a) Sale of heat to commercial (and, in future, domestic) customers; and
- b) A "use of system" charge for the private wire. The Electricity Order 2001 prevents the ESCo from acting as the supplier of electricity to customers over the private wire without a supply license, and so the EfW Operator is required to play this role.

2.35. Because of the above, the procurement of the new waste services contract (including operation of the EfW) for the Council is a critical strategic opportunity to align with the HDEN in order to benefit both contracts. Whilst a principle of the HDEN project is that it should also offer benefits to the Waste/EfW Contract, the obligation may have impacts upon the commercial position of the contractor, which may influence the cost of waste disposal or create contractual complications in the event of the DEN project not progressing

2.36. Further Commercial and Financial considerations relevant to the Council are set out at section 3 of this report.

2.37. Taking into account the above elements of the scheme, the Management Case sets out the tasks required for the delivery of the Commercialisation Stage, which is intended to develop the scheme from the Outline Business Case to the Full business Case Stage. These tasks are summarised in the Private Appendix OBC Management Case and form the basis of the Officer recommendations in this report.

The tasks identified for Commercialisation are divided between two elements of work:

<p>1) 'Bridging' activities - Funding required for interim activities required to take place /ahead of/in parallel with the OBC approval by Cabinet.</p>	<p>This is comprised of:</p> <ul style="list-style-type: none"> • 'Bridging' activities needed to align the HDEN project and the EfW re-contracting process, such as the "Enabling works and Interdependencies". This needs to take place ahead of OBC approval to meet the Council's deadlines for the re-contracting of the waste and EfW contract (a process commencing in November 2022). • To provide external support to prepare and submit a bid to the Green Heat Network Fund in conjunction with the Council. Round 2 of the GHNF closes on 26 August, so it is therefore required for this application to take place ahead of the OBC Cabinet Approval.
<p>2) Main Commercialisation programme (OBC to FBC)</p>	<p>To progress the scheme from OBC to Full Business Case and undertake the remaining tasks in the table above. A breakdown of these costs is provided within the full OBC document Management Case. Subject to Cabinet approval, this stage will commence immediately.</p>

2.38. As noted above, the Council has prepared a grant submission to the Government's Green Heat Networks Fund (GHNF). This is the Government's primary means of supporting DEN development post-OBC and is an important potential source of grant funding for the Commercialisation phase (developing the OBC to Full business Case) and also up to 50% of the overall eligible scheme construction costs. The GHNF scheme was being launched in March 2022 as the HDEN OBC was being finalised. Whilst grant support is considered highly beneficial to the HDEN (and the scheme is considered likely to be supported by the GHNF), there are restrictions to the GHNF that will need to be managed. The primary issue is that the full GHNF grant (for construction) must be drawn down before 31 March 2025. This means that the proposed approach set out in the Private Appendix (Full OBC document) to align the construction start date with the anticipated award of the Council's Waste Contract would not be likely to be eligible for grant support from the scheme. In order to mitigate this, the anticipated construction start date for the HDEN would need to be brought forward to April 2024-to occur in advance of the new waste contract anticipated start date (and is a change to the sequence set out in the Full OBC (see Private Appendix)). This would allow draw-down of the full, anticipated GHNF grant between April 2024 and March 2025,with projected construction between April 2024 and March 2025 (see Section5)

2.39. The HDEN project team considers that the risks and changes to the timescales (including the reduced time period for commercialisation) are manageable and are outweighed by the anticipated benefits of accessing the GHNF . The anticipated risk and mitigation of the

set out at the Risk management section below. N.B. The draw-down of the anticipated GHNF construction grant (as opposed to the commercialisation GHNF funding), would only take place in any case following the completion of Commercialisation and approval of the resulting Full Business Case. These timescales are set out at section 5.

Benefits and Risks

Project Benefits

- 2.40. As set out in the Strategic Case, the scheme is expected to offer a number of anticipated benefits:
- Significant carbon reductions through accessing low carbon heat available from the EfW and not otherwise available to individual sites. Modest improvements to Air Quality are also expected through the removal of typically old individual gas boiler plants.
 - Reduction in energy bills through the potential for the EfW heat being available at a lower cost than natural gas and less susceptible to price fluctuations
 - A Local dividend through the opportunity to build revenue from the energy sold to local customers and the retention of this income locally.
 - Social benefits achieved through the development of the pricing strategy
 - The wider benefits of investment in the local area and economy creating employment and supply chain opportunities

Risk Management

2.41. The project team has sought to maintain a proactive approach to risk management throughout the development of the OBC. Each case summarises the key risks associated with that particular element of the scheme. The management case addresses the main risks identified within the commercialisation phase, as the project moves to issue of FBC. These key project risks are detailed within the Management Case, with each case set out in detail in the Private Appendix (Outline Business Case Full Report).

2.42. Whilst the OBC sets out the basis for an economically viable scheme, it is also important to recognise that a scheme of this nature is subject to a range of interrelated risks resulting from the contractual relationships required for the scheme to be successful:

2.42.1. The relationship with the EfW. The presence of the HDEN is considered to offer a significant opportunity for the Council's core waste contract to also deliver wider strategic outcomes related to carbon saving. However, it is also recognised as risk to the council's waste contract process, should the HDEN not happen.

2.42.2. The scheme is also dependent on several external energy customers (off-takers), who have been identified based upon their ability to potentially agree longer term power-purchase agreements. However, should these partners choose not to participate in the scheme, it is likely to have an impact on the project viability. These sensitivities are modelled in the economic case.

2.42.3. The need for 'private wire' electricity supply to be built into the scheme in order to deliver commercial return. This is the only scheme option which is economically viable, but also adds a further contractual element to the relationship with the EfW Operator. Due to licensing requirements relating to the supply of electricity the generator (the EfW Operator) will need to be the supplier to the end customer that will use the HDEN ESCo's private wire network for transmission (and generate a 'use of system' charge for the HDEN). This relationship is set out in more detail in the Private Appendix OBC Commercial Case. The OBC concludes that the benefits of the private wire outweigh these further complications.

2.43. As a consequence of the GHNF application (set out at 2.38), the construction of the HDEN (assuming FBC approval) will need to have commenced ahead of the Council's securing of a new EfW operator through the Waste contract process, leaving the network at risk of prolonged operation solely by back-up gas boilers. This risk will be mitigated by the following:

- Maintaining the ongoing focus on the alignment between the EfW Contract and HDEN teams to ensure that a future operator is able to supply heat.

- As part of Commercialisation to develop a robust plan for delay of the EfW procurement process in relation to back up heat supply (utilising the proposed back up gas boilers for the scheme in the interim)
- Continue to engage with Government partners for HDEN and Waste (BEIS and the Department for Environment, Food and Rural Affairs (DEFRA), respectively to promote alignment between the waste and DEN agendas.
- There will be a further decision point at Full Business Case, at which the HDEN would not proceed in the absence of resolution to this issue or would require further consideration if the supply of heat cannot be secured from the EfW Operator.

3. Implications for the Council

- **Working with People**

3.1. This proposal can be considered an 'enabling' scheme to facilitate the future ability of Huddersfield businesses and residents to access low carbon, resilient energy. The scale of the scheme at present is primarily aimed at establishing an economically viable DEN. In future, options can be considered for how the network can expand. Part of this includes how the Council may use this infrastructure to help Huddersfield businesses and residents on carbon reduction journeys.

- **Working with Partners**

3.2. Collaboration with partners has and will continue to be a key principle of the scheme. The Council and the potential off-takers have collaborated in order to develop the feasibility study and OBC to this point, recognising the future infrastructure potential of the HDEN in facilitating 'net zero'. Utilising energy from the EfW helps achieve additional value from the core function of processing waste, and can help add value for the EfW plant operator as well as the HDEN ESCo and the Council.

- **Place Based Working**

3.3. This scheme is intended to be a low carbon enabling infrastructure for Huddersfield, the district's largest town. The relatively large urban area provides the justification for the scale of infrastructure for the HDEN. Other solutions to help them decarbonise will be more appropriate for other communities across the district. The Council has recently undertaken a Climate Change public survey exercise in order to gather views from residents This information will be used to help inform the design of other actions in order to work with Kirklees communities to achieve the Council's 'net zero' target.

- **Climate Change and Air Quality**

3.4. The HDEN is considered to be a key enabling infrastructure to help the district achieve the target of 'net zero' emissions by 2038. If approved and constructed the scheme is expected to achieve carbon emission savings and air quality improvements linked to the removal of existing natural gas-fired boiler plants at sites that will connect to the network.

3.5. Over the longer term, the scheme is considered to be a key enabling element to facilitate the decarbonisation of Huddersfield Town Centre, by providing energy delivery infrastructure that can accommodate future low and zero-carbon sources of heat and power and deliver this efficiently around the town centre.

- **Improving outcomes for children**

3.6. The HDEN is infrastructure that will contribute towards energy resilience and security for Huddersfield Town Centre, whilst also being intended to deliver competitively-priced energy. The network is also designed to be able to grow and expand over time. At the time of writing, the cost of living is a significant concern across society, which in turn can impact upon outcomes for children. Through reducing dependency on fossil-fuel derived heating, the HDEN can be regarded

as 'future-proofing' infrastructure that can help address the cost of living over the longer term. Children, alongside other groups can benefit from this.

- **Other (e.g. Legal/Financial or Human Resources)**

3.7. By its nature, the HDEN scheme, has significant Legal and Financial implications for the Council, in terms of the structures required to be set up for delivery, the relationship with the Council's Waste contract, and the significant Council borrowing required. In considering this report the Council must have regard to its public sector equality duty under section 149 of the Equalities Act 2010 and its fiduciary duty to council tax payers and the duty of best value under the Local Government Act 1999. It is also important to note that whilst intended primarily as a carbon reduction scheme, the project is also predicted by the business case to generate a return for the Council and is expected to achieve a positive Internal Rate of Return in excess of 6% over a 40 year period. Key implications from the Commercial and Financial Cases are included in this section of the report. It is also anticipated that there will be grant conditions for the Council to comply with.

Commercial Considerations for the Council

3.8. The favoured option set out in the Commercial case identified as wholly-owned Special Purpose Vehicle (SPV) Energy Services Company (ESCO) set up to construct and operate the HDEN. The SPV will be a trading company with a separate legal identity from the council, notwithstanding that the Council will, be a shareholder. The company will need its own bank account and insurances such as employers liability, third party cover, Directors and Officers liability cover.

3.9. The SPV is proposed to be set up through powers granted to the Local Authority through Section 95 of the Local Government Act 2003 (this rationale is set out in Appendix K (Legal Compliance Check), and is proposed to take place during the Commercialisation stage. In line with Contract Procedure Rule 12.1, this is expected to require a further Cabinet approval following detailed evaluation by the Solicitor to the Council and the Chief Financial Officer

3.10. It is noted that as the sole owner of the ESCo, the Council will need to set up a 'HDEN Board' for the oversight of the company, and also to agree representation on the ESCo Board of Directors. This is proposed to be further developed during the subsequent Commercialisation stage of DEN development and agreed at the FBC stage.

3.11. The proposed approach to customer pricing for energy is set out in the Commercial case, with the aim of being lower cost to the consumer than the prevailing business-as-usual alternatives, in order to create an incentive for connection. This pricing strategy will be refined through the proposed alignment between the HDEN and Waste Contracts and finalised during the Commercialisation stage.

Procurement Route for Delivery of the HDEN

3.12. The Commercial Case proposes a separate specific and compliant procurement exercise to procure the different contractual elements required for the ESCo to deliver the scheme. This includes Design, Build, Operate and Maintain (DBOM) considerations alongside Customer Service and Billing. Authorisation for this exercise is required as part of this approval, which is proposed to be set up to complete at the point of the Council approving the FBC (i.e. at the completion of the Commercialisation stage of development), as follows:

3.13. The procurement approach is set out in section 3.6 of the Private Appendix (Commercial Case of the OBC) which sets out a single, Public Contracts Regulations (PCR) compliant procurement. The procurements will be carried out by the Council (and later novated to the SPV/ESCO) and also the SPV/ESCO directly. The proposed approach is to follow a "holistic" approach and all the procured services to fall under one regulation, the Public Contracts Regulations 2015 (PCR). Therefore, the procurement strategy will be structured to comply with PCR which not exclude from services procured in the future to fall under the Utilities Contracts Regulations 2016 (UCR) as required.

- 3.14. The final decision by the Council to proceed with the project will occur shortly before financial close of the procurement exercise. All of the core commercial contracts (including all those listed above) will be entered into at the same time (at financial close).

Financial Summary and Considerations for the Council

- 3.15. Aside from the costs associated with the construction and delivery of the network, costs will also be incurred in order to undertake the Commercialisation stage of project development (i.e. to take the OBC and develop to the FBC stage). These costs are anticipated to be £1.21m, up to £1m of which could be accessed from a successful GHNF bid (NB. Commercialisation costs can be accessed via the GHNF as part of the 50% of project costs referred to above). This includes the provision of external specialist consultant support in order to progress to FBC, alongside additional Council Officer capacity for approximately two year to manage this stage of the scheme, recognising the increased complexity as the scheme moves closer to delivery.
- 3.16. The Private Appendix OBC Financial Case establishes and sets out the financial performance of the preferred option detail in the Economic Case and takes into account anticipated cashflow, financing and tax costs for the HDEN. Once these elements are taken into account, the Internal Rate of Return (over 40 years) is positive and in excess of 6%.
- 3.17. The Financial Case anticipates a successful Council bid to the Government's Green Heat Network Fund (GHNF) in order to access up to 50% capital grant funding for eligible construction and delivery of the HDEN. Whilst the Financial case assumes a conservative assumption of a 40% successful bid to the GHNF, it is recommended that retrospective delegated authority is given to the Strategic Director in order to make a decision at the point of bidding for GHNF in order to maximise potential grant income balanced with a likely outcome of success. The remaining project capital requirements are anticipated to be achieved through Council borrowing with a nominal amount required for Council equity in the ESCo. This is required as consideration for the Council's proposed 100% share ownership in the ESCo.
- 3.18. The funding requirements for the network are anticipated to be required in three tranches between 2025/26 and 2036/37 as set out in the Private Appendix (OBC Financial Case).
- 3.19. Capital borrowing is required from the Council in order to meet the scheme costs not covered by an anticipated grant application to the GHNF. This is set out in the Private Appendix (Financial Case) and is expected to take the form of a loan from the Council to the ESCo, which will be repaid via the return generated from the commercial activities (the sale of heat energy and use of system charge for electricity). The Financial Case has made relatively robust assumptions in relation to inflation, but it is recognised that this is a changing situation due to the external situation. The potential impacts of the inflationary environment will be kept under review with regard to the project costs.
- 3.20. The scheme as set out in the OBC is intended to generate revenues sufficient to repay the debt incurred by the Special Purpose Vehicle (i.e. the council borrowing). This is set out in more detail Private Appendix OBC Financial Case (section 4.3) and also at Private Appendix OBC Appendix L & M. Potential adverse events that could have a detrimental financial impact on the scheme have been modelled as sensitivities at paragraph 4.3.7 (and Private Appendix OBC Appendix N) of the Financial Case. This section shows the impact of the different sensitivities considered most likely in comparison to the base case. This also includes certain positive event sensitivities (in finance terms) such as an increase in heat tariffs.
- 3.21. This also anticipates that an application to the GHNF needs to take place ahead of this Cabinet Decision under the authority of the Strategic Director, in order to meet the deadline for Round 2 of the GHNF, which closes on 26 August 2022.
- 3.22. Cabinet is asked to indicate their support for the HDEN scheme along with support for taking forward these outlined capital implications into the Council's Medium Term Financial Strategy at the next decision point. This will require a revision to the existing Council Capital Plan profile for

the heat network (which assumes 100% grant funding) to take into account the above borrowing requirements and split between anticipated grant funding and council borrowing.

Alignment with the Waste and EfW Contract

- 3.23. As described earlier, the interrelationship with the Waste/EfW Contract procurement is a key interdependency for this project, with this procurement process commencing in Autumn 2022. As such, preparatory work around the alignment of these two schemes needs to be substantively complete by the time this Cabinet Decision take place, which requires this work package to be brought forward from the Commercialisation stage now taking place pre-OBC approval in order to take place in Summer-Autumn 2022.
- 3.24. Through consultation with Portfolio holders, a further £200k of Council borrowing has been identified and agreed in order to undertake this 'bridging' and early commercialisation work ahead of the OBC approval in order to avoid any disruption to the EfW/Waste Procurement process.

Do you need an Integrated Impact Assessment (IIA)?

- 3.25. An Integrated Impact Assessment for this proposal has been completed and is included at Appendix 2.

4. Consultees and their opinions

- 4.1. The Council's Head of Risk has been a member of the HDEN Internal Board and a regular consultee through the OBC process. They have made the following comments for this report:
"Although the project demonstrates a potentially viable business case it is dependent on a few assumptions which may or may not be achieved.

The project

- Is dependent on the continued operation of the waste to energy plant (and the cooperation of its operator).*
- Is only viable because of the private wire electricity arrangements (which depends on the operator of the waste to energy plant).*
- Viability is dependent on the other proposed partners being willing to join on the commercial terms proposed, or terms that are very similar.*

The projected rates of return are lower than would be sought by a commercial operator. Any rise in construction costs would impact on viability. Conversely, rising energy prices may improve viability.

Overall the project cannot be predicted as certainly risk free, and the council may be constrained in future choices (beyond the full business case), by grant obligations, and being project lender."

- 4.2. The Council's Head of Commercial Services has been a member of the HDEN Internal Board and a regular consultee through the OBC process. They have made the following comments for this report:

"The IRR is above 6% and the economic viability of the project is dependent on the private wire network. The project's viability is sensitive to changes in customer demand and pricing, and any negative changes to the IRR will need to be considered further. The Waste Contract and DEN procurement need to be aligned and the overall cost/benefits/risk/operational implications need to be considered together rather than singularly"

- 4.3. Representatives from the Council's Waste Services have attended the HDEN Internal Board and helped identify the key alignments required alongside the procurement of the Council's Waste contract. The Head of Operational Services has provided the following comments for this report:
"The HDEN provides an exciting opportunity to help achieve the aspirations of the Council's Waste Strategy in relation to helping to achieve the Council's 'net zero' carbon emissions target. The HDEN does present some challenges and complexities to address for the Waste contract process, but by working closely together on the alignment of the two schemes, these can be addressed. The ultimate results are considered beneficial both in terms of energy efficiency and carbon reduction as well as achieving additional benefits via the Council's Waste Contract."

4.4. By its nature, the HDEN has a wide range of stakeholders, both externally and internally. In development of the OBC, the HDEN project team has been supported by the following internal consultees and stakeholders:

- Regular briefings with Portfolio Holders for Environment, Culture & Greener Kirklees, plus Portfolio holders for the Corporate and Regeneration portfolios where necessary.
- Internal Board representation including Highways, Waste Services, Corporate Landlord Technical Services, Energy, Risk, Legal, Finance, Procurement and Business & Skills
- Planning Service informal consultation has taken
- Asset Governance Board to update on the scope of the scheme and achieve permissions for the use of the 37 Old Leeds Road as the location for the HDEN Energy Centre.
- Capital Governance Board in order to consider the capital implications of the proposal
- Project teams engaged with Huddersfield Blueprint and Highways improvements schemes across the town centre area

4.5. Ahead of this Cabinet decision, the HDEN proposal has been considered by the Economy & Neighbourhoods Scrutiny Panel on 30th August 2022. The Portfolio holder for Culture and Greener Kirklees attended, along with Officers from the Energy & Climate Change team. The Panel were provided with the draft copy of this report and private appendices along with a summary presentation of the key points. This was followed by general discussion and the opportunity for Panel members to ask any questions about the scheme. The minutes of the 30th August Scrutiny Panel provide a record of this discussion. The Panel noted the information provided in the report and noted the next steps. They also made the following specific suggestion:

- As a follow-on to the proposed design of the Energy Centre, interpretation panels/screens should be considered at the Energy Centre site and also at other Town Centre sites in the Council’s control that are anticipated to benefit from energy from the DEN. Officers agreed to consider this suggestion further at the Commercialisation stage.

5. Next steps and timelines

Scheme Timescales

Task Name	Date
Green Heat Network Fund application submission	August 2022
Alignment of EfW Contract and HDEN Proposals	October 2022
Commercialisation stage (OBC to FBC) workstreams	October 2022-January 2024
Full Business Case Approval	January 2024-March 2024
Construction of the HDEN	April 2024-December 2025

5.1. Concurrently with this decision process, the workstream will be undertaken:

- Alignment of the HDEN process with the Council’s Waste/EfW Contract procurement process in order to achieve mutually beneficial outcomes for both, ahead of the formal EfW procurement process commencing in November 2022.

5.2. Following this Cabinet decision, and anticipating a successful outcome of the GHNF bid, the Council will commence the commercialisation stage of the project to develop the OBC to FBC stage.

5.3. The timescales set out in this section 5 replace those set out in the Private Appendix (OBC Management Case).

6. Officer recommendations and reasons

1. That the results of the Outline Business Case dated 30 March 2022 are noted, along with the considerations relating to the Green Heat Network Fund application timing (set out at section 2.38 and 2.42 of this report).

Reason: To allow Cabinet to recognise that the Outline Business Case has identified that a viable and attractive heat network opportunity exists for Huddersfield as detailed in this report and the OBC. Positive results include the delivery of significant carbon savings derived from heat provided by the network established alongside an economically viable network that can operate on a commercial basis. This should be considered alongside the risks highlighted earlier in this report.

2. That Cabinet agrees the proposed commercial delivery model, procurement and funding strategy up to Full Business Case as set out in the Outline Business Case

Reason: To recognise and accept the findings of the Outline Business Case and accept the strategy set out to progress the scheme to the next key milestone, Full Business Case stage.

3. That Cabinet delegate authority to the Strategic Director for Environment & 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 the Council's Financial Procedure Rule 22.

Reason: To anticipate a successful outcome from an application to the GHNF and to anticipate any further sources of appropriate external funds that may become available. These funding opportunities are normally constrained by challenging bid timelines and delegating authority to the Strategic Director will allow these opportunities to be progressed without delays to the HDEN timelines.

4. To delegate authority to the Strategic Director for Environment & Climate Change in consultation with the Portfolio Holders for Environment and Culture & Greener Kirklees in order to progress the next steps set out in the Commercial and Management cases, specifically:
 - a. Detailed assessment of the Energy from Waste (EfW) power export value
 - b. Alignment with procurement of Waste Services Contract (including the EfW) to agree the supply of heat and power
 - c. 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
 - d. Customer Acquisition - preparation and agreement in principle of heat and electricity supply arrangements with District Energy Network customers (including Council-owned sites)
 - e. Securing funding for the HDEN Commercialisation stage
 - f. Procurement and Operation of HDEN assets
 - g. HDEN operational arrangements
 - h. Heat Offtake agreement between the HDEN and EfW
 - i. to prepare and submit a full planning application(s) for the construction of the proposed Energy Centre and the other elements of the HDEN falling within the scope of Planning Permission regulations.
 - j. Any further steps to progress the scheme from Outline Business Case to Full Business Case, which could reasonably be anticipated

Reason: Progressing the scheme to Full Business Case will require a number of separate commercial negotiations and interrelated work streams. This delegates authority to the Strategic Director in order for the project to be delivered as envisaged, up to the FBC stage, whilst also being able to respond and adapt to the negotiations and changing circumstances (recognising that the nature of the feasibility process is that sometimes minor alterations are

required in order to keep the project on track, possibly in response to unexpected or unanticipated events) that do not substantively change the nature of the scheme.

5. That Cabinet delegate authority to the Strategic Director – Environment & Climate Change in consultation with the portfolio holder in order 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. Significant alterations to the OBC will be referred back to Cabinet.

Reason: The nature of the feasibility process is that sometimes minor alterations are required in order to keep the project on track, possibly in response to unexpected or unanticipated events. This delegates authority to the Strategic Director in order for the project to be delivered as envisaged, up to outline business case stage.

6. To note the funding requirements for the HDEN as set out in the Financial Case of the OBC and for Cabinet to agree to support the Council investment and borrowing requirements as set out in the Financial and Management Cases (and summarised at sections 3.15 to 3.22 above) in conjunction with (and anticipating) a successful application to the Green Heat Networks Fund.

Reason: To provide clarity and indicate Cabinet's support for the capital costs associated with delivering the network and to provide certainty to allow the HDEN to progress to FBC and to seek to access external sources of funding. To ensure that there will be sufficient resources in place to undertake the development of the project to FBC stage.

7. To delegate to the Strategic Director for Environment & Climate Change all necessary preparations to set up the Special Purpose Vehicle/ESCo so that a further report is brought to Cabinet following the detailed evaluation by the Solicitor to the Council and the Chief Financial Officer to agree the establishment of the Special Purpose Vehicle for the Huddersfield District Energy Network.

Reason: To ensure compliance with the Council's Contract Procedure Rule 12.1 governing the establishment of Special Purpose Vehicles. This will take place before the anticipated Cabinet consideration of the Full Business Case

8. That a further report is brought to Cabinet following the completion of the Commercialisation stage of work, in order to consider the resulting Full Business Case for the HDEN and whether to progress the scheme to construction and delivery.

Reason: This report is the decision point to progress to the Commercialisation stage of HDEN development, which will progress the OBC to FBC status. The next decision point for Cabinet will be to present the FBC to cabinet in order to consider whether the scheme should progress to construction and delivery.

9. For Cabinet to authorise 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 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 .

Reason: The Commercialisation stage of HDEN development will require legal and commercial agreements setting up between the Council and the parties as set out in the Commercial Case.

10. For Cabinet to authorise the Service Director – Development 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.

Reason: Following a recommendation from the Council's Asset Governance Board in September 2021, to formalise and agree the use of the site for the purpose of the HDEN's Energy Centre.

7. Cabinet Portfolio Holder's recommendations

The Cabinet Portfolio Holder for the Environment recommends that Cabinet endorses the officer recommendations at section 6 and notes the following:

"The Huddersfield District Energy Network project provides an excellent opportunity to reduce carbon emissions associated with our largest town and help improve our future energy resilience, linked to how we process waste in the district. Establishing a heat network will help ensure energy customers in Huddersfield have access to lower carbon and fairly priced energy. Establishing the network as set out in the Outline Business Case is the first step, and we intend to look at opportunities for how the network can further expand and help Huddersfield further reduce its emissions and the Council address its priorities in future.

This project has been developed over a number of years and is supported by the Government's Heat Networks Delivery Unit. I am pleased to support this initiative in terms of its ability to help achieve our climate goals and also to achieve further co-benefits alongside our Waste Strategy. I would like to encourage Cabinet to support our next steps in taking the Outline Business Case and progressing this to a Full Business Case"

The Cabinet Portfolio Holder for Culture and Greener Kirklees recommends that Cabinet endorses the officer recommendations at section 6 and notes the following:

"The Huddersfield District Energy Network is a key project in our plans to reduce carbon emissions across the district and achieve our net zero target of 2038, whilst also providing increased energy resilience for Huddersfield. I am pleased to support the scheme and the measures set out in this report. I encourage Cabinet to support the officer recommendations and agree to progress the identified next steps."

8. Contact officer

John Atkinson, Group Leader – Energy & Climate Change
John.atkinson@kirklees.gov.uk
01484 221000

9. Background Papers and History of Decisions

12th November 2019 - Kirklees Climate Emergency Declaration and the Kirklees Air Quality Strategy and Five Year Air Quality Action Plan

16th February 2021 - Huddersfield District Heat & Energy Network Cabinet Report

10. Service Director responsible

Katherine Armitage, Service Director for Environmental Strategy and Climate Change

11. Appendices

1. HDEN Letter of Support for the HDEN from the BEIS Heat Network Delivery Unit Head of Commercial & Investment
2. HDEN Integrated Impact Assessment

Private Appendices:

3. HDEN Outline Business Case Executive Summary (Exemption Clause 3)
4. HDEN Outline Business Case – Full Report (Exemption Clause 3)
5. HDEN OBC Full Report Appendix K – Legal Compliance Check (Exemption Clause 5)



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Our ref: 100761_DPD

Colin Parr
Strategic Director for Environment & Climate Change
Environment & Climate Change Directorate
Kirklees Council
Civic Centre 3
Huddersfield
HD1 2TG

6th July 2022

Dear Colin,

The Department for Business, Energy and Industrial Strategy (BEIS) recently published the Heat and Buildings Strategy, setting out how the UK will decarbonise our homes, and our commercial, industrial and public sector buildings, as part of setting a path to net zero by 2050.

We've made huge progress on the transformation of our power sector and recognise that heat is the next big challenge, accounting for almost half of energy use and around a third of carbon emissions. With millions of homes and businesses across the UK and a need for heat to be close to zero carbon by 2050 to meet these targets, we recognise the scale of the challenge.

The Heat and Buildings Strategy makes it clear that heat networks will play a vital role in the long-term decarbonisation of heating. It demonstrates a strong commitment to significantly expanding the sector – we are working with local actors across England and Wales to deploy low-carbon heat networks in suitable areas, developing our Heat Network Zoning approach, and providing capital support through Heat Networks Investment Project and Green Heat Network Fund (GHNF). Through our Heat Network Transformation Programme we will develop regulations to drive decarbonisation, improve consumer protection and performance of legacy networks, grow supply chains and upskill the workforce.

Heat networks are one of the most cost-effective ways of reducing carbon emissions from heating. They present an opportunity to exploit larger scale renewable and recovered heat sources, can mean lower bills for consumers and have an increasing role in playing a part in our dynamic energy system.

To help Local Authorities across England and Wales understand the opportunity for heat networks in the local area, identifying the benefits which could be delivered to local residents and businesses and the role of local government, BEIS formed the Heat Networks Delivery Unit in 2013. The team consists of technical, commercial and financial specialists who have provided support and funding of over £30m to Local Authorities. One of these is Kirklees Council, whom we have supported to carry out a feasibility assessment (2018) to identify and quantify the extent of the Huddersfield opportunity, and more recently Detailed Project Development (DPD, 2021-22) stage work which has delivered an Outline Business Case for Kirklees scrutiny. This work has now largely been completed.

The outputs of these pieces of work leads me to strongly believe that the Huddersfield Town Centre project opportunity has the hallmarks of a viable and investable scheme:

- Accessible heat and power available from the Diamond Street Energy from Waste (EfW) facility;
- A project approach whereby the use of the heat and power from the EfW plant is mutually beneficial for both the operators of the heat network and the EfW plant;
- An opportunity to decouple Huddersfield buildings from fossil fuels and fossil fuel price fluctuations;
- A number of public sector customers underpinning the project viability;

OFFICIAL

- Alignment with other important infrastructure, energy and Planning related Kirklees initiatives (e.g. the Council's vision for a 'net zero' and 'climate ready' Kirklees by 2038, the Kirklees Resources & Waste Strategy 2021-2030, and the Huddersfield Blueprint vision for the town);
- Healthy economic returns in the region of 6-7% IRR / £7.1m NPV over a 40-year period, including capital grant support from BEIS (£6.8m of GHNF grant contributing to a total upfront capital costs of approximately £17.3m).

To put this in context, the Huddersfield Town Centre is one of the most exciting opportunities within our sizable portfolio of projects nationally. I would encourage Kirklees Council to progress this project to the next stage of development: Commercialisation. This will continue preparation for the project Full Business Case, including further alignment with the Waste Services Contract and other Kirklees strategic initiatives, developing proposals for a project delivery vehicle, and preparing for tendering for delivery of this exciting opportunity. I would encourage you to make a bid to BEIS for further funding through our Green Heat Network Fund, and I am keen to continue to commit specialist support to help the Council take this project from development to delivery and look forward to hearing more about the opportunity as it progresses.

If required we would be delighted to further discuss any aspect of the above.

Kind regards,



George Robinson
Head of Investment and Commercial, Heat Networks

EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy:	
Huddersfield District Energy Network (HDEN) Outline Business Case Approval	
Directorate:	Senior Officer responsible for policy/service:
Environment & Climate Change	Katherine Armitage
Service:	Lead Officer responsible for EIA:
Environmental Strategy & Climate Change	John Atkinson
Specific Service Area/Policy:	Date of EIA (Stage 1):
Energy and Climate Change	20/07/2022

Brief outline of proposal and the overall aims/purpose of making this change:

In Huddersfield, there is a District Energy Network (DEN) opportunity arising from utilising the heat and power from the existing Energy from Waste (EfW) plant and delivering this as a low carbon energy solution for sites within the town centre. This aligns with our Climate Emergency declaration and target of net-zero carbon emissions for the district by 2038. If approved, the scheme would reduce emissions and improve air quality, by removing of existing natural gas-fired boiler plants at connected sites.

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	6	3.8	9.8	2.5	2	4.5	No
Environment		3	3	0	0	0	No

NATURE OF CHANGE

WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	YES
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	NO
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	YES

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...	Level of Impact Please select from drop down
Kirklees employees within this service/directorate? (overall)	Very Positive
Kirklees residents living in a specific ward/local area?	Very Positive
Please tell us which area/ward will be affected:	Huddersfield: Ashbrow, Dalton, Newsome
Residents across Kirklees? (i.e. most/all local people)	Positive
Existing service users ?	Positive

Each of the following groups?		Please select from drop down
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>		
...age	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Positive
...disability	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...marriage/ civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...race	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sex	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...those in poverty or low-come	What impact is there on Kirklees employees /internal working practices?	Positive
	What impact is there on Kirklees residents /external service delivery?	Positive

...unpaid carers

What impact is there on Kirklees **employees**/internal working practices?

Positive

What impact is there on Kirklees **residents**/external service delivery?

Positive

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...		Level of Impact	
		Please select from drop down	
Kirklees Council's internal practices ?		Neutral	
Lifestyles of those who live and work in Kirklees?		Neutral	
Practices of suppliers to Kirklees council?		Neutral	
Practices of other partners of Kirklees council?		Very Positive	
Each of the following environmental themes ? (Please select from the drop down list)			
	People	Partners	Places
...clean air (including Climate Changing Gases)	Very Positive Score: 0	Very Positive Score: 0	Very Positive Score: 0
...Clean and plentiful water	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
... Wildlife and habitats	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
...Resilience to harm from environmental hazards	Positive Score: 1	Positive Score: 1	Positive Score: 1
... Sustainability and efficiency of use of resources from nature	Positive Score: 1	Positive Score: 1	Positive Score: 1
...Beauty, heritage and engagement with the natural environment	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
... Resilience to the effects of climate change	Positive Score: 1	Positive Score: 1	Positive Score: 1
...Production, recycling or disposal of waste	Very Positive Score: 0	Very Positive Score: 0	Very Positive Score: 0
... Exposure to chemicals	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2

HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?

Please select YES or NO

Equality Themes

Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?	Yes
...employees?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...Kirklees residents?	Yes
...service users?	Yes
...any protected characteristic groups?	No

Please list your **equalities** evidence/intelligence here [you can include hyperlinks to files/research/websites]:

The Huddersfield District Energy Network Outline Business Case document includes information on the Social Benefits of the scheme. Due to the proposal being a decarbonisation 'enabling' scheme, it is considered to offer future social benefits through increased energy resilience to those in the Huddersfield Town Centre footprint area.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal outlined on the different groups of people?	TO SOME EXTENT
To what extent do you feel you have considered your Public Sector Equality Duty?	FULLY

Environmental Themes

Have you taken any specialist advice linked to your proposal?	Yes
...Kirklees Council practices?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...resident and worker lifestyles?	Yes
...Practices of Supplier to Kirklees Council?	Yes
...Practices of other Kirklees Council partners?	Yes

Please list your environmental evidence/intelligence here [you can include hyperlinks to files/research/websites]:

The Huddersfield District Energy Network Outline Business Case document includes information on the environmental benefits of the proposal, in particular the anticipated carbon savings.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the environmental issues identified?	FULLY

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Name of meeting: Cabinet

Date: 21st September 2022

Title of report: Kirklees Cultural Heart,
part of the Huddersfield Blueprint – Gateway 2

Purpose of report:

Following the Cabinet approval of the Strategic Outline Case (SOC) at Gateway 1 in November 2021 this report provides an update on the development of the Kirklees Cultural Heart programme as part of the wider Huddersfield Blueprint. Cabinet is being asked to consider the appended Outline Business Case (OBC) and the associated Royal Institute of British Architects (RIBA) stage 2 masterplan at this Gateway 2. Approval in this report is being sought for the Gateway 2 proposals and the further development of the preferred masterplan option and approval to proceed to Gateway 3.

A number of detailed appendices are attached to this Cabinet report.

In order to move to Gateway 3, the report asks Cabinet to release up to £10.5m to allow the council to carry out necessary work with partners to progress the scheme. These costs are itemised in section 2.8.

As part of Gateway 3 and further milestones, Cabinet will have the opportunity to consider updated reporting on market conditions, phasing, and design detail before progressing to further phases of the programme, including construction.

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 Expenditure >£250,000
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Yes, published 18th August 2022 Public Cabinet report with public and private Appendices.
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director Growth and Regeneration Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	David Shepherd – 8th September 2022 Eamonn Croston – 8th September 2022 Julie Muscroft – 9th September 2022

Cabinet member portfolio	Cllr Graham Turner Regeneration Portfolio Holder, Cllr Paul Davies – Corporate Portfolio Holder
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Electoral wards affected: Newsome

Ward councilors consulted: Newsome ward councilors were consulted on the progress of the scheme to RIBA 2 as part of the public consultation for planning during May and June 2022.

Has GDPR been considered? Yes

Public or private: Public Cabinet report with public and private appendices.

The appendices set out below can be found by accessing the following link
[Document Appendices | Kirklees Council](#)

Appendices to the Cabinet Report are set out below. In the public report the OBC has been redacted and some of the OBC's appendices have been withheld or redacted.

Appendix 1, Outline Business Case (OBC)

Appendix 2, appendices to the OBC

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

Appendix 4, Social Value paper

Appendix 5, Consultation Report

Appendix 6, Integrated Impact Assessment

Elements of Appendices 1 & 2 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 Introduction/Context

Launched in June 2019, the Huddersfield Blueprint aims to transform the town centre. As one of six key elements of the blueprint vision, the Cultural Heart focuses on the Queensgate Market area and includes regenerating iconic and historic local buildings such as the library and gallery.

The aim of the programme is to regenerate and celebrate the heritage of Huddersfield while offering new cultural experiences for residents and visitors to enjoy a revitalised town centre.

Proposed elements of the Cultural Heart include:

- A new library.
- A new museum.
- A new gallery
- A new food hall.
- A new event venue: which can be scaled up or down for live music, theatre, cultural events, and conferences.
- A new town park and outdoor event space.
- New parking.

As a major transformational programme, development of the Cultural Heart is reviewed through each stage of a gateway process. The gateway process sets key milestones for progressing the programme. This approach allows Cabinet to take stock of progress and consider factors such as changing market conditions and stakeholder views. At each stage, Cabinet is invited to endorse the outcome of the gateway and move forward to the next gateway.

In June 2021, Cabinet entered the gateway process by commissioning a Strategic Outline Case (SOC) and an Outline Business Case (OBC) for the Cultural Heart. The SOC was agreed by Cabinet in November 2021 at Gateway 1. Working with development partners, a detailed OBC has now been completed and is appended to this report.

The report, and its appendices, mark the completion of Gateway 2. This means that Cabinet can now agree the Outline Business Case, which includes the RIBA Stage 2 design and master plan for the site. This stage of the gateway process allows Cabinet to confirm the preferred development option in light of further information in the OBC.

In order to move to Gateway 3, the report asks Cabinet to release up to £10.5m to allow the council to carry out necessary work with partners to progress the scheme. These costs are itemised in section 2.8.

As part of Gateway 3 and further milestones, Cabinet will have the opportunity to consider updated reporting on market conditions, phasing, and design detail before progressing to further phases of the programme, including construction.

1.2 Structure of the report

This report is structured to ensure all relevant information is provided in a logical manner to support the recommendations to proceed beyond programme Gateway 2, and release resource to progress the scheme to programme Gateway 3. The report begins with a background to the programme development so far. Next a comprehensive overview of the Outline Business Case is provided. The report then moves on to set out the design development achieved for the Cultural Heart during RIBA stage 2. Next, the ongoing resource requirements are described, providing detail on the professional team and their costs to Gateway 3.

The report then explains the preferred method for procurement of construction and other contractors. Additional information is provided on the associated projects that will need to be addressed as the Cultural Heart progresses from design and into delivery. An itemised cost breakdown of the resources required to progress to Gateway 3 is then provided, along with the outcomes that will be achieved at this next programme event.

A brief overview of progress made on the sustainability and social value strategies is set out next, followed by commentary on stakeholder engagement to date. An overview of programme risk is presented to recognise the detailed and effective approach to risk management for the Cultural Heart.

Financial and legal justification is then provided, alongside an overview of consultation responses to date. The report concludes with a series of recommendations required to progress through Gateway 2 and towards Gateway 3.

1.3 Delivering the Cultural Heart Programme to Gateway 2 – Outline Business Case

The Strategic Development Partner (SDP) has consulted with partners to bring forward the OBC. The purpose of the OBC is to revisit the shortlisted options identified in the SOC, to identify the option which optimises public value (Preferred Way Forward) following more detailed appraisal; and to set out this option while confirming deliverability within approved budgets and putting in place the management arrangements for the successful delivery of the programme.

The preferred option in the SOC has been further developed by the Delivery Team and the further development of the Preferred Way Forward is presented as part of the OBC.

Likewise, the progression of the master plan builds on the principles of the SOC layout but with the time to further develop the layout they now take account of heritage issues, urban design and maximises use of the site. The area requirements of each of the buildings have now been firmed up and their size and height and relationship with the existing buildings has been developed.

The OBC provides the detailed financial (capital and revenue) and economic impact assessment for the Preferred Way Forward and follows the Green Book methodology. The Green Book is guidance issued by HM Treasury on how to appraise policies, programmes, and projects.

The OBC report also provides the baseline proposals for the future control and confidence in the further design, procurement, and construction phases and provides Cabinet with the appropriate information to control and determine the future direction and funding of the Cultural Heart programme.

1.4 Securing Appropriate Resources

Funding totaling £6.55m from the council's approved multi-year capital plan was approved by Cabinet on the 22 June 2021 to progress the programme to Gateway 2. A further £1m was approved by Cabinet on the 9th August 2022. Originally the Gateway 2 Cabinet was expected to be in July and the additional funding was agreed to allow work to continue into September to maintain the programme timeline.

Council departments and teams are engaging and consulting with the Cultural Heart Delivery Team to deliver the programme including the service team end users, planning, highways, corporate landlord, town centre regeneration, capital developments, procurement, legal, finance, major projects and comms.

Throughout this report the SDP and the design team, including the architect and engineer, who have been engaged to deliver the Cultural Heart programme, will be referred to as the Delivery Team.

Also see Section 2.4, Project Team in this report

2. Information required to take a decision

2.1 Background

The blueprint has been regularly considered by Cabinet and the links to those reports are set out in Section 9 of this report.

A Programme Board was established shortly after the programme initiation to provide governance and strategic direction for the programme. The board is made up of Council Strategic Directors, Service Directors, Heads of Department, senior Council staff and a representative of the SDP. The chair of the board is the Strategic Director for Growth and Regeneration.

A Technical and Quality group and a Master Plan group comprising mostly council officers have also been convened to provide technical checks and balances at appropriate milestones for the work completed by the Delivery Team.

A Finance Group, that is chaired by the Service Director - Finance, has also been established. This group has responsibility for oversight and review of relevant budgets for costs and income for the Cultural Heart programme, and maintains the overall financial model of the development, and gives the Board ongoing assurances on the reasonableness or otherwise of financial assumptions that feed into the SOC and OBC.

The programme is regularly presented to the Executive Team, Leadership Management Team, and the Regeneration Policy Holder Board. Programme updates are presented to the relevant scrutiny panel between each gateway.

The programme is considered by the Cabinet at each of the gateways for approval to proceed to the next stage.

2.2 Development of the Outline Business Case, Gateway 2

The OBC has an Executive Summary (ES) with paragraphs ES1 – ES45. Pages i to xix.

The OBC main report sets out the business case for the Cultural Heart and is structured as follows and as set out below:

- Section 1 – Introduction page 1
- Section 2 - **Strategic Case** page 4
- Section 3 - **Economic Case** page 46
- Section 4 - **Commercial Case** page 60
- Section 5 - **Financial Case** page 70
- Section 6 - **Management Case** page 89
- Section 7 - Summary & conclusions page 107

2.2.1 Introduction, (see App 1, ES1-ES2 & Section 1, page 1)

The purpose of the OBC is to re-confirm the strategic case for the programme and to outline and test the detail of the Preferred Way Forward which optimises public value. This OBC has been prepared using the UK Government's Treasury Five Case Model methodology.

The OBC builds on the work done in the first stage of the programme and the development of the SOC at Gateway 1 (Cabinet, November 2021). The OBC describes in more detail the investment, affordability, and the management of the finances over the programme lifecycle.

In developing the OBC for Gateway 2 the Delivery Team have worked with the Programme Board and the relevant service teams to refine the preferred option master plan, building sizes and requirements of the service teams. This work has then informed the capital and revenue budget estimates.

Where third parties are being considered to operate the venue, food hall and multistorey car park the appointment of these operators will be timed to meet the appropriate milestones for their input. These operators will bring the necessary skills and knowledge of their respective marketplaces.

Cost management exercises have been completed to refine the cost plan for the projects within the Preferred Way Forward. The 'Do Nothing' and 'Do Minimum' approaches have also been costed to provide a baseline for evaluation as part of the OBC process.

As part of this process, the Department of Cultural Media and Sport (DCMS) understand that investment in cultural and creative services realises benefits beyond the purely economic and immediately commercial outputs. As such social and cultural returns on investment will accrue from the Cultural Heart programme.

DCMS has established the Culture and Heritage Capital Programme to work towards a sector wide methodology. A paper, "Valuing culture and heritage capital: a framework towards informing decision making" was published in January 2021

The Cultural Heart is, therefore, a strategic regeneration programme which sees its investment repaid across the long-term and in a broad range of social, economic, and cultural metrics. This places the programme firmly within the overarching context of the blueprint.

It has to be recognised that the Cultural Heart will create the opportunity for growth but to deliver that future success it will need to be managed and promoted.

Like many town centres, Huddersfield faces several challenges. These include the changing high street uses, with declining retail but growing experiential uses; remote working; the need to engage young people (including its large student population); and competing with adjacent towns and cities. The Cultural Heart will help to reinvigorate the town centre, creating a vibrant, diverse, and resilient town centre offer. It will be a thriving place to live, work and visit as well as attracting a range of audiences throughout the day and night, providing increased direct and secondary spend.

Relevant case studies from elsewhere highlight the important impacts that cultural regeneration and placemaking can have, with significant returns on investment (places such as Halifax, Margate, and Wakefield), as well as improved educational, employment, and civic pride outcomes. Moreover, regeneration has catalysed the wider redevelopment of these town centres and supported local businesses by increasing private sector confidence and associated investment.

2.2.2 Strategic Case, (see App 1, ES3-ES14 & Section 2, page 4)

This section of the OBC revisits the Strategic Outline Case (see App 1, Section 1, 1.4 to 1.9) to re-confirm the strategic objectives as set out by the Programme Board, the case for change, the context of the programme and that the short list options remain valid. It also provides a summary of the supply and demand assessment, the scope of the proposal and identification of the benefits, risks, dependencies, and constraints of the programme

The Cultural Heart will deliver many of the council's strategic social, economic and cultural objectives. It is one of the blueprint's six key regeneration areas and will be a catalyst for change in the town centre, creating a coherent and hugely impressive cultural offer on a central campus.

The Cultural Heart will create the core facilities and stimulate the provision of ancillary facilities, services and opportunities by the private, third and academic sectors. This catalytic role will help regenerate the town centre, establishing a foothold in the entertainment and business events market, and creating a platform to grow the economic and social vibrancy of Huddersfield and the wider Kirklees area.

The concept employed has been that the developments within the Cultural Heart programme are – with the exception of income from the car park- not of a commercial nature. All the new assets involve significant additional Council revenue resources to service the borrowing costs required to fund the capital investment and meet increased operating costs. In this context the proposal is fundamentally of a strategic nature and not comparable to some other schemes elsewhere that include a larger element of income which offset costs.

The benefits of the investment are defined as likely to include:

- Increased number of visitors to Huddersfield
- Increased visitors stay and spend in Huddersfield and Kirklees
- Increased level of usage of cultural facilities by residents
- Higher national and regional profile for the town and Kirklees
- Additional economic Gross Value Added (GVA) to Kirklees
- Generate new full time and part time jobs
- Catalyst for further private sector investment in the town centre (in retail, leisure and accommodation sectors)
- Greatly enhanced community facilities
- Protecting key cultural assets and cultural benefit
- Enhanced green amenity in the town centre
- Increased sustainability of facilities

- Positive impact on Social Value of the town centre offer
- Improved ancillary facilities

2.2.3 Economic Case, (see App 1, ES15-ES29 & Section 3, page 46)

This section of the OBC describes the development of the short-listed programme options including design, capital cost, projected operational performance and considers the economic case for each

The master plan for the Preferred Way Forward has been further developed with input from the Delivery Team the council's service teams and the Programme Board.

This resulted in the Preferred Way Forward which maximizes the cultural ambition of the blueprint, enhances the heritage buildings, develops a strong town centre profile, creates a new Town Park and a platform for improved services, while being deliverable and achievable within the programme timetable. It has strong sustainability and financial credentials, maximising social and economic impact and establishes a platform for safeguarding cultural service delivery.

The car parking requirements have been considered and based on the assessment undertaken a new car park of 250-350 spaces is sufficient to serve the Cultural Heart scheme (see App 1, Section 2, 2.84 to 2.91)

The redevelopment under the Preferred Way Forward is expected to increase confidence in investment in adjacent opportunity sites and wider development opportunities in Huddersfield and Kirklees by third parties or third party partners.

As part of establishing benchmarks for the Cultural Heart development two further options are considered in the OBC:

- Option 1, Do Nothing/Business as Usual (BAU). In terms of the Cultural Heart this approach would still require significant maintenance and repair works to be completed on the library and market hall buildings, with the associated cost. There would also be expenditure associated with the maintenance of the now demolished previous multistorey car park site. The piazza would require investment to bring it back into retail, if demand existed, or other long term use.
- Option 2, Do Minimum – this is a combination of refurbishment and refocussing of purpose of existing facilities/buildings, with a minimum of demolition and new-build. The Do Minimum whilst delivering a number of the requirements does so in a basic way.

For images of the options see App 1, Section 3, 3.7

The Do Minimum option to achieve the stated ambitions is:

- Library remains in its existing refurbished building
- Small venue of 1,200 capacity on demolished retail block on Princess Alexandra Walk.
- Art gallery in part of refurbished market
- Food hall in remainder of refurbished market
- Northern retail block retained partly to house a smaller museum and keep some Piazza retail. This would mean retaining a large part of the wall on Queens St.

- Small/minimal urban park after demolition of Piazza retail at junction of Queens Street and Queensgate
- Multistorey car park rebuilt on site of former car park
- New steps to the University and the Lawrence Batley Theatre

A number of the design developments in the Preferred Way Forward scheme are related to planning and heritage considerations and so it is therefore likely that further work would need to be done on the Do Minimum option to meet with planning approval. For the Do Minimum option, all of the costs associated with the Do Nothing option would be included as they are health and safety works.

The key economic outputs have been assessed for all of the three options which set out the benefits of the Preferred Way Forward.

The SDP has prepared a full detailed cost analysis report for each of the options based upon the RIBA Stage 2 design (see App 1, Section 5, 5.4)

The visitor estimates and full time employment figures are the highest for the Preferred Way Forward at circa 1m visitors and 298 FTEs (see App 1, Section 3, 3.33 to 3.46)

The Preferred Way Forward also scores highest in terms of the other net additional impacts:

Options/Impacts	Option 1 DN (£m)	Option 2 Do Minimum (£m)	Option 3 PWF (£m)
Net additional expenditure (£m)	£2.9	£9.5	£18.1
Net additional direct jobs (FTE)	36	144	238
Net Direct, Indirect & Induced Jobs	50	179	298
Net direct GVA Annual (£m)	£1.2	£4.9	£8.1
Net Direct, Indirect & Induced GVA Annual (£m)	£1.7	£6.1	£10.2
Net D,I&I GVA Cumulative 10 years (£m)	£17.1	£61.3	£101.8

The Preferred Way Forward also scores highest in terms of the Benefits Cost Ratio (BCR):

The Cost Benefit Analysis (CBA) was assessed for the options over a 30-year period at 3.5% discount rates and having regard to Government and regional parameters. This results in a range of BCR's for the Do Nothing option at 1.4, the Do Minimum at 1.2 and option 3 the Preferred Way Forward at 1.5.

BCR's need to be above 1:1 and Her Majesty's Treasury guidance is that 1.5 offers medium value for money, on a scale of low, medium and high. The BCR is an indicator of the relationship between the relative costs and benefits of the proposed options for the Cultural Heart programme.

The level of the BCRs (within the range of 1.2-1.5) in part reflects the strategic regenerative nature of the scheme where all the benefits are not fully captured in monetary terms and the difficulty in valuing cultural and public service investments.

With the Do Nothing option it should be recognised that the economic performance of the town centre will likely continue to decline and so the metrics for this option get worse over time.

A number of alternative scenarios have also been modelled in the OBC to test the sensitivity of the BCR results to a change in key variables. The range of outcomes is expressed in row H in the table below.

AST - Costs and benefits over 30 years	Option 1 DN	Option 2 Do Minimum	Option 3 PWF
A. Present Value Benefits (£m)	£58.7	£237.5	£365.4
B. Present Value Costs (£m)	£42.2	£203.6	£247.2
C. Net Present Public Value [A-B]	£16.5	£33.9	£118.2
D. Benefit-Cost Ratio [A/B]	1.4:1	1.2:1	1.5:1
F. Significant Non-monetised impacts	Limited induced impacts	Moderate induced impacts	Significant induced impacts
H. Switching Value costs/benefits (BCR=1)	45%/-31%	+17%/-14%	+48%/33%

The above economic case analysis will be reviewed as part of the finalisation of the programme delivery (Final Business Case) at Gateway 4 once the commercial position is fully understood as the construction contracts will have been negotiated and be ready for award. None of the options achieve a treasury assessment rating better than medium

The above analysis will also inform the preparation of a scheme Benefit Realisation Plan (BRP). This will focus on the work that will need to go into maximising the visitor numbers and overnight stays which are fundamental to the BCR and the future success of the Cultural Heart.

2.2.4 Commercial Case, (see App 1, ES30-ES31 & Section 4, page 60)

This section sets out the commercial case for the programme, including an overview of how the preferred option could be managed and procured effectively

The Commercial Case sets out the working assumptions relating to the procurement, management and contracting of the key services required to deliver the Preferred Way Forward. These include:

- The appointment of the SDP (Turner & Townsend) to manage the programme on behalf of the council by direct appointment from the SCAPE Place Shaping Framework in July 2021.
- The professional team procurement via the National Health Service Shared Business Services (NHS SBS) Framework using a NEC4 Professional Services Contract, with the appointment of FCB Studios (to develop the master plan and architectural design and be lead designer) and ARUP (to develop the structures and civil works and the mechanical and electrical proposals for the scheme) in October 2021.
- The construction procurement approach has been developed through a series of workshops between the SDP, the council and Addleshaw Goddard (legal). The council will be seeking construction contractors with the relevant skills and experience to deliver a programme of this complexity and scale.
- The proposed construction approach will be further developed over the next period considering the current and predicted financial, economic and construction context.

- There will be a mix of operational/management approaches across the site, including direct Council operation for the Public Buildings including library, art gallery and museum and third party operators for the venue, food hall and potentially the multistorey car park. Soft market testing for the venue and the food hall have shown that there is interest in the opportunity.
- The venue operator will be brought on board at a point that allows them to have input into the design/fit out of the building. Food hall operators are normally not appointed until twelve months before operation and the timing of the multistorey car park operator is assumed to be also twelve months prior to operation.

2.2.5 Financial Case, (see App 1, ES32-ES41 & Section 5, page 70)

This section presents the financial case for the development of the Cultural Heart and gives a financial analysis for the three options. This section also provides a detailed analysis of the Preferred Way Forward, including a summary of the capital costs, operating position, deliverability within the approved budgets and Council prudential borrowing debt servicing costs.

The Capital Development Budget of £210m inc external Delivery Team fees (but excluding any internal fees) is built into the current Council multi-year capital plan from February 2022 and assumed an annual debt servicing cost post-construction, at the then prevailing Government public works loan board (PWLB) 50 year maturity loan rates of 2% (net of the council's 0.2% certainty rate discount). The annual debt servicing cost post-construction i.e. 2027/28 was assumed to be in the region of £6.8m, thereafter increasing in relatively manageable increments.

At the time of writing the OBC and following recent global events and consequential macro-economic impacts, PWLB borrowing rates have become particularly volatile, with equivalent rates for a 50 year maturity loan currently at 3.2%, hence the revised £9.5m per annum debt servicing cost immediately post construction.

In addition to the above, future revenue operating costs are estimated to be an additional net £3m (£5.33m before income and existing operating costs) per annum post-construction, relative to current Council revenue base budget provision. Furniture, Fixtures and Equipment (FF&E) capital requirement of £10m and pre-opening costs of up to £4m, and potentially other costs referred to in Section 2.7 of this report, which would also need to be considered in relation to the subsequent development of budget proposals for 2023/24 and future years to feed into the annual budget report for consideration at Budget Council in February 2023.

Elements of the pre and post operating costs above are subject to consideration of future operating models across the sites various activities.

To assess the operating costs of the Cultural Heart the SDP held a series of workshops with the service leads and directors to support the development of future service requirements and departmental business plans to support this. This included outlining programming and facility (spatial) requirements and building up a cost base, including staffing, for delivery of the service (see App 1, Section 2, 2.28 to 2.34 and Section 5)

The income associated with cultural developments like the Cultural Heart is modest as entry to most of the public buildings is free of charge. In the assessments income from the new multistorey car park only has been considered and not income associated with other Council owned car parks in the town centre that will be used by visitors to the Cultural Heart. At this stage in this financial assessment, it is a working assumption that the council will operate the new car park.

Also see financial Sections 2.8 & 3.7.1 in this report.

2.2.6 Management Case, (see App 1, ES42-ES44 & Section 6, page 89)

Turner & Townsend have been appointed as the Strategic Development Partner for the programme. A Programme Execution Plan (PEP) has been prepared, with key governance through the Cabinet, Programme Board and Key Steering Groups of Masterplan, Technical & Quality and Finance.

The PEP sets out the way in which the programme will be managed including programme and project management, programme team structure, programme timetable, change control, risk management, procurement and Cabinet approval process using Gateways.

2.2.7 Summary and Contacts, (see App 1, ES45 & Section 7, page 107)

This section provides a short summary of the outcomes of the OBC and the next steps / way forward for the programme to Final Business Case (FBC) which will capture any updates since the OBC and the award of the construction contracts at Gateway 4.

The completion of the OBC and the other attachments to this report provides with Cabinet the required information to assess and control the future direction of the programme and ensure that council resources and funds are committed appropriately. The OBC includes details of the operational aspects and costs of each of the assets in the Cultural Heart when in use.

2.3 Development of RIBA Stage 2 design and master plan

The RIBA Stage 2 Report and master plan for the Cultural Heart has been compiled by the design team (see Appendix 3)

This builds on the proposals within the SOC from November 2021 and the Stage 1 design work that was developed between October 2021 up to January 2022. From February 2022 to May 2022 the Stage 2 process has been concentrated.

The key activities undertaken in the Stage 2 period include:

- Developed the concept scheme design with the library, museum and art gallery service teams, and visited relevant precedent buildings
- Refined the proposal for a separate two storey art gallery, which also provides enclosure to the park and enlivens the street scene at the lower level on Queen Street and the upper park level.
- Developed a concept to provide the combined car parking and venue building on the old multistorey car park site
- Developed landscape proposals for the Cultural Heart, along the principle of four 'outdoor rooms'
- Produced outline engineering designs for all aspects of the scheme, coordinated with the architectural and landscape proposals
- Developed sustainability targets and key performance indicators (KPIs) for all aspects of the programme
- Met with Inclusion and Diversity teams within Kirklees

- Engaged with, presented proposals to, and received feedback from Historic England, 20thC. Society and Huddersfield Civic Society on the emerging concept designs
- Developed strategies for fabric improvements to both Listed Buildings (existing market hall and library) to meet sustainability targets and address existing building shortcomings
- Engaged with Yorkshire Water, Kirklees District Heating Team and Northern Power Grid

The principal changes to the master plan from the Preferred Way Forward in the SOC and stage 1 design are the venue moving to the same plot as the multistorey car park and the introduction of a separate art gallery on the junction of Queens Street and Queensgate and the food hall being in the existing Queensgate Market.

Relocating the venue creates a better setting for the two Grade II listed buildings and maximises the park/public realm with the introduction of a public square that will be able to host outdoor events of up to 3,000 people.

The Gallery building is necessary to provide an edge to the Town Park facing Queensgate and at the same time bringing life to Queens Street. The art gallery will have active frontages and entrances at both levels onto Queens Street and the upper park level.

The Stage 2 Concept Design, and as further developed by the Stage 3 early work, provides the following accommodation across the site in response to the current Brief.

- Library 4,760 sqm GIA
- Museum 5,730 sqm GIA
- Art gallery 2,950 sqm GIA
- Venue 7,660 sqm GIA
- Food hall 2,330 sqm GIA
- Multistorey car park circa 350 spaces (20% electric vehicle charging points)
- Park/Public Realm - Flexible, family friendly, inclusive, safe, green character, ability to host up to 3,000 person events

Since the beginning of June work has commenced on the RIBA Stage 3 design work and the further refinement of the design to support the development of the construction timeframes.

2.4 Project Team

2.4.1 Delivery Team

Following Cabinet approval on the 22nd June 2021 and the programme initiation on 5th July 2021, the SDP was appointed, bringing together the necessary skills and resources to deliver the Cultural Heart programme. The SDP is comprised of the specialist disciplines, capacity and experience of similar master plan scale programmes that was not available to the council in house.

As part of their work on the programme the SDP have been responsible for the procurement of the design team. Procurement of the architect and multi-disciplinary engineers was concluded

during October 2021 and since then they have been developing the RIBA Stage 1 & 2 designs and the master plan and now the RIBA Stage 3

Led by their Programme Manager, the SDP together with the architect and engineer have been working alongside the council, using recognised processes and procedures, to further develop the brief and the OBC for the Cultural Heart and set out the strategy for the future.

2.4.1.1 Extension of the Delivery Team Appointments beyond Gateway 2

All the Delivery Team resources that are currently engaged on the programme are appointed to this Gateway 2 only and so if the council are to maintain progress to Gateway 3 their appointments need to be extended to cover the next stage -.

The Delivery Team have successfully developed the strategies and the design to this point and have the knowledge of the programme. The strategy for the further engagement of the Delivery Team is set out in the OBC (see App 1, Section 4, 4.1 to 4.16 and 4.28 to 4.29).

The resource and services that are being provided to the council for the Cultural Heart programme are:

- **Strategic Development Partner** for cost, development and programme management, business case research and writing, planning and other support services including procurement, Health & Safety and BIM
- **Architect** for master planning and architectural design, lead designer service and sustainability
- **Engineer** for multidisciplinary engineering services providing civils, structural, MEP, sustainability, and specialist design services.

This report has been sequenced to follow on from the Medium Term Finance Strategy re-refresh report which will go to Council on the 7th September 2022. The original OBC budget of £6.55m was sufficient to cover the Delivery Team fees, surveys and other costs to the end of August. To cover the period up to the end of September, when this report will have been considered, on the 9th August Cabinet approved an extension to the available budget of £1m taking the total to £7.55m.

Within the allocated budgets it has been possible to include early RIBA Stage 3 design to maintain the programme.

2.4.1.2 SDP Services Extension (Mace/T&T)

The SDP was appointed to the Cultural Heart programme by direct award from the SCAPE, Place Shaping Framework, an approach that was set out in the report to Cabinet on the 22nd June 2021 and approved. The SDP's appointment did not include an automatic option to extend however, it has been confirmed that it is permissible to extend under the SCAPE framework.

At the start of the programme the appointment of the SDP was set up in this way to deliver the OBC report only as at the initiation of the programme it was unclear what ongoing support the council would need if the programme was to progress beyond this Gateway 2.

The tasks of the SDP to this stage have been to assist in assessing the viability of the programme and in addition to preparing the OBC, to provide direction through project

management procedures and processes, with a clear set of actions to set up, assure and deliver the programme to the council's objectives.

In this report Cabinet is being asked to proceed beyond Gateway 2 to Gateway 3, as the next stage in the delivery of the programme. To continue this journey the council continues to need the services and resources being provided by the SDP.

Under an extension to their contract (deed of variation) the SDP would continue to be the lead and work alongside the council and the other members of the Delivery Team to continue working up the best value solutions, maintaining governance and provide assurance through recognised processes and procedures. In addition to this they have successfully delivered the programme to the Gateway 2 milestone and the early stages of the RIBA Stage 3 design.

The council are seeking a lump sum fixed fee from Mace/T&T and whilst there are other options it is normal for this type of appointment to be done this way and this is the way that the initial appointment was done. It gives greater cost certainty to the council, usually leads to less conflict, and is more easily managed.

In asking for a lump sum and with the lack of competition there is the possibility of an over allocation of resources by the consultant. However, in this type of pricing the consultant is taking on some risk. A proposal detailing the full cost breakdown and all associated resources will be provided. Any potential overpricing is going to be insignificant when compared to the option of retendering the works which would potentially mean losing all the knowledge gained and also losing up to 4-6 months of time through the tender process. In addition to this the council would have the associated costs and risk of standing down the rest of the Delivery Team whilst any SDP tender took place and then the consequential delays to the programme.

The financial commitment to extend the SDP fee from Gateway 2 approval to Gateway 3 is £1.523m.

2.4.1.3 Architectural Services Extension (FCB)

The architectural services were tendered from the NHS Shared Business Services Construction Consultancy Services Framework, under Lot 1 (Architectural Services). Tenders were based on a fixed fee for the RIBA Stage 1 & 2 services to Gateway 2 together with a priced fee schedule for a number of scenarios catering for future RIBA Stages (3-5) through to completion and allowing for options around the construction contract procurement route and the construction contract value. This was to maintain competition in the original tenders and give flexibility whilst the preferred master plan and construction contractor procurement route was developed.

These percentage fees beyond Gateway 2 were scored as part of the tender process and Feilden Clegg Bradley Studios (FCBS) were the successful bidder following this process.

FCBS has confirmed that they are unable to adhere to the previously submitted percentages beyond Gateway 2 due to the complexities and scope of the programme of works as it has developed. FCBS has submitted a revised proposal, comprising a resource schedule adhering to the SCAPE rates but increasing the amount of time they require to undertake all of the services required to complete the design.

From an initial assessment of FCBS's proposed fee from Gateway 2 to completion there is an overall addition of £1.53m meaning that the fee would be £5.569m. The SDP has revisited the original tenders and when the additional percentages are applied to the schedule of FCB tendered fees FCB's amended Total Score keeps them in first place of those that tendered. The Total Score for the tenders is based on, Quality (60%), Social Value (10%) and Fee's (30%).

The financial commitment to extend the FCB fee from Gateway 2 approval to Gateway 3 is £1.367m.

2.4.1.4 Engineering Services Extension (Arup)

The process for appointing the engineering services provider was similar to the architectural process using the same framework under Lot 12 (Multi-Disciplinary team and Ancillary Services) and tenders were based on a fixed fee for RIBA Stages 1 & 2 together with a priced fee schedule for a number of scenarios catering for future RIBA Stages (3-5) that was part of the scoring. Arup were the successful appointed bidder.

The financial commitment to extend the Arup fee from Gateway 2 approval to Gateway 3 is £1.493m.

2.5 Construction Contractor Procurement

The phases of this project originally assumed that OBC would be in July 2022. That has been delayed which led to the agreement to increase the fees allocated for Gateway 1 to Gateway2 . The original timetable also assumed that the commencement of the procurement of key contractors would commence at the beginning of Gateway 3. As there have been delays the procurement has been commenced as part of the end of Gateway 2.

The procurement strategy for the construction works is a key element of the programme delivery phase and has been developed by the SDP and the council. It is likely there will be a limited number of suitably qualified and experienced construction contractors that could deliver a programme of this scale.

Therefore, the SDP has worked with the council to build awareness of the programme within the contracting market and through buyer's days to engage with bidders to establish communication channels and remove where possible barriers to tendering (see App 1, Section 4, 4.17 to 4.20 and 4.30).

The proposed construction approach is to develop construction zones using market knowledge and considering current and predicted financial context. Those Zones would go through a 2-stage restricted competitive tender process for Design and Build contracts. There is a possibility of 1 or more contractors being appointed using this approach.

The works in each zone will be packaged to take account of the different skills needed as the project is a mix of significant new build and large scale refurbishment works to the Grade II listed existing library and Queensgate Market. Packaging the work into zones gives differing package sizes and values making it attractive to more contractors.

Early engagement has commenced, with contractors being asked to express their interest in being included on the tender lists via a prequalify process. This enquiry went out on the 15th August 2022. The selected tenderers will then submit bids for the pre-construction phase based on minimum overheads and profits (set by the SDP/Council) and their fees for the pre-construction period.

The preferred contractor for each zone will then be appointed under a Pre-Construction Services Agreement (PCSA) for six months. During this time the contract sum will be negotiated and if appropriate certain enabling works, including demolition will take place. The contractors will also become responsible for progressing the design from the end of RIBA 3 under the PCSA and then into the main contract.

This 2-stage route with minimum overhead and profit and a negotiated contract sum is being followed to foster a relationship of collaboration with the appointed contractors and mitigate the risk of price escalation after the works have started on site.

Following the PCSA period and the conclusion of the contract negotiations the main contracts will be awarded and a start on site made. At this stage if the budgets are under any pressure consideration can be given to re-scoping the works or introducing phasing.

All construction contract appointments will be subject to a cabinet decision at the appropriate time. It is anticipated recommended parties for construction contracts will be presented for approval at Gateway 4 of the Cultural Heart programme.

2.6 Third Party Operator Procurement

The procurement strategy for the third party operators is a key element of the programme delivery phase and has been developed by the SDP (see App 1, Section 4, 4.23 to 4.25 and 4.31 to 4.44).

As described previously third party operators are being proposed for the venue, food hall and possibly the multistorey car park. Particularly with the venue and food hall these operators will bring the necessary skills and knowledge of their respective marketplaces. The appointment of these operators will be timed to meet the appropriate design milestones for their input where this is required, or the Delivery Team will make the design decisions.

Soft market testing for the venue and the food hall have shown that there is interest in the opportunity and the initial stages of the venue procurement have commenced (see App 1, Section 2, 2.32)

Each procurement will be through the appropriate process for that particular market. For the venue operator procurement, a Competitive Dialogue Procedure will be used. The Selection Questionnaire was issued on the 15th August 2022 for operators to confirm their interest in being involved in the bidding process. Officers will then bring forward a recommendation on operator selection to Cabinet.

2.7 Associated Projects

There are a number of separate projects that need to be considered alongside the Cultural Heart. Each project, subject to necessity, scope, scale and timing and approval to proceed, will require budget allocation. Business cases will be brought forward to Cabinet for approval by the relevant directorate/service team where appropriate.

- **Stall holders.** Queensgate Market stall holders move, this project was approved at Cabinet on the 5th July 2022 and has a budget allocation.
- **Storage review,** this project is in the concept stage and is assessing the wider Council storage needs in Huddersfield town centre both during and beyond the delivery of the Cultural Heart.
- **Tolson and Clock Tower.** Future use of the Tolson building and its Trust status will be considered separately to the museum move into the Cultural Heart.
- **Operational FF&E** required by the service teams as part of their move into the Cultural Heart will be considered in a separate report.
- **Pre-opening.** Service team pre-opening staff and any third-party assistance, these costs are associated with the service teams liaising with the Delivery Team, preparing to open, cataloguing the collections and subsequent operational requirements, and

will require their own service team budgets, these costs are estimated at circa£3.94m across a four-year timescale.

- **Move in.** Service team moves into the Cultural Heart, these moves will require their own service team budgets
- **Operational revenue budgets.** Service team operational budgets for the Cultural Heart are estimated as a net £3m increase.

2.8 Costs and Funding Availability

Whilst the scheme is a major investment for the council in both capital and revenue terms it is considered that it is likely to deliver positive economic impacts and significant social impacts. The OBC recognises that the scheme is estimated to attract circa1,000,000 visitors and would generate a large GVA, which is a key measure of economic wellbeing, for the town and Kirklees, let alone the region. These visitors will be from a local, regional and national catchment. The associated GVA is discussed in the OBC (see App 1, Section 3), and sets out the stimulus that this will bring to the social, economic, and cultural make-up of the area and enhance the regions reputation.

Council multi-year budget plans approved at Budget Council on 16 February 2022 includes £210m capital costs for the scheme, profiled over the 2021-27 period. Included in the SDP's Financial Report (number 4) dated 1st July 2022 for the £210m investment is £15.86m for contingency and £16.25m for cost inflation over the period; a combined amount of £32m equivalent to 15.2% of the overall scheme cost

This figure excludes an estimated Council Fixtures, Fittings and Equipment capital cost and potential other costs which would need to be factored into future updated Council capital plan requirements. (see Section 2.7 above). Current approved multi-year capital plans to support the Cultural Heart include provision for the costs of £7.55m to achieve Gateway 2 and the work into September. It is assumed that the required funding would be from Council prudential borrowing.

While this report sets out an overarching context for the delivery of a £210m programme plus identified associated project costs, at this stage Cabinet is being asked to approve that the Cultural Heart programme proceed from Gateway 2 to Gateway 3 at which point a further report would come back to Cabinet for consideration at the earliest in Q1/Q2 of 2023. Therefore, the resource request in this report is for up to an additional £10.5m to cover the work from Gateway 2 to Gateway 3.

This sum is made up as set out below,

Delivery team fees	£4.383m
Surveys, Allowances & PCSA	£2.781m
Decant costs/vacant possession	£2.000m
Asbestos removal, strip out, diversions	£0.800m
<u>Contingencies</u>	<u>£0.540m</u>
Total	£10.503m

These costs are fundamental in achieving the strategic objectives of Gateway 3 in whatever form the programme takes.

The council annual debt requirement for the Cultural Heart would need to be serviced from general fund revenue. At the time of writing the OBC this is estimated to be in the region of £9.5m per

annum by the time of scheme completion in four to five years' time, the MTFS re-fresh report presented to Council on 7th September acknowledged the current volatile economic context for estimating Council future debt servicing costs on new borrowing, and clearly this volatility will need to continue to be in view for each of the subsequent gateway stage reviews of the Cultural Heart programme as regards capital investment overall affordability in the context of the council's subsequent overall budget plan development.

Operational revenue and capital costs will also need to be factored into future updated Council capital plan requirements

The OBC predicts that the preferred option would be the most likely option to deliver the highest outputs. However, it depends on the council being able to afford the necessary capital and revenue inputs. In the changed financial circumstances that face the UK economy, and the council, it will be necessary during the stage 3 of the gateway process to revisit the options to be sure that it is affordable and brings best value for money.

The £210m figure excludes the cost of projects at Section 2.7 and any Council staff resource or capitalisation of these costs. However, regarding Council staff resources, as the Delivery Team are providing the resources for the programme the council resources currently directly engaged in the development are limited. The demands of the programme will be continually monitored, and any Council resources engaged at the appropriate time in collaboration with Heads of Departments.

As outlined previously as well as continuing the design after Gateway 2 the process of construction contractor and venue operator procurement will continue. If at Gateway 3 Cabinet agrees to proceed to Gateway 4 it would be at this Gateway 4 that any commitment to proceed with the construction contracts [venue operator??] would be made at the conclusion of the contract negotiations under the PCSA.

As the programme is made up of a number of different assets there is the potential to consider reviewing delivery phasing should market conditions change and align the programme with available funds. However, the savings reduce, and the abortive costs increase the further the design and delivery process have progressed, and any phasing would mean the impacts of inflation on the budgets would have to be taken into account when restarting the works. The part demolition between Gateway 3 and Gateway 4 would also have an impact on options available as these buildings could no longer be reused.

If the do-minimum/do-nothing options were to be delivered instead of the preferred option going forward, there are likely to be abortive costs.

Work will continue to look at these matters as part of moving from Gateway 2 to Gateway 3.

2.9 Outcomes

So far, the programme has achieved Gateway 1 and this report presents Gateway 2 and seeks permission to move to Gateway 3

Gateway 1, November 2021, the Strategic Outline Case included

- RIBA 0 Strategic brief
- Outline feasibility/viability
- Development appraisal (outline)
- Master development programme timetable
- Market review
- Cost plan, review existing estimates

- Constraints/risk register
- Sustainability strategy
- Design team selection
- BIM Execution Plan
- Vision and mandate
- Outline planning strategy
- Heritage assessment

Gateway 2, September 2022, Outline Business Case includes

- RIBA 2 & Master plan
- OBC update of outline feasibility/viability
- Determining Value for Money
- Affordability and funding review
- Update of development appraisal
- Master development programme timetable
- Planning for successful delivery
- Survey and investigation reports
- Market review
- Cost plan
- Constraints/risk register

At Gateway 2 all elements of the programme including design, functionality and finances associated with capital and revenue have been further assessed in detail and their viability tested and how they sit within the master plan for the Cultural Heart.

Gateway 3, Q1/Q2 2023

- RIBA Stage 3
- Surveys, part strip out & asbestos removal
- Update on construction contract sum negotiations under the Pre-Construction Services Agreement.
- Update on progress with venue operator
- Target date for planning permission Q1 2023 (target submission Autumn 2022)
- Vacant possession of the site including 60% of the Piazza units

2.10 Sustainability

The Cultural Heart sustainability strategy has encompassed the councils 2038 Carbon Neutral Vision and policies, encouraging sustainability, and minimising the carbon footprint of the programme. It is recognised that a net zero economy, design, construction, and operation cannot be achieved overnight, but will be a process of incremental and positive actions to meet 2038 targets.

The brief for the sustainability strategy for the Cultural Heart was developed by the SDP and further developed by the design team as set out in the report 'Strategic Sustainability Plan' (see App 1, Section 2, 2.14 to 2.22). This plan addresses the wide range of sustainability topic areas that are now vital to working towards net zero sustainable schemes, in the longer term. Each key theme that has been identified is supported with a vision, strategic approach, and delivery approach. Proposed

KPIs have been developed to further support the delivery of each theme in-line with Climate Emergency and net zero aspirations.

The Delivery Team has used the Strategic Sustainability Plan to develop a programme specific sustainability response that is tailored to the building uses and types as new and old buildings present very different challenges when it comes to achieving sustainability. There are a number of preliminary targets across the range of topic areas.

- embodied carbon,
- operational carbon,
- certification,
- water use,
- biodiversity,
- climate risk,
- transport, and
- health and wellbeing.

Much of the existing best practice guidance and industry benchmarking for low carbon buildings is based on new build office, residential, retail or education buildings. The targets set by the Delivery Team have been developed through a mixture of energy modelling and interpretation of best practice guidance for other building uses. This has enabled the Delivery Team to specifically identify what good, low carbon design looks like for this cultural programme, which has a mixture of new and creatively re-used and re-purposed buildings within it.

A Kirklees Council Net Zero Carbon and Sustainability Group has met to provide a dedicated gateway for decision making prior to Cultural Heart Programme Board approvals. It is intended that this group includes consultees who contributed to the original Strategic Sustainability Plan as well as members of the council and the Delivery Team an appointed third-party specialist. The group will comment on the preliminary targets and review the development of the programme against these. This approach combines project management and sustainability expertise to highlight the critical importance of delivering on sustainability requirements where possible, while also being a conduit to share best or innovative practice across the council and the Delivery Team.

As well as establishing the targets and KPI's the Delivery Team have focused on.

- Energy efficiency strategy
 - Reviewed emerging Stage 2 designs for all buildings and advised on energy efficiency improvements
 - Provided target building fabric performance for all buildings
 - Undertook predicted operational energy modelling using PHPP for both the museum (existing library) and the new art gallery
- Low carbon heating appraisal
 - Reviewed several different heating strategies for the emerging master plan. This analysis included predicted operational carbon and energy costs of leading options.
- Renewable energy feasibility
 - The opportunity for maximizing PV deployment has been investigated across the site.
- Embodied carbon
 - The embodied carbon of the proposed buildings and landscape have been assessed.
- Energy and sustainability KPIs
 - An overarching set of targets have been developed for the programme

A detailed action plan for the council's previously announced Climate Emergency Declaration across the whole of Kirklees is expected in Autumn 2022 and this will further define and inform this programme.

2.11 Social Value

Social Value (SV) is about using every means to get the best possible outcomes for local people. The council's SV objectives are:

- Promoting employment in Kirklees and supporting youth employment
- Supporting the Kirklees economy – maximizing the impact of the Kirklees Pound
- Investing in ways that benefit our local communities the most
- Growing our relationship with the voluntary and community sector and local business.

During the four-to-five-year life of the Cultural Heart implementation programme SV and the associated benefits to the community will be a significant part of the procurement and evaluation process associated with the extension of the contracts for the Delivery Team and selection of the construction contractors and operators.

The SDP, architect and engineer are delivering their SV commitments and the Social Value Portal is being used to measure the outputs. Social Value Portal is endorsed by the Local Government Association and helps us to procure, measure, manage and report SV via a single platform. The council are also reviewing the wider SV policy with new proposals to go before Cabinet.

It is proposed for the construction procurements that in addition to the requirement for meeting fundamental SV minimum standards and working towards key targets that consideration is given to also establishing a Cultural Heart Trust Fund for cash contributions (see Appendix 4). The mechanism for administration is to be further explored and finalised.

2.12 Stakeholders

There are ongoing consultations and workshops with internal stakeholders as part of the stakeholder management plan that has developed the OBC and RIBA Stage 2 design and master plan, including:

- Libraries
- Museums & Galleries
- Events
- Parks
- Parking
- Culture
- Highways

Details of the internal and external stakeholders consulted so far as part of the process are set out in the OBC (see App 1, Section 2, 2.28 to 2.34).

The Phase 1 round of planning public consultation was launched on the 23rd May 2022 to give everybody a chance to comment on the latest plans for the Cultural Heart in preparation for the planning application. In 2019, the council consulted local people on the Huddersfield Blueprint: a ten-year vision to create a thriving, modern-day, family friendly town centre which informed the initial decisions on the Cultural Heart and other parts of the town centre.

This current consultation builds on the feedback received so far and will help the development of the design proposals for the Cultural Heart. Phase 2 of consultation commenced on the 15th August 2022 and will end on the 14th September 2022, prior to the submission of a planning application in the autumn. Feedback for Phase 1 of the consultation and Phase 2 for the period 15th Aug to 5th September on the consultation is included at Appendix 5.

Any further comments from Appendix 5 to the end of the consultation, that are materially different to those in the appendix, will be presented at cabinet.

2.13 Risks.

The risk management strategy for the Cultural Heart is supported by the programme Gateway method of decisions and delivery. At each Gateway Cabinet are invited to review progress to date, reflect on the current and specific circumstances, and determine the most appropriate way forward for the overall programme.

This report is limited to decisions concerning the Preferred Way Forward, the progression of the scheme design and the arrangements necessary for reaching Gateway 3 in a timely manner.

The financial risk is similarly limited to the resource required to achieve Gateway 3, ie up to an additional £10.5m to complement the funds allocated at Gateways 1 & 2.

Work to achieve Gateway 3 for the Cultural Heart will involve ongoing market engagement with interested contractors to determine the most effective delivery, acknowledging the current economic and financial context prevailing globally, nationally, and locally. The results of this engagement will be presented to Cabinet at Gateway 3, alongside any recommendations to adapt the procurement and delivery strategies. Programme risks will be best managed by ensuring the most effective delivery arrangements for Kirklees Council are presented to cabinet at every gateway.

Developments like the Cultural Heart programme have delivery and operational risks and the OBC has been prepared against a backdrop of current global and national events which will have varying ongoing short to medium term economic & financial impacts.

Also programmes with the scale and complexity of the Cultural Heart come with a number of inherent risks that need managing and the identification and management of risk is a subject that features a number of times in the OBC both in terms programme delivery and operation.

The project has arrangements to manage risk within the context of the approved business case.

If the council is comfortable that the current preferred option is the project it wishes to progress and it has the necessary funding to meet the capital, interest/capital cost consequences and increased operating costs, the risk management arrangements should be adequate.

As set out in Section 2.8 of this report the £210m budget includes allowances to manage risk assessed against the current market conditions. There is a general contingency to reflect the current early status of the design and delivery process, and an inflation contingency benchmarked against the Building Cost Information Service Construction Data (BCIS), which is an industry recognised standard, to accommodate the current expected fluctuations in construction pricing.

Also as set out in Section 2.8 there is the potential to consider reviewing delivery and phasing should market conditions change and align the programme with available funds.

3 Implications for the Council

3.1 Working with People

This report deals with the delivery aspect of one part of the blueprint. The blueprint was subject to a number of engagement exercises commencing in 2018 as part of the blueprint development and then again late in 2019 after the blueprint launch the council undertook a Place Standard exercise to benchmark public reaction to the approach and projects. The key report for this can be found by accessing the following link:

<https://howgoodisourplace.org.uk/huddersfield-town-centre/>

As part of initial development work into options around the core projects a number of external stakeholders have been consulted as a way of testing out and developing options. A programme of this scale will continue to require engagement and consultation at various stages of programme development.

Another two phases of public and stakeholder consultation are currently underway in preparation for the planning application that is expected to be made in Autumn 2022 (subject to Cabinet approval to proceed at Gateway 2). This consultation builds on the consultation feedback received so far and is another opportunity for the community to consider and help shape the development of these important plans prior to the planning application being submitted. Further engagement and consultation will be programmed in over the course of the project to ensure resident, businesses and key stakeholder remain informed and engaged.

3.2 Working with Partners

Collaboration and working together with partners are the key to ensuring the council get the best outcomes for citizens, communities, and Kirklees as a whole. Early contact with selected stakeholders has been undertaken to help shape some early options for projects within the Cultural Heart. This will continue and be expanded as the programme is developed.

There will be a number of third party operators involved in the services provided in the Cultural Heart for the venue, food hall and the multistorey car park. Soft market testing for the venue and food hall have shown that there is interest. There are choices for the operation of the multistorey car park that include using an independent car park operator or by the council.

The form of the commercial arrangement and partnership with these three operators has not yet been determined but will be influenced by further market engagement, the preferred operator selection process and what is in the best interest of the council.

3.3 Place Based Working

The development of the blueprint and the associated Place Standard exercise has already engaged town centre stakeholders, businesses, and users to help shape the overall approach to redeveloping Huddersfield Town Centre, including the plans for the Cultural Heart. The buildings and spaces create opportunity for wider use.

The Social Value Trust model (see Section 2.11 in this report) where it is proposed to establish a Cultural Heart Bond for cash contributions will help strengthen community and voluntary sector partners who are delivering place-based working throughout Kirklees.

3.4 Climate Change and Air Quality

The reduction of carbon emissions and the minimization of air quality problems is a key objective for the blueprint. As set out in Section 2.10 of this report the sustainability strategy and net zero requirements have been further developed building on the work that was done for Gateway 1.

Both Climate Change and Air Quality are key parts of the master plan and design. This in turn will inform the planning application and the future detailed design work.

In addition, climate change initiatives are associated with the delivery and promotion of other projects and programmes for example sustainable transport modes that help to reduce adverse transport derived impacts on communities and public health.

3.5 Improving outcomes for children

The blueprint includes within it a key objective of providing a family friendly town centre. This means that uses, streets and places will favor all age groups including children. Part of the strategy to renew the town is to bring in new uses that attract families and young people in a way the town does not at present. This means that the introduction of cultural activities and associated food and beverage offers need to be managed in a way that appeals to all age groups.

Additionally, streets and spaces such as the Town Park will be designed with all generations in mind making them both safe and inclusive at the same time.

The range of venues that will be clustered in the Cultural Heart including the park, museum, art gallery, library, food hall and not least the venue will provide opportunities for children to explore, learn and have fun.

3.6 Cost of Living Crisis

When the Cultural Heart is operational and available for use by the residents of Kirklees a number of the assets will be free to use and being centrally located are easily accessible by public transport. The campus style development also means that there are many attractions in one place with a variety of offers that are family friendly and appealing to all age groups.

As well as a place for leisure the Cultural Heart will also create a variety of new job opportunities that are accessible by bus and train and these new 'workers' in the town centre will need the services that already exist thereby increasing spend in the town and supporting those businesses.

3.7 Other (Legal, Financial or Human Resources)

3.7.1 Finance

The financial implications arising from the Cultural Heart ambition are significant, and the report sets out the overarching rationale for the resource implications for the preferred Option 3 as set out in the accompanying OBC.

However, Cabinet are being requested at this stage to formally commit only to approve up to a further £10.5m drawdown from the current headline £210m capital allocation for the Cultural Heart programme to progress the Cultural Heart programme development to Gateway 3 where the development of the programme to Gateway 4 will be considered further.

The £210m built into current Council multi-year capital plans is a headline overall programme allocation based on the preferred option 3 as set out in the OBC. As noted earlier at Sections 2.2.5 and 2.8, PWLB borrowing rates have become more volatile, certainly over the short term, for example rates have increased again recently from the 3.2% in the OBC to 3.8% (net of the council's 0.2% certainty rate discount). If these rates were to persist this would move the annual debt servicing costs from £9.5m to £10.3m, post-construction, in 2027/28. The above calculation is based on a current 'snapshot' Government PWLB interest rate calculations at the time of writing this report

As also set out at in this report at Section 2.7 earlier regarding associated programme costs, future revenue operating costs for the preferred option are estimated to be up to an additional net £3m per annum post-construction, and additional pre-operating revenue costs of up to £4m in total; relative to current Council base budget provision. Also, there is a further estimated Fixtures, Fittings & Equipment capital requirement for £10m. The above 'up to' costs will also need to be factored into overall updated Council budget plans for 2023/24 and future years, subject to further consideration through to Gateway 3.

The overall primary case for the blueprint vision relating to the Cultural Heart programme, as set out in this report, is Strategic.

The council's existing multi-year revenue and capital medium term budget plans and financial strategies for 2022/23 and future years, approved at Budget Council on 16 February 2022, had previously acknowledged that this programme would be a significant strategic investment priority commitment to deliver major long term regeneration for the district.

The subsequent 2023/24 Medium Term Financial Strategy (MTFS) report to Council on 7th September further updated a number of baseline spend and funding assumptions in the council's current rolled forward multi-year revenue and capital plans, setting out a financial planning framework for subsequent budget development for the remainder of the current 2023/24 budget round.

The MTFS report highlighted the emerging scale of the global, national and local economic, financial and societal impacts from the current cost of living crisis and modelled the impact on the council's current and future years forecast financial position. The MTFS report also acknowledged that the environment within which local government, and all sectors of the economy, are currently operating, is volatile, fast moving and also acknowledged that there were anticipated to be forthcoming government announcements on how to tackle the cost of living crisis that were likely anyway to impact significantly on MTFS budgeted assumptions. And also, in recognition of this, further reports would be brought back to Cabinet and Council to further update on the council's forecast financial position going forward.

The above will also continue to be an overarching context for subsequent consideration of the Cultural Heart programme development through to Gateway 3, noting that Budget Council on 22 February 2023 will therefore also provide a key milestone and indication of the Cultural Heart programme development in the context of setting the overall Council budget requirement for 2023/24 and forecast spend and funding assumptions for future years.

3.7.2 Legal

Legal Services, and Addleshaw Goddard LLP (an external framework firm), are involved in the procurement process and appointment of the SDP, the wider team and the contractors in accordance with the council's Contract Procedure Rules.

There are a number of occupiers of the Piazza Shopping Centre who have security of tenure. Legal Services, and an external framework firm, are involved in the process to complete any

relevant documentation in order to secure vacant possession of the Piazza Shopping Centre to enable delivery of the proposed programme prior to and after this Gateway 2 stage.

There are also occupiers outside the boundaries of the site who have rights to use the service tunnels under the Piazza Shopping Centre. Legal Services, and an external framework firm, will be involved in the process to complete any relevant documentation so that works can be carried out to the tunnels.

Legal Services, and an external framework firm, will be involved in the procurement process and contractual arrangements with the third party operators for the venue, food hall and multistorey car park in accordance with the council's Contract Procedure Rules.

There are a number of powers that the Council will rely on to carry out this project.

3.8 Do you need an Integrated Impact Assessment (IIA)?

An Integrated Impact Assessment (IIA) has been undertaken to assess the impact of the proposed Cultural Heart programme and what needs to be considered in the design of the scheme. The IIA considers equality impact, covering the nine protective characteristics set out in the Equality Act 2010, plus environmental impact and the effects on low earners and unpaid carers.

The stage 1 has been completed and indicates that a stage 2 assessment is required, and this is being progressed. The stage 1 and draft stage 2 reports are attached at Appendix 6. It is anticipated that the stage 2 will be completed after the phase two of public consultation with the outcomes feeding into the design and operation of the Cultural Heart.

4 Consultees and their opinions

Consultees are referred to earlier at Section's 1.2, 1.3, 2.10, 2.12, 2.13, 3.1, 3.2, 3.3 and 3.8 of this report.

Officers Presented an update on progress to Ad-Hoc scrutiny chaired by Cllr Liz Smaje on 16th Aug 2022. The Panel welcomed the Cultural Heart Update and thanked officers and the Portfolio holder for their attendance. A number of key points, opportunities and challenges were highlighted.

- The frequency of collection rotation in the Art gallery and the importance of having a clear work force strategy to reflect this.
- The inclusion of bold and challenging public art and the best use of space to facilitate this.
- The importance of retaining current retailers in the town centre and continuing active conversations with agents and local businesses to highlight future opportunities for their business to ensure a healthy retail mix.
- Clear communications and signposting in relation to the Cultural Heart, and opportunities for consultation and engagement, as well as access to records during the closure of the archive.
- The importance of strong management arrangements and oversight across all the events venues in the town centre to ensure that events programmes complimented each other and did not create competition.
- The importance of optimistic and robust responses to public consultation comments to instil confidence in the council's ability to deliver the Cultural Heart.

5 **Next steps and timelines**

The key milestones and Gateways for the Cultural Heart programme are as set out below. Also see App 1, Section 6, 6.12 & 6.18.

- **Programme Initiation** **22nd June 2021**
- **Gateway 1** – SOC, Cabinet approval **16th November 2021**
- **Gateway 2** – OBC **21st September 2022**
RIBA Stage 2 & master plan

Cabinet approval is being sought in this report to the Gateway 2 proposals and approval to proceed to Gateway 3.

The programme will then come back to Cabinet at Gateway 3 for approval to proceed to Gateway 4.

- **Gateway 3** – **Q1/Q2 2023**
RIBA Stage 3,
Surveys, part strip out & asbestos removal
Update on construction contract sum negotiations under the Pre-Construction Service Agreement
Update on progress with venue operator
Target date for planning permission (target submission Autumn 2022)
Vacant site including library & market hall and 60% of the Piazza units

- **Gateway 4** – **Q4 23/Q1 2024**
RIBA Stage 4
Final Business Case (FBC)
Part demolition of Piazza and intrusive surveys to all buildings
Award D&B construction contracts and start on site

6 **Officer recommendations and reasons**

Cabinet is requested: to approve the following

6.1 **Outline Business Case**

To agree to proceed in line with the proposals and recommendations set out in the Outline Business Case to the next stage.

Reason: So that the assets and the strategic objectives of the Cultural Heart programme can be delivered.

6.2 **Master plan**

To agree to proceed in line with the Preferred Way Forward master plan and the associated RIBA Stage 2 design.

Reason: So that the design and programme implementation can continue to next the next stage.

6.3 **Capital Development Budget, Gateway 3**

Subject to approval of 6.1 & 6.2 above to approve the Gateway 2 to Gateway 3 budget of up to £10.5m

Reason: To ensure sufficient funds are available to progress the programme to the next stage.

6.4 Programme Timeline

To delegate to the Strategic Director Growth & Regeneration, in consultation with the Executive Member for Regeneration, decisions on the programme timeline so that the Cultural Heart master plan and the associated strategic objectives can be completed within an appropriate timescale reflecting the council's financial position.

Reason: To achieve the strategic objectives as soon as is practical taking account of circumstance

6.5 Resources

To allocate the necessary Council staff and resources to support the programme and to note that in the absence of sufficient internal resources that additional resources will be sourced from existing/future framework agreements.

Reason: To ensure that the programme is adequately resourced

6.6 SDP extension of appointment

To agree 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 the Contract Procedure Rules and the Financial Procedure Rules.

Reason: To continue the programme management services that have achieved this Gateway 2, retain knowledge gained and maintain the programme to deliver the strategic objectives as soon as is practical.

6.7 Architect and Engineer extension of appointment

To agree to extend the appointments of the architect and the engineer to Gateway 3 in compliance with the Contract Procedure Rules and the Financial Procedure Rules.

Reason: To continue the architectural and engineering services that have achieved this Gateway 2, retain knowledge gained and to maintain the programme to deliver the strategic objectives as soon as is practical.

6.8 Construction Contractor Procurement

To delegate authority to the Strategic Director for Growth and Regeneration to conclude the construction contractor strategy as set out in Section 2.5 of this report, and then to progress that strategy for the Cultural Heart to the next stage.

Reason: To ensure the appropriate construction contracts for the Cultural Heart.

6.9 Third Party Operator Procurement

To delegate authority to the Strategic Director for Growth and Regeneration to conclude the strategy on all necessary third party operators as set out in Section 2.6 of this report, and then to progress that strategy for the Cultural Heart to the next stage.

Reason: To ensure the best operating model for the Cultural Heart.

6.10 Social Value

To delegate authority to the Strategic Director for Growth and Regeneration in consultation with the Executive Member for Regeneration and the Executive Member for Corporate to conclude the Social Value strategy and then implement the same for the Cultural Heart. This is to include the mechanism for administration of the trust fund.

Reason: To ensure the best Social Value outcomes for the Cultural Heart.

6.11 SDP, Architect & Engineer Appointment Extensions, Construction Contractor Appointments & Third Party Operator Appointments

Subject to approval of 6.6, 6.7, 6.8 & 6.9 to delegate authority to the Strategic Director for Growth and Regeneration in consultation with the Executive Member for Regeneration and in liaison with the Service Director – Legal Governance and Commissioning and the Service Director – Finance to appoint third parties in compliance with the Contract Procedure Rules and the Financial Procedure Rules.

Reason: To put all necessary contracts in place to deliver the agreed Cultural Heart programme

6.12 Deliver the Programme to Gateway 3

Subject to approval on the matters above to delegate authority to the Strategic Director for Growth and Regeneration in liaison with Head of Procurement and to work within approved budgets to deliver the programme to Gateway 3.

Reason: So that the Cultural Heart programme can achieve the next stage, Gateway 3

7 Cabinet Portfolio Holder's recommendations

Cllr Graham Turner, the Cabinet Portfolio Holder for Regeneration, supports the recommendations and was briefed on the 6th September 2022 and made the following comments,

- I fully support the proposals in this report to approve the required funding to move to Gateway 3
- By moving to Gateway 3 we will be another significant step closer to delivering the Cultural Heart programme.
- The submission of a planning application is an important milestone, as it will signal our continued commitment to delivering the programme.
- This next stage in our ambitious plans will encourage more private investment in Huddersfield, generating more jobs and improving the town centre offer.

The Cabinet Portfolio Holder recommends that Cabinet accepts / endorses the officer recommendation.

Cllr Paul Davies, the Cabinet Portfolio Holder for Corporate, was also briefed on the 6th September 2022

8 Contact officer

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9 Background Papers and History of Decisions

- **March 2019** – Cabinet Report - Assembling land and property – Huddersfield Town Centre (Piazza)
<https://democracy.kirklees.gov.uk/documents/s29122/Item%2014%20Land%20Assembly.pdf>
- **June 2019** – Huddersfield Blueprint Launch Event

- **August - Oct 2019** - Huddersfield Blueprint Place Standard Exercise – Results
<https://howgoodisourplace.org.uk/huddersfield-town-centre/>
- **February 2020** – Cabinet Report - Huddersfield Blueprint - Next Steps.
<https://democracy.kirklees.gov.uk/documents/s34958/Item%2015%20CAB%20-%2020%20-%20071%20-%202020-02-25%20Cabinet%20Huddersfield%20Blueprint%20-%20Next%20Steps%20Final.pdf>
- **September 2020** Cabinet Report Dewsbury and Huddersfield Town Centre Finance.
<https://democracy.kirklees.gov.uk/documents/s37506/Town%20Centre%20Finance%20Cabinet%20Report%20-%20Final%20Version.doc.pdf>
- **June 2021** – Cabinet report – Cultural Heart, part of the Huddersfield Blueprint – Next Steps.
<https://democracy.kirklees.gov.uk/documents/s41881/Delivering%20the%20Cultural%20Heart%20Cabinet%2022.6.21%20002.pdf>
- **November 2021** - Cabinet Report, Cultural Heart, part of the Huddersfield Blueprint, Gateway 1.
<https://democracy.kirklees.gov.uk/documents/s43757/PUBLIC%20CUTLURAL%20HEART%20Cabinet%20Report.%20Final%2016.11.21.pdf>

10 **Strategic Director responsible**

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