

Public Document Pack



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

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Monday 6 November 2023

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Meeting Room 3 - Town Hall, Huddersfield** at **3.00 pm** on **Tuesday 14 November 2023**.

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", on a light-colored background.

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 Cathy Scott	Leader of the Council
Councillor Moses Crook	Cabinet Member – Housing and Highways
Councillor Paul Davies	Cabinet Member – Corporate (Deputy Leader)
Councillor Yusra Hussain	Cabinet Member – Culture and Greener Kirklees
Councillor Viv Kendrick	Cabinet Member - Children (Statutory responsibility for Children)
Councillor Mussarat Pervaiz	Cabinet Member - Communities
Councillor Jackie Ramsay	Cabinet Member – Health and Social Care (Statutory responsibility for Adults)
Councillor Elizabeth Reynolds	Cabinet Member – Learning and Aspiration
Councillor Graham Turner	Cabinet Member – Finance and Regeneration

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

1 - 2

To note the appointment of Councillor Moses Crook to Cabinet, with effect from 6 November 2023, in accordance with Article 7.3.4 of the Constitution.

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

2: Minutes of Previous Meetings

3 - 18

To approve the Minutes of the Meetings of the Cabinet held on 26 September and 17 October 2023.

3: Declaration of Interests

19 - 20

Cabinet Members will be asked to advise if there are any items on the Agenda in which they have a disclosable pecuniary interest, or any other interests, which may prevent them from participating in the discussion or vote on any of the items.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee 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.

5: Deputations/Petitions

Cabinet will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

6: Questions by Members of the Public

To receive any public questions.

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

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

7: Questions by Elected Members (Oral Questions)

Cabinet will receive any questions from Elected Members.

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

8: Revision of Car Parking Tariffs / Charges

21 - 30

To consider the revised car parking tariffs.

Contact: Sarah Durdin, Highways and Streetscene

9:	Housing Growth Update	31 - 42
	To consider the Housing Growth Update report.	
	Contact: Adele Buckley, Housing Growth and Regeneration	
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10:	Council Owned Tree and Woodland Management Policy	43 - 90
	To consider the Council Owned Tree and Woodland Management Policy.	
	Contact: Joe Robertson, Woodland Development Manager	
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11:	Asset Review November 2023	91 - 102
	To consider the Asset Review (November 2023).	
	Contact: Daniel McDermott, Assets & Estates	
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12:	Data Network	103 - 108
	To consider the procurement of new corporate data network services.	
	Contact: Terence Hudson, Head of Technology	
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13:	Corporate Financial Monitoring Report - Quarter 2, 2023-24	109 - 152
	To consider the Quarter 2 Monitoring report.	
	Contact: James Anderson, Head of Accountancy	
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14:	Withdrawal of Netherton & South Crosland Neighbourhood Plan Forum Designation	153 - 158
	To consider the withdrawal of Netherton and South Crosland Neighbourhood Plan Forum designation.	
	Contact: Jacob Parker-Henry, Planning Policy	
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KIRKLEES COUNCIL NOTICE UNDER ARTICLE 7 OF KIRKLEES COUNCIL CONSTITUTION

I give notice under Article 7.2.4 and 7.3.4 of the Kirklees Council Constitution that I wish to make the changes to the Cabinet portfolio of functions described below, including the Councillors appointed as Deputy Leader and with Statutory Responsibility for Children.

Executive Functions and Delegations to the Cabinet and others including officers will remain as set out within Part 3 of the Council's Constitution.

Name	Description of Portfolio or other responsibility
Cathy Scott	Leader
Paul Davies	Deputy Leader and Corporate
Elizabeth Reynolds	Learning and Aspiration
Graham Turner	Finance and Regeneration
Viv Kendrick	Children' Services (Statutory responsibility for Children)
Moses Crook	Housing and Highways
Jackie Ramsay	Health & Social Care (Statutory responsibility for Adults)
Mussarat Pervaiz	Communities
Yusra Hussain	Culture and Greener Kirklees

Cathy Scott
Leader of the Council

Signed



Date 6th Nov 2023

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Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 26th September 2023

Present: Councillor Cathy Scott (Chair)
Councillor Paul Davies
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Jackie Ramsay
Councillor Mussarat Pervaiz
Councillor Yusra Hussain

Observers: Councillor Beverley Addy
Councillor Bill Armer
Councillor Andrew Cooper
Councillor Harry McCarthy
Councillor Matthew McLoughlin
Councillor Joshua Sheard

Apologies: Councillor Elizabeth Reynolds
Councillor Graham Turner

48 Membership of Cabinet

Apologies for absence were received on behalf of Councillors E Reynolds and G Turner.

49 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 6 September 2023 be approved as a correct record.

50 Declaration of Interests

No interests were declared.

51 Admission of the Public

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

52 Deputations/Petitions

Cabinet received a petition from Batley East Residents regarding parking on Lydgate Road, requesting that the Council consider the issue of road safety in the area.

Cabinet received a deputation from Georgina Bottomley, on behalf of Unison, which raised concerns regarding the possible closures of three leisure centres, and the consequential impact upon communities, service users and potential job losses, and requested that councillors take back control of leisure services in Kirklees.

A response was provided by the Cabinet Member for Adults and Health (Councillor Ramsay).

53 Questions by Members of the Public

No questions were asked.

54 Questions by Elected Members (Oral Questions)

Under the provision of Executive Procedure Rule 2.3, Cabinet received the following questions:

Question from Councillor Cooper

Newsome Councillors have not been consulted about Castle Grange, all our information has been from concerned relatives. There is no explanation in the report as to why these homes only have 57% occupancy compared with 87% for the independent sector. Has the Council already been reducing admissions with a mind to closing these homes? Will the Cabinet withdraw the report to commence consultation on the closure of Castle Grange and Claremont House?

A response was provided by the Portfolio Holder for Health and Adult Social Care (Councillor Ramsay).

Question from Councillor John Lawson

The Council has been through a series of reviews and decided on courses of action, and with every review there is an opportunity for learning. What has Cabinet done to learn from these opportunities and when will you be sharing this learning?

A response was provided by the Leader of the Council (Councillor Scott).

Question from Councillor McLoughlin

As always with austerity, what central Government save in not funding the leisure services, they will have to spend in the NHS with poorer health outcomes. Can I ask that the Council re-doubles its efforts to put pressure on central Government to produce a fair funding formula for local authorities so that we don't lose these vital community assets?

A response was provided by the Leader of the Council (Councillor Scott).

Question from Councillor Sheard

In relation to Batley Sports and Tennis Centre and the proposed closure of it, Howden Clough Football Club use the Astro turf as a base for operations. They were an original stakeholder along with Kirklees Active Leisure and the Football Association to purchase the Astro pitches. The club spent over £70k so if proposals regarding the closure are followed through, what type of compensation will they be given, and what help can be offered to support them in finding a new home along with the other community groups who use the location?

A response was provided by the Leader of the Council (Councillor Scott).

55 Appointment of Cabinet and Portfolios (Notice Under Article 7)

Cabinet received, for information, the schedule of appointment of Cabinet Members and associated portfolio responsibilities, in accordance with Articles 7.2.4 and 7.34 of the Constitution.

RESOLVED – That the appointment of Cabinet Portfolios, under the provision of Article 7.2.4 and 7.3.4 of the Constitution, be noted.

56 Kirklees Active Leisure Centre Offer 2024/25 - Consultation

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Addy, McCarthy, McLoughlin and Sheard).

Cabinet considered a report which sought approval for a consultation in relation to the future leisure centre offer provided by Kirklees Active Leisure (KAL). Cabinet was also asked to consider the acceptance of grant aid from Sport England should applications be successful.

Cabinet was advised that due to a combination of salary cost pressures and more recent inflationary energy and other operational costs, the challenge for KAL to operate in a financially sustainable way had increased and there continued to be a financial challenge. The Council had indicated that it would make available a maximum grant/subsidy of £2.55m in 24/25 and that it was unable to provide additional financial support.

The report sought authorisation for a six-week public consultation programme to commence on 27 September to ask residents for their views about the future leisure centre offer in Kirklees. The consultation responses would be considered alongside Integrated Impact Assessments and economic, environmental, social, and legal data to inform the decision about the future of the leisure centre offer.

The report advised that a funding application had been submitted to Sport England for revenue funding from the Swimming Pool Support Funding (SPSF) for Scissett Baths and Leisure Centre and Huddersfield Leisure Centre. It was anticipated that a further application would be made to SPSF capital fund in October 2023 for Scissett Baths.

RESOLVED –

- 1) That approval be given for a consultation to commence in order to inform subsequent decision making.
- 2) That authority be delegated to the Strategic Director for Adults & Health, in consultation with the S151 Officer and relevant Cabinet members, to accept and use funding from Sport England, if awarded.

57 Asset Review September 2023

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(Under the provision of Council Procedure Rule 36(1), Cabinet received a representation from Councillor John Lawson)

Cabinet considered a report which set out the working principles of an asset review for the optimisation, rationalisation, mothball, closure, and disposal of property assets and interests across the Council's estate.

The report outlined proposals in relation to the five town halls. Cabinet was advised that Batley Town Hall was identified as having available capacity to support wider council services including the opportunity of delivery of a modernised Library provision. This decision would release Batley Library building as surplus to organisational requirements, with the decision being subject to the outcome of non-statutory consultation.

The report advised that Cleckheaton Town Hall was currently closed pending specialist investigation due to significant emerging condition and health and safety issues. To allow a detailed assessment of the building to be undertaken, the whole building would therefore need to be mothballed.

Cabinet heard that in Dewsbury Town Centre, the Walsh Building had been identified as having available capacity to support wider council services, with the opportunity of delivering a modernised service hub, including a library and customer service centre. This decision would be subject to the outcome of a non-statutory consultation.

RESOLVED –

- 1) That Cleckheaton Town Hall be mothballed to allow for a detailed assessment of the building.
- 2) That authority be delegated to the Strategic Director for Adults and Health, in consultation with the Portfolio Holder for Corporate Services and the Portfolio Holder for Finance and Regeneration, to finalise plans for a non-statutory consultation relating to the library proposals in Batley including methodology and timescales.
- 3) That subject to the outcome of the consultation and any subsequent decision to move the library into the Batley Town Hall, Batley Library building be declared as surplus to organisation requirements and be prepared for disposal.
- 4) That pursuant to (3) above, the decision taken by Cabinet in November 2021 to demolish the Walsh building be revoked, given the buildings key position in supporting the delivery of services within Dewsbury.
- 5) That authority be delegated to the Strategic Director for Adults and Health, in consultation with the Portfolio Holder for Corporate Services and the Portfolio Holder for Finance and Regeneration, to finalise plans for non-statutory consultation regarding the library proposals in Dewsbury including methodology and timescales.
- 6) That subject to the outcome of the consultation and any subsequent decision regarding the library, it be moved into the Walsh building.

58 Proposed Closure of Castle Grange and Claremont House residential care homes

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Armer and Cooper).

Cabinet considered a report in relation to Castle Grange and Claremont House residential care homes.

The report sought approval, subject to formal public and staff consultation, for the Council to withdraw from the long stay residential care market and focus its direct care delivery in other parts of the care market, particularly those areas where there were fewer providers and options for people. Current users of Castle Grange, Newsome, and Claremont House, Heckmondwike would continue to receive a residential care service but through independent sector care homes instead.

The report advised that if, following the formal consultation process, Cabinet approved withdrawal from the homes, the properties would be passed to corporate assets for a decision on best use of the assets to support with wider Council priorities which could be re-purposing or disposal.

Cabinet noted that the proposal was to start the formal public and staff consultation process of 12 weeks immediately, with a view to returning to Cabinet in January 2024 for a final decision.

RESOLVED –

- 1) That authority be delegated to the Service Director Learning Disability and Mental Health to agree the scope and terms and enter into a 12 week consultation relating to the proposed closure of Castle Grange and Claremont House dementia residential care homes.
- 2) That all further admissions to the establishments be ceased, until the formal consultation process is complete, and a decision has been made on the proposals following consultation.
- 3) That the outcome of the consultation and proposed decision be considered at the meeting of Cabinet in January 2024.

59 Review the offer of council in-house supported living provision

Cabinet considered a report regarding a formal consultation process to review council in-house supported living services.

Cabinet was advised that a proposal to review arrangements at Brighton Court, Heckmondwike, The Mews, Mirfield and Wilton Terrace, Cleckheaton would be undertaken in line with the wider commissioning framework for Learning Disabilities Supported Living.

The report outlined that the proposal would involve re-assessing tenants' needs in order to provide suitable alternative accommodation and support services. This would likely mean that people, over the course of time, move into different accommodation that would also have support available to meet their needs. It

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would also involve consulting with staff and unions around the proposed changes to the services affected.

Cabinet was asked to approve a formal consultation process which would take place from October to December 2023 with the results being considered by Cabinet in early 2024 for final decision.

RESOLVED –

- 1) That authority be delegated to the Strategic Director for Adults and Health, in consultation with the relevant Portfolio Holder, to design a enter into a formal 12-week consultation process relating to supported living care and support services.
- 2) That the outcome of the consultation be considered at a future meeting for a decision on implementing potential service changes as outlined at paragraph 2.4 and 2.5 of the considered report.

60

Redesign of Short Break, Respite and Support Provision

Cabinet considered a report which sought approval to commence consultation on the redesign and reconfiguration of the short breaks, respite and support services for disabled children, young people and their families in Kirklees.

Cabinet was advised that in order to ensure the Council were offering a flexible and fit for purpose provision that met needs and achieved improved outcomes for children and families with additional needs, it was proposed to formally consult on what this might look like and how it could be delivered.

The report advised that the consultation would be in relation to redesigning existing provision (including short breaks, respite, and activities) to provide a greater level of flexible integrated, local provision. The proposals within the consultation would be in line with the corporate approach towards a place-based delivery of services. Integrating services would be expected to achieve efficiency savings of approximately £400,000.

Cabinet noted that the consultation would seek a wider view of the proposals from key stakeholders to inform options for service redesign. Stakeholders would include children and young people, parents and carers, staff working in internal services and across partnerships, ward members, wider community stakeholders and other interested parties.

RESOLVED –

- 1) That authority be delegated to the Strategic Director for Childrens Services, in consultation with the Portfolio Holder for Children's Services, to finalise plans for, and enter into, a six week consultation relating to the redesign and reconfiguration of the short breaks, respite and support services for disabled children, young people and their families.
- 2) That the outcome of the consultation be considered at a future meeting of Cabinet for decision.

61 Tenant Safety in Council Housing

Cabinet considered a report which updated it on the situation with tenant safety in council housing.

The report provided an update and information on activity relating to the 'big 6' areas of building safety being fire, asbestos, water, gas, electrical, and lifts but particularly fire where there had been and continued to have considerable focus.

Cabinet noted that in June 2021 the Council referred itself to the Regulator of Social Housing in relation to fire safety matters at high-rise blocks. Since then, the Council had focused on delivering programmes of fire safety works, inspections and re-inspections and developing longer term refurbishment and regeneration plans for these buildings. Regular contact was maintained with the Regulator and updates were provided on progress and issues.

The Council as landlord had numerous legal duties to ensure the safety of its tenants and leaseholders and to comply with regulatory standards of the Regulator of Social Housing and the Building Safety Regulator. The Council was also subject to oversight from the Housing Ombudsman in relation to council housing and the considered report set out how the Council was complying with regulation and ensuring the safety of its residents.

RESOLVED – That the report be noted.

62 Annual RIPA update

Cabinet gave consideration to a report on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) by the Council since the last report on use in March 2022.

The report advised that the Council was subject to the requirements of RIPA, which set out how and when a local authority could engage in covert surveillance.

Cabinet noted that RIPA regulated three types of surveillance, these being directed surveillance, the use of covert human intelligence and the obtaining of communications data. The current policy was adopted in January 2019 when it was amended in line with the implementation of GDPR and the Data Protection Act 2018.

Cabinet was advised that the RIPA policy had been reviewed and only one update had been made with a minor amendment, to change one of the Authorising Officers.

RESOLVED – That the updated RIPA policy be approved.

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Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 17th October 2023

Present: Councillor Cathy Scott (Chair)
Councillor Paul Davies
Councillor Elizabeth Reynolds
Councillor Graham Turner
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Jackie Ramsay
Councillor Mussarat Pervaiz
Councillor Yusra Hussain

In attendance: Councillor Moses Crook
Councillor John Lawson
Councillor B McGuin

63 Membership of Cabinet

All Cabinet members were present.

64 Declaration of Interests

No interests were declared.

65 Admission of the Public

Cabinet noted the submission of exempt information, as set out at Agenda Item 14 (Minute No 76 refers).

66 Deputations/Petitions

No deputations or petitions were received.

67 Questions by Members of the Public

No questions were asked.

68 Questions by Elected Members (Oral Questions)

Cabinet received oral questions under Executive Procedure Rule 2.3.

Question from Councillor John Lawson

In relation to the mothballing of Cleckheaton Town Hall, what form would any non-statutory consultation look like, and how long will that take?

A response was provided by the Portfolio Holder for Finance and Regeneration (Councillor Turner).

Councillor B McGuin

Regarding the rebuilding of Woodley School at Almondbury, it is important to rebuild a new school and keep our children in Kirklees, but can I ask if the new school will provide swimming pool and sports centre facilities for the community?

A response was provided by the Portfolio Holder for Children (Councillor Kendrick)

Question B McGuin

Is it possible to provide some land for the pre-school on the old Almondbury school site adjacent to Hill View School to enable them to continue their business?

A response was provided by the Portfolio Holder for Learning and Aspiration (Councillor Reynolds)

69 Special Educational Needs and Disabilities (SEND) - Increasing Special School Places

Cabinet considered a report which sought authority to progress plans to create additional special school places at Woodley School and College.

Cabinet noted that the Council was undertaking a four-week non-statutory consultation with interested stakeholders on the proposals to increase pupil places to 194 at Woodley School and College, gradually over time, using satellite provision ahead of, and leading up to, the completion of construction on a new and larger school building. The proposed 194 places would include 180 places in the planned new school rebuild and up to 14 places in the existing Woodley Post-16 provision based in a shop in Huddersfield town centre.

The report gave key context and background in relation to the (i) transformation plan, (ii) rebuild of Woodley School and College, (iii) special school satellite provision and (iv) process required to increase pupil places in a special school. The final decision would be made at a future meeting of Cabinet where the non-statutory consultations and representations would be considered.

RESOLVED –

- 1) That further to the consideration of the outcome of the non-statutory consultation, authority be delegated to the Strategic Director, Children's Services to publish related statutory proposals to create additional special school places at Woodley School and College as prescribed in the 2013 Regulations.
- 2) That Cabinet consider and determine the proposals at the end of the representation period.
- 3) That further to the consideration of the outcome of non-statutory consultation, authority be delegated to the Strategic Director, Children's Services to publish related statutory proposals to create additional special school places as prescribed in the 2013 regulations.

- 4) That Cabinet consider and determine the proposals at the end of the representation period.

70 Ad Hoc Scrutiny Building Panel - health and safety compliance in residential housing stock

Cabinet considered an update on the Ad Hoc Scrutiny Panel Residential Stock Health and Safety Compliance report and recommendations.

Cabinet was advised that between July 2021 and July 2022, Scrutiny used a range of methods to gather evidence to inform the Ad- Hoc Scrutiny Panel Health and Safety Compliance in Residential Housing Stock Report. The report included an action plan and a set of seventeen recommendations. The report was presented to Cabinet in December 2022 where the recommendations and action plan were agreed.

Cabinet noted that of the seventeen recommendations, two had been identified as complete, and six had been identified as 'ongoing' actions that would always require consideration as part of good practice. All other actions had made good progress, with the remaining nine actions being 50% complete or higher.

In relation to the future frequency and level of reporting on actions, the report advised that it was proposed that updates be provided quarterly to Building Safety Assurance Board for 12 months after which time reporting requirements be reviewed.

RESOLVED –

- 1) That actions identified as ongoing be reported less frequently to the Building Safety Assurance Board and that Cabinet acknowledge the progress made is sufficient to form ongoing good practice.
- 2) That a further update be considered at a future meeting.

71 Kirklees Local Plan Review and Update

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors John Lawson and McGuin).

Cabinet considered a report which sought ratification on the outcomes of a review of the Kirklees Local Plan.

The report advised that the Kirklees Local Plan was adopted in February 2019. A formal 'review' of whether the Local Plan remained fit for purpose must be published within 5 years of Local Plan adoption (by February 2024 for Kirklees).

The considered report set out the process which had been undertaken to review the Local Plan and the outcomes of the review. Cabinet noted that there was no prescribed method for plan review, but a review of a Local Plan against a standardised template produced by the Planning Advisory Service was being promoted nationally as good practice and formed the basis of the Kirklees assessment.

Cabinet was advised that the Kirklees Local Plan was assessed against 14 questions contained in the Planning Advisory Service standard template, and officers found the plan to be out of date against six of the considered questions.

Cabinet acknowledged that in the opinion of the officers, a full review of the Local Plan was required. A partial review was not considered suitable as the proposed updates were not specific to one area of the plan and could lead to the potential for further updates and costs.

It was noted that the likely timescales for the Local Plan 2 began in January 2024 with the Local Development Scheme being considered by Cabinet in January 2024 and ending with the submission to the Secretary of State, followed by an independent examination in public in March 2027.

RESOLVED –

- 1) That the findings and recommendations of the internal officer review of the fitness of the Kirklees Local Plan (as outlined in Appendix 1 of the considered report) be ratified and the council's reasons and decisions be published on its website.
- 2) That a recommendation be made to Council that a full update of the Kirklees Local Plan commence (following current statutory local plan processes with the process to be reviewed following confirmation of the government's proposed planning reforms).
- 3) That authority be given to the Strategic Director Growth and Regeneration to prepare a Local Development Scheme (programme to produce development plan documents) with a completed LDS presented to a future meeting of Cabinet for approval and publication.
- 4) That authority be given to the Strategic Director Growth and Regeneration to commence the preparation of a revised Statement of Community Involvement and to consult on a draft document.
- 5) That a final Statement of Community Involvement be presented at a future meeting for approval and publication.

72 Update on proposals for the redevelopment of Sycamore Grange, Golcar, Huddersfield.

Cabinet gave consideration to the progress on proposals for the redevelopment of Sycamore Grange, a retirement living scheme in Golcar, Huddersfield.

The report advised that following tenant and stakeholder engagement, the proposed scheme now comprised of (i) 41 retirement living apartments, 90% of which would be one bedroom (ii) 9 one-bedroom bungalows (iii) 5 two-bedroom bungalows and (iv) 4 one-bedroom cottage flats.

Cabinet noted that the scheme focussed on provision for older people which would increase the offer of suitable accommodation for older people helping to release family homes which may be under-occupied by older people.

Cabinet was informed that a budget envelope of £11.937m was required for the scheme, and authority was sought for officers to submit a planning application, to issue tenders and enter into contracts to demolish the existing buildings and design and build the new development.

RESOLVED –

- 1) That the re-development plans as outlined in the considered report be noted and that endorsement be given to the approach to constructing the scheme.
- 2) That approval be given to a maximum budget envelope of £11,937,000 to procure the demolition of the existing Sycamore Grange scheme, the construction of the new retirement living scheme, bungalows, and apartments, and to fund the management of rehousing and revenue costs.
- 3) That pursuant to (2) above, authority be delegated to the Service Director Finance to sign a detailed financial appraisal, following planning permission and procurement, but before the award of any contract and the commencement of works.
- 4) That approval be given to the submission of Prior Approval notification and Notices under the Planning and Building Acts for the demolition of Sycamore Grange, and the submission of a planning application for the new development.
- 5) That authority be delegated the Strategic Director of Growth in consultation with the Service Director for Legal, Governance & Commissioning, and Portfolio Holder to invite and assess tender submissions and enter into contract for the demolition of existing buildings on the site once Vacant Possession is achieved.
- 6) Authorise the Strategic Director of Growth in consultation with the Service Director for Governance & Commissioning and the Portfolio Holder to invite and assess tender submissions and to draft and award contracts for the Design and Build of the new scheme within the agreed budget envelope.
- 7) That approval be given to the appointed contractor to be responsible for finalising the design and costs and obtaining all approvals required to construct the scheme.

73

Re-Profile of Kirklees Resource & Waste Strategy 2021-2030

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

Cabinet considered the re-profile of the Kirklees Resource & Waste Strategy 2021-30.

Cabinet was advised that the Kirklees Resource & Waste Strategy 2021-30 was approved and adopted at Council in September 2021. Since the launch of the strategy, there were significant uncertainties around government legislation for waste management and the associated funding along with a cost-of-living crisis with the Council facing increased demands and financial pressures.

Cabinet noted the proposal to revise the strategy's key targets in line with national targets to (i) achieve a recycling rate of at least 70% at Household Waste &

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Recycling Centres by 2030, (ii) recycle at least 65% of municipal waste by 2035 and (iii) achieve a 95% diversion from landfill rate by 2030.

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

RESOLVED –

- 1) That the 2023 Resources & Waste Strategy update be agreed and published.
- 2) That authority be delegated to the Strategic Director for Growth & Regeneration, in consultation with the relevant portfolio-holders and the Service Director for Finance, for expenditure of sums as outlined in Appendix Three of the considered report to support the development and implementation of the re-profiled Kirklees Resources & Waste Strategy 2021-30 and supporting infrastructure.
- 3) That approval be given to undertake the procurement of the Reuse Shop Scheme, and that authority be delegated to the Service Director for Highways and Streetscene, in consultation with the relevant portfolio-holders and the Service Director for Finance, to authorise the award of a contract to the successful bidder following the procurement.

74 **Kirklees Stadium and Kirklees Stadium Developments Ltd - Further revisions to the previously agreed approach**

Cabinet considered a report which provided an update on the realignment of control and responsibilities in relation to Kirklees Stadium Development Ltd (KSDL).

The report explained that in March 2021, the Cabinet endorsed the development of a Community Trust operating model that was considered most suitable to delivering the above objectives, with a further report being considered in December 2022 in which all parties to KSDL were in broad agreement.

Cabinet was informed however that the ownership of Huddersfield Town AFC had now changed and the previous in principle agreement may not be acceptable to at least one of the parties. The Council had been clear that it did not wish to be involved in the future management of KSDL or the Stadium and have made clear that beyond the financial restructuring that had already been agreed, the Council would not contribute further funding to facilitate the day-to-day operation of KSDL.

RESOLVED –

- 1) That pursuant to Minute Nos. 118 and 125 of the meeting of Cabinet on 21 December 2022, authority be delegated to officers to conduct negotiations with the HTAFC and HRLFC regarding the KSDL agreement, with a view to them taking full operational control of the facility (and negotiations with other current leaseholders as necessary).
- 2) That a further report be considered to update Members on progress on the actions set out in the considered report.

75 Exclusion of the Public

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

76 Kirklees Stadium and Kirklees Stadium Developments Ltd - Further revisions to the previously agreed approach

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

The exempt information was noted prior to the consideration of Agenda Item 12 (Minute No. 74 refers).

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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: 14 November 2023

Title of report: Revision of Car Parking Tariffs / Charges

Purpose of report: To seek approval for revised parking tariffs / tariffs for on-street parking bays and off-street car parking across Kirklees.

Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	Yes Affects all wards
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report - No
The Decision - Is it eligible for call in by Scrutiny?	Yes
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?	David Shepherd – 18 September 2023 Isabel Brittain – 18 September 2023 Julie Muscroft (Legal)
Cabinet member portfolio	Cllr Y Hussain

Electoral wards affected: All

Ward councillors consulted: Cabinet

Public or private: Public

Has GDPR been considered? This report contains no information that falls within the scope of General Data Protection Regulations.

1. Summary

- 1.1. Kirklees Council operates both off-street car parks and on-street parking bays across the district. Parking tariffs vary across the district, with some car parks being free of any charges currently.
- 1.2. Parking tariffs have remained unchanged since 2009.
- 1.3. It is proposed to increase existing tariffs by inflation, retrospectively back to 2009 and to introduce a comparable rate on car parks that are currently free of charges.
- 1.4. Charges for car parking in Council – owned parking areas will be 6 days a week Monday to Saturday inclusive with Sunday charging in a select number of car parks.
- 1.5. A review of short stay and long stay provision will also be undertaken, to reflect changing demand for retail, commuter and cultural time spent in our town and village centres.
- 1.6. Under the Council's Financial Procedure Rules, fees and charges must be reviewed at least once per annum. It is proposed to revise car parking charges / tariffs annually thereafter.
- 1.7. It is anticipated that revised car parking charges will be introduced from January 2024.

2. Information required to take a decision

- 2.1. Kirklees Council has the authority to impose charges for parking in Council – operated car parks, as well as designating parking places on the highway and charging for the use of them. The retrospective increase in parking charges is by the rate of inflation retrospectively back to the previous change in 2009.
- 2.2. Car parking tariffs/charges have remained unchanged in Kirklees since 2009. Benchmarking of parking charges across the region indicates that parking charges / tariffs in Kirklees are significantly lower than those in other Yorkshire districts.
- 2.3. This decision seeks to set parking charges that are appropriate and consistent within the region.
- 2.4. The proposal is to uplift tariffs across the district and to expand charging to Council car parks that are currently free of charge. See **Table 1** and **Table 2** for overview of proposed parking tariffs / charges.

Table 1 – Proposed tariffs / charges - Huddersfield

	Current	Proposed
Minimum tariff / charge	70p per hour	£1.10 per hour
Maximum tariff / charge	£4 / all day (long stay)	£6.50 / all day (long stay)

Table 2 – Proposed tariffs / charges – Dewsbury & other towns / villages

	Current	Proposed
Minimum tariff / charge	5p per hour	50p per hour
Maximum tariff / charge	£4 / all day (long stay)	£6.50 / all day (long stay)

- 2.5. The revised tariffs/charges are expected to be introduced in January 2024, once the relevant legal procedures have been completed. This includes publishing of Traffic Regulation Orders (TRO's) and undertaking statutory consultation. **Appendix 2** lists the car parks that are currently free of charge.
- 2.6. Future revisions of parking tariffs / charges will be implemented annually to achieve budget targets, account for changes in legislation and market conditions. This will be in line with inflation, rounded to the nearest 10p and will include revision of existing and implementation of new charges. This will be undertaken in accordance with the Financial Procedure Rules, under delegated authority to the relevant Service Director responsible for the Parking Service.
- 2.7. Management of the Council's on and off-street public parking efficiently seeks to assist in achieving the objectives of the Local Transport Strategy, recognising the need to achieve and maintain the balance of supply and demand in the total number of available parking spaces as important factors in providing for local transport needs, retail and for commuters to employment zones. See **Appendix 1** for the draft Kirklees Parking Statement.
- 2.8. Revised parking tariffs recognises the need to maintain the vitality and viability of town centres as centres for shopping / retail, visitors, employment and culture. Short stay and long stay parking provision will be reviewed as town centre vibrancy changes. If there is a change in parking capacity, a review of parking charges will be undertaken.
- 2.9. Local and regional transport and travel planning will continue to encourage alternative means of transport including public transport, walking and cycling as more sustainable modes than car usage.
- 2.10. The Council will continue to actively enforce parking restrictions and regulations across the district, in line with relevant legislation. This prevents misuse of parking facilities, eases congestion and seeks to reduce accidents on our roads.

3. Implications for the Council

3.1 Working with People

The proposed changes to parking tariffs / charges will require key services to work closely together proactively.

3.2 Working with Partners

As part of the process for introducing the revised parking tariffs / charges, key partners will be notified to help identify potential opportunities to collaborate.

3.3 Place Based Working

The proposed changes are intended to provide a comparable rate for parking tariffs / charging across the district.

3.4 Climate Change and Air Quality

The proposals may encourage more sustainable travel and is not expected to have a detrimental effect on Air Quality or Climate Change.

3.5 Improving outcomes for children

The proposals seek to manage the Council's car parking options, supporting active travel for all users including children.

3.6 Financial Implications for the people living or working in Kirklees

The proposals seek to introduce a comparable rate for parking tariffs / charges across the district, reducing the gap between charges in Kirklees and the rest of the region. Long and short stay parking spaces will be available throughout the district to meet the needs of commuters, the retail sector, tourism and residents.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

3.7.1 Under section 35 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), the Council may provide off street parking places and charge for the use of them. Under section 45 of the Act, the Council may designate parking places on a highway and charge for their use and to issue parking permits for a charge.

3.7.2 Under regulations 3 and 4 of the Local Authority (Transport Charges) Regulations 1998, where the Council has designated a parking place under section 45, it may suspend the parking place and, where that is upon request, charge for the provision of this service.

Also under the 1998 Regulations, where the Council has made a traffic regulation order for the regulation of traffic, it may impose a charge for the consideration of any application to suspend parking restrictions under the order. It is for the Council to decide the appropriate charge and in doing so it should have regard to the cost of providing the service. It is however not bound to set the charges at cost recovery only. The Council therefore has the power to impose parking charges in connection with the provision of on street parking and off street parking. It may also impose charges connected with the suspension of parking bays and provide dispensation for exemption from parking restrictions. It also has the power to make the proposed amendments to those charges as detailed in this report.

3.7.3 Section 122 of the 1984 Act imposes a general duty on the Council to exercise its functions under the 1984 Act to “secure the expeditious, convenient and safe movement of vehicular and other traffic and to provide suitable and adequate parking facilities on and off the highway”. Collectively, these criteria may be referred to as “traffic management purposes”. In exercising these functions, the Council should have regard to, amongst other things, any other matters appearing to them to be relevant. The Council when exercising the function of setting parking charges is required to have regard to the traffic management purposes.

3.7.4 Section 55 of the 1984 Act requires the Council to keep a separate account of their income and expenditure in respect of designated parking places including the parking charges and this aids decision making on revising charges. Section 55(4) of the Act sets out the purposes for which any surplus income in respect of designated parking places can be used. Any surplus income in respect of designated parking places must be used for these purposes, which include:

- (a) Provision and maintenance of off street parking
- (b) Meeting costs incurred in the provision or operation of public Transport
- (c) Highway and road improvements and maintenance
- (d) Reducing environmental pollution
- (e) Improving public open spaces.

3.7.5 <https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments/home/details/IIA-546833559/>

4 Consultation

Statutory Consultation will be undertaken as part of the legal process required to make the changes. Following the consultation, a statutory consultation report will be compiled and presented for consideration prior to the implementation of the new charging regime.

5 Engagement

Cabinet members.

6 Next steps and timelines

To publish the Parking Places Order amendment, in line with the Road Traffic Regulation Act 1984. To amend signage, parking machine tariff / charges and web-based information. To implement in January 2024.

7 Officer recommendations and reasons

The proposed changes to parking tariffs / charges seek to provide a comparable rate for parking across the district, to remove historic areas of free parking and to adjust Kirklees parking tariffs to reflect the regional transportation strategic approach. For these reasons, the Officer recommendation is to support the proposal to revise the parking tariffs / charges.

8 Cabinet Portfolio Holder's recommendations

The Portfolio Holder acknowledges and supports the recommendations.

9 Contact officer

Sarah Durdin, Operational Manager, Highways & Streetscene.
Sarah.durdin@kirklees.gov.uk 01484 221000

10 Background Papers and History of Decisions

<https://democracy.kirklees.gov.uk/Data/Cabinet/201003301600/Agenda/CABINET30031039281D.pdf>

<https://democracy.kirklees.gov.uk/Data/Cabinet/201003301600/Agenda/Cabinet20100330DecisionSummary.pdf>

11 Service Director responsible

Graham West - Service Director: Streetscene and Highways
Graham.west@kirklees.gov.uk 01484 221000

Appendix 1 – Kirklees Parking Service Aims (Draft) October 2023

Manage parking provision

- Manage on and off-street public parking efficiently to support use by the intended categories of user and to minimise the effect of parking on the environment.
- Work with private and public owners of public off-street car parks to assist in achieving the objectives of the Local Transport Strategy, recognising the need to achieve and maintain the balance of supply and demand in the total number of spaces as important factors in providing for local transport needs, retail, and commuters to employment zones.
- Recognise the need to maintain the vitality and viability of town centres and therefore favour short-term(max 2 hrs) parking for shoppers and visitors at the expense of long stay parking.
- Set parking charges at appropriate levels for the local area to balance parking supply and demand, taking account of transport strategies and the economic viability of commercial centres. To monitor the impact of charging – Air quality, Traffic Volume, Road Safety and retail footfall.
- Consider the need for the council to continue to have the ability to influence parking and transport strategies when considering the disposal of land currently used for parking purposes.
- Enforce parking regulations effectively and introduce measures to assist, such as residents' parking and the objectives within the TMA 2004 – CPE Powers.
- Provide alternative payment methods with a focus on cashless payments.

Reduce the demand for parking

- Be consistent with West Yorkshire Combined Authority Policy
- Encourage employers, schools, colleges, and similar establishments to introduce travel plans, school workplace parking charges and other initiatives to reduce the need for parking. Develop a travel plan for KMC, to encourage staff to use alternative means of transport.
- Introduce more cycle parking for public use.
- Promote Cycling, Walking and Public Transport over car usage.

Set appropriate charges

- Give consideration to local facilities or local business with a focus on quality of provision, proximately and duration of stay.
- Set parking charges that do not promote car usage over more sustainable modes of travel.
- Seek to ensure a consistent approach to charging levels by considering the charging strategies of private operators within the borough and those of neighbouring authorities.
- At minimum recover the costs of the service and where appropriate consider options for increasing income through additional charges to support asset improvements.

Provide facilities for people with mobility impairments

- Parking spaces for people with disabilities to be designed to take account of best practice and guidance.
- Spaces for people with disabilities to be located close to the entrances to the facilities the car park serves, ideally no further than 50 metres.
- A high degree of enforcement will be provided to prevent the misuse of designated disabled bays by vehicles not displaying a blue badge.
- Support the initiative to inspect blue badges, as provided for by the Traffic Management Act.

Provide safe facilities

- Have the ambition to meet the BPA quality(safer) mark of the borough's car parks.
- All car parks to be regularly patrolled by uniformed staff.
- Detailed safety inspections of the car park infrastructure to be undertaken every six months. Identified defects to be prioritised and rectified within appropriate target times.
- All car parks to be regularly cleaned and broken glass to be removed promptly. Particular attention to be taken where recycling facilities are provided within car parks.

Customer service standards

- To respond to appeals against PCN's within 10 working days.
- Complaints against the service to be dealt with through the council's formal complaints procedure.
- All staff to be trained in their responsibilities to ensure working practices are fully understood and implemented.
- An annual report to be published providing information on expenditure, revenue collected, use of surpluses and PCN statistics.

APPENDIX 2 – CURRENT FREE OF CHARGE PARKING PLACES

Car parks	SPACES	Current Restrictions
ALMONDBURY Northgate	6	All day
ALMONDBURY Westgate	10	All day
GOLCAR Town End	12	All day
HOLMFIRTH Sands	50	All day
HONLEY Westgate(Market)	19	All day
HONLEY New Street	14	All day
LINDLEY Lidget Street	24	2 Hours Max
LOCKWOOD Albert Street	14	All day
LOCKWOOD Water Street	10	All day
MARSDEN Argyle Street	8	All day
MARSH Westbourne Road (St James Road)	19	2 hrs max
MELTHAM Carlile Street	50	All day
MELTHAM Clarke Lane	20	All day
MELTHAM Westgate	6	All day
MILNSBRIDGE John Street	16	All day
NETHERTON Meltham Road	15	All day
NETHERTON Mercer Close	6	All day
NEW MILL Holmfirth Road	18	All day
SLAITHWAITE Carr Lane	13	All day
SLAITHWAITE Old Bank	15	All day
SLAITHWAITE New Street	52	All day
BATLEY Henrietta Street	40	4 Hrs Max
BATLEY Market Place	36	2 Hrs Max
BATLEY Wards Hill	120	4 Hrs Max
BATLEY Wellington Street	20	1 Hr Max
BATLEY Field Lane	86	All day
BATLEY New Way	46	All day
BATLEY Station Road	40	All day
BATLEY Well Lane	8	All day
BATLEY Wellington Street (Foxes)	10	All day
BIRSTALL High Street	45	All day
BIRSTALL Low Lane	26	All day
BIRSTALL Market Place	33	1 Hr Max
BIRSTALL Smithies Lane	27	2 Hrs Max
CLECKHEATON Bradford Road	141	4 Hrs Max
CLECKHEATON Crown Street	83	All day
CLECKHEATON Town Hall (Rear)	52	All day
CLECKHEATON Westgate	15	2 Hrs Max
DENBY DALE War Memorial	13	All day
DEWSBURY Sands Lane HGVs	10	All day
EMLEY Church Street	20	All day
HECKMONDWIKE Albion Street East	12	All day
HECKMONDWIKE Albion Street West	20	All day
HECKMONDWIKE Croft Street	16	All day
HECKMONDWIKE High Street	7	2 Hrs Max
HECKMONDWIKE Kaye Street	28	All day

HECKMONDWIKE Market Place	52	2 Hrs Max
KIRKBURTON Riley Lane	9	All day
MIRFIELD Station Road	71	4 hrs
RAVENSTHORPE North Road	16	All day
RAVENSTHORPE Queens Street	40	All day
SCISSETT car park	8	All day
SHEPLEY Marsh Lane(Library)	6	All day
SKELMANTHORPE Coop (Rear)	13	All day
SKELMANTHORPE Council Offices	12	All day
SKELMANTHORPE Huddersfield Road	13	All day



Name of meeting: Cabinet

Date: 14th November 2023

Title of report: Housing Growth Update: With a specific focus on Dewsbury Riverside & Fenay Lane

Purpose of report: To provide an update to Cabinet on the progress of the Housing Growth programme, with particular reference to specific sites in the Housing Delivery Plan, and to recommend delegation of powers to dispose of those sites and enter into appropriate partnerships to ensure delivery.

Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Public report
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 – 28/10/23
Is it also signed off by the Service Director for Finance?	Isabel Brittain
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft
Cabinet member <u>portfolio</u>	Cllr Graham Turner – Regeneration

Electoral wards affected: Almondbury, Dewsbury South, Mirfield

Ward Councillors consulted: Ward Councillors were consulted in 2018 prior to the original report establishing the programme of activity. This is an update report.

Public or private: Public

Has GDPR been considered? There is no personal data contained in this report.

1. Summary

This report provides an update on the Housing Growth team's programme of work with specific reference to allocated housing sites at Dewsbury Riverside and Fenay Lane. It also seeks approvals relating to funding (in the form of grant, not borrowing) to support delivery across the Housing Growth programme. Both Dewsbury Riverside and Fenay Lane will deliver market and affordable housing and form an important part of the Council's overall Housing Growth programme.

This report seeks decisions on:

- the proposed next steps for Dewsbury Riverside, relating to collaboration with other landowners, disposal of the Council's land interest and the appointment of a master developer.
- the proposed approach of disposing of Fenay Lane to a Strategic Registered Provider. This is the same method we have used in the Housing Growth Programme to secure Thirteen to deliver new homes across five sites in Kirklees.

It also sets out the requirement for funding to support site development, preparation and delivery costs relating to the Housing Growth Programme, and seeks a decision on:

- the continued use of grant (Capital Allowances) to drive forward delivery.

Overall, delivery across the Housing Growth programme is currently estimated at 2,124 units to be delivered by 2030, and we are currently on site or in contract for circa 800 homes including two Extra Care schemes providing supported housing for older people.

2. Information required to take a decision

2.1 Background

2.1.1 Dewsbury Riverside

The Dewsbury Riverside site is the largest housing allocation in the Kirklees Local Plan (Local Plan Ref: HS61). The Council owns approximately 30 hectares of the 160 hectare site, including a key access into the site and first phase of development.

Planning permission was granted at Strategic Planning Committee in November 2022 for the first phase of development at Dewsbury Riverside of up to 350 homes and supporting infrastructure on the Council's land.

To deliver a key first phase delivering the Dewsbury Riverside site, the allotments south of Ravensthorpe Road required relocation. Construction was completed in April 2023 of the 43 new allotment plots to replace the existing 25 plots, with 17 new designated parking spaces, water supply across the site, and replacement sheds and greenhouses for existing tenants.

The Housing Growth Team are working alongside Homes England, West Yorkshire Combined Authority (WYCA) and Network Rail, to explore funding and delivery partner options, along with working to maximise the sustainable transport connectivity that the new Ravensthorpe Railway Station will bring which is being built at the western end of the Dewsbury Riverside site as part of the Trans Pennine Route Upgrade (TRU).

Work is on-going with the local community and Ward Councillors to obtain their view in shaping the development on the site and realise the place making and sustainability opportunities. This builds on the innovative use of the Place Standard tool as part of the community engagement that was undertaken before the planning application on the Council's land was submitted. An Inclusive Communities Framework is being developed specifically for Dewsbury Riverside working with colleagues in the Communities Team and public engagement officers from Homes England, to embed specific place-based indicators and social value principles for the next steps in delivering Dewsbury Riverside.

To deliver the main access route into the central gateway of the Dewsbury Riverside site, the community building at 555 Lees Hall Road containing the Abu Bakr Masjid and Lees Hall Playgroup will require relocation. On 5th April 2023 a meeting was held with the Trustees of Mosque and Playgroup and senior leaders from the Council. As part of the on-going consultation with the Trustees, the commitment to working towards a like for like replacement, based on the current building was reiterated, and further engagement will continue against the timeline set out in Section 5 of this report.

As part of the partnership work to progress the Dewsbury Riverside site, detailed technical due diligence has been undertaken, involving a fresh look at the Masterplan of the whole site, informed by the recent technical work, TRU proposals, recent planning permissions, and any national planning policy changes since the adoption of the local plan. This will help steer development of the site in a comprehensive and sustainable manner.

Work is on-going, led by Homes England to engage the various landowners and stakeholders at Dewsbury Riverside. The appointment of a master developer is a traditional option to deliver housing sites of this scale, to lead on the initial planning and construction phases of necessary infrastructure, preparation of development parcels to unlock the site and negotiate with relevant house builders who want to build homes on the site. Grant funding options for the delivery of the required infrastructure are being actively considered by the Council, Homes England and WYCA. The on-going strategic partnership between the Council, Homes England, WYCA and Network Rail is key to delivering the sustainable housing aspirations for the Dewsbury Riverside site.

2.1.2 Fenay Lane

The Fenay Lane housing site is a Council owned site allocated in the Kirklees Local Plan (Local Plan Ref: HS9). In August 2018, a report was taken to Cabinet which included Fenay Lane within the Council's Housing Delivery Plan.

The site is within a strong housing market area. Over the last eighteen months, feasibility work funded by the West Yorkshire Combined Authority (WYCA) has confirmed that the site has the capacity to deliver around 160 homes.

2.1.3 Site development, preparation and delivery costs relating to the Housing Growth Programme.

Significant progress has been made in relation to the Housing Growth programme as reported to Cabinet in July 2023. Work covering various strands of activity needs to be commissioned to move projects forward into delivery phases. This is similar to the approval received at Cabinet in July 2023 to use grant (Capital Allowances) to support moving into phase 1 delivery at Bradley Park.

Work has taken place over the last three years to further develop the programme and options for delivering Housing Growth. Covid and other economic pressures have, as with all Capital projects, impacted viability of many schemes, some of which have paused, and many have increased in cost and delivery times have lengthened. We have made good progress across the programme despite the challenges however it is critical that we keep up momentum in order to meet housing need across the district, facilitate economic growth and generate council tax income.

We will continue to bid for all external funding opportunities to support this crucial work but there is also a need to access funds as appropriate either to support grant activity (none eligible costs) or where grant is not available. For example, where we need additional funding to deliver technical support and procurement activity to realise grant funded activity.

We will manage this fund very carefully and only use the resources as a last resort. We are not able to profile spend at this stage due to the complexities of the various projects in the programme and timing being difficult to predict due to factors outside of our control in relation to some aspects of the delivery. To deal with this appropriately, funding approvals for grant (Capital Allowances) will be delegated to the Service Director and overseen by the Housing Growth Board. This activity will be reported to and discussed at Housing Growth Board on a regular basis.

2.2 Funding position

Dewsbury Riverside

Significant work has taken place over the last three years to further develop the programme and options for delivering the Dewsbury Riverside site. Covid and other economic pressures have, as with all capital projects, impacted viability of many schemes, some of which have paused, and many have increased in cost and delivery times have lengthened. For Dewsbury Riverside, the capital budget agreed by Cabinet on 25 February 2020 has been scaled back and is carefully monitored. This, alongside external funding, will continue to be the most cost-effective way for the Council to move forward with the project towards housing delivery, and ensure associated economic benefits are secured.

During this period, work has continued to strengthen relationships with existing partners and create new partnerships to support positive outcomes and create capacity for delivery. This includes the successful work with WYCA and Homes England which enabled the council to secure further capacity to deliver through grant funding along with expertise to support the development of Dewsbury Riverside. The work with strategic funding partners will continue, to ensure that all opportunities for external funding are realised to bring the site forward, with minimal impacts on the Council's budget.

Fenay Lane

The technical due diligence and feasibility work recently undertaken was funded through WYCA's Housing Pipeline Revenue Funding Programme. There is no budget allocated for further work on this site, and the proposed disposal route provides the opportunity to bring in a well resourced development partner to deliver homes on the site.

Site development, preparation and delivery costs relating to the Housing Growth Programme.

We continue to bid for all external funding opportunities to support this crucial work but also need to access grant (Capital Allowances) funds as appropriate either to support grant activity (none eligible costs) or where grant is not available and funding is urgently needed to move projects to delivery. This funding is not borrowing and is already earmarked for this activity. The available grant (Capital Allowances) will need to be moved into the Capital Plan.

The work of the service is critical to the overall priorities for the Council and delivery of the updated Medium Term Financial Plan. One of the key ways the council will manage its finances going forward is by growing the Kirklees economy. That means delivering new housing and making sure its infrastructure attracts further investment and working with partners in sectors to make the most of the boroughs economic potential.

2.3 Strategic Partnerships

The West Yorkshire Strategic Place Partnership was launched in May 2023. The Strategic Place Partnership sets out the framework for Homes England, West Yorkshire Combined Authority and the five West Yorkshire Local Authorities to work together to transform the region's housing offer and commit to the development of well-connected places with good quality homes where people choose to live and work. Dewsbury Riverside is a key strategic site within the Strategic Place Partnership pipeline, and work will continue to realise the benefits of the Partnership, in terms of capacity, funding and expertise in ensuring housing delivery in Kirklees.

2.4 Dewsbury Riverside Proposed Next Steps

The proposed next steps for Dewsbury Riverside, being led by the strategic delivery partnership of the Council, Homes England and WYCA are to apply the Inclusive Communities principles in finalising a revised Masterplan for the site, in collaboration with relevant landowners and delivery partners. This includes the intention to sign a Memorandum of Understanding (MoU) between the Council, Homes England and Network Rail to jointly undertake further detailed masterplanning for the western gateway of the site to realise maximum benefits of the TRU and Dewsbury Riverside projects. The established route of delivering strategic urban extensions of the scale of Dewsbury Riverside is to appoint a Master developer to lead on landowner collaboration, infrastructure delivery and site preparation, to ensure a sustainable and coherent approach to delivering the whole site. This is also an established route to obtaining grant support from Homes England, and equalising the cumulative infrastructure costs of the whole site across all land owners in a fair and proportionate manner.

2.5 Fenay Lane Proposed Disposal Route

It is proposed that Fenay Lane will be sold to a Registered Provider of affordable housing (a Housing Association) that is a Strategic Partner of Homes England. Strategic Registered

Providers exist to provide and manage affordable housing with the support of significant allocations of Homes England grant. They bring resources and expertise to support the Council in delivering its housing growth ambition. Such partnerships, led by the Housing Growth team, already exist and are working effectively to deliver affordable and low carbon homes on five sites across the district as part of the Registered Providers programme. An update on this programme was provided as part of the Cabinet report on 27th June 2023.

The proposed approach at Fenay Lane is to conduct a competitive land sale exercise in a similar way to the approach taken with the Registered Providers programme. The focus will be on the delivery of both market and affordable homes on the site, with an emphasis on providing affordable homes significantly above the planning policy requirement of 20%. However, given it is a large site, to provide a balanced and sustainable new community, market housing also needs to be included. The evaluation criteria for submissions will also place an emphasis on the provision of low carbon homes. As set out above, only Strategic Registered Provider Partners of Homes England will be able to express their interest in the opportunity, although given the requirement for market housing, they may choose to work with another developer or partner. The contract for the land sale will be with the Strategic Registered Provider.

Taking this approach to delivering a high number of affordable homes on the site, alongside high energy efficiency standards will result in the Strategic Registered Provider, when appointed, making less profit from the sites than a volume housebuilder would make, as a volume housebuilder would provide 20% affordable housing in line with the Local Plan policy and would take a more standard approach to energy efficiency. It will not therefore, be viable for the appointed partner to buy the site at the value which a volume housebuilder would pay.

The General Disposal Content (England) 2003 allows the Council to dispose of land at an undervalue not exceeding £2 million where the disposal will help secure the promotion or improvement of the economic, social or environmental well-being of an area. The provision of energy efficient, market and affordable housing is considered to fall within this definition.

To enable the scheme to come forward, it is likely that the Council will be required to dispose of the site at 'less than best consideration'. The approach that is proposed for Fenay Lane is that any discount given will relate to provision of affordable housing over and above the planning policy requirement (i.e. 20%). No discount will be given on homes which are sold at market value.

The proposed approach is that the appointed Strategic Registered Provider will supply to the Council a site cost analysis and this information will be assessed by officers to identify any shortfall in funding for the site and determine the amount by which, if any, the best consideration price would be reduced. Should the actual build costs be less than those shown in the site cost analysis the Council will be able to seek repayment of the difference from the successful Partner. This will ensure that the Council is not giving financial assistance over and above what is necessary to make the schemes happen. This approach is consistent with that approved for the Registered Providers programme.

3. Implications for the Council

3.1 Working with People

An Inclusive Communities Framework is being developed specifically for Dewsbury Riverside working with colleagues in the Communities Team and public engagement officers from Homes

England to embed specific place-based indicators and social value principles for the next steps in delivering Dewsbury Riverside.

Development at Dewsbury Riverside and Fenay Lane will bring much needed affordable housing to the district across a range of affordable tenures, including affordable rent and shared ownership. There is a need for 1,730 new homes per year in Kirklees, of which 1,049 need to be affordable. These projects will provide affordable housing that contributes towards meeting the needs of local people.

In addition, as part of the construction process, the benefits of the local supply chain and opportunities for apprenticeships and training is maximised at every opportunity.

3.2 Working with Partners

As set out in section 2.2 above, Dewsbury Riverside is being delivered through a strategic partnership approach that brings in knowledge and resources from Homes England, the West Yorkshire Combined Authority and Network Rail. The ultimate involvement of a master developer will add private sector resources to this existing partnership.

For Fenay Lane, as set out in 2.5, working with a Strategic Registered Provider partner of Homes England will bring in both financial resources to support delivery of affordable housing, and additional knowledge and capacity in housing delivery. This approach is already working well on the Registered Providers programme where the Council is partnering with Thirteen Group.

3.3 Place Based Working

For Dewsbury Riverside an Inclusive Communities Framework is being developed, with support from Homes England, building on the Place Standard tool which has supported the work to progress the first phase on Dewsbury Riverside, and will set out the specific place-based indicators and social value principles for the next steps in delivering Dewsbury Riverside.

3.4 Climate Change and Air Quality

Taking into account the Climate Emergency resolution, at Dewsbury Riverside we are exploring all opportunities to encourage a sustainable new community incorporating active travel principles and connectivity to the new railway station, smart place principles, the possibility of district heating, and on-site community infrastructure to create sustainable communities.

At Fenay Lane, energy efficient building methods, which support the delivery of low carbon housing will be explored and incentivised through the evaluation process. Existing partnerships with Strategic Registered Providers has demonstrated their ability to plan for low carbon affordable housing schemes.

3.5 Improving outcomes for children

Well designed, energy efficient housing built to nationally described space standards, and with (where applicable to the site) provision of open space on site helps provide children with the best start in life.

At Dewsbury Riverside, as the project progresses through to later phases, new early years and school provision will be delivered on site along with accessible open space and play provision as part of the new community.

3.6 Financial Implications for the people living or working in Kirklees

There are no financial impacts on wider residents of Kirklees. The focus is to bring forward sites in the Housing Delivery Plan that deliver sustainable new places with well designed energy efficient homes. This will result in well-connected sustainable places, with cost effective active travel and public transport connections along with savings on energy costs for tenants and residents living in the new homes when compared to other, less energy efficient properties.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

3.7.1 Dewsbury Riverside

An Integrated Impact Assessment (IIA) has been carried out for Dewsbury Riverside along with the wider Housing Growth Plan inclusive of Fenay Lane. The Integrated Impact Assessment indicates that there will be a neutral impact on communities including people identified as having a protected characteristic under the Equality Act 2010 and satisfies the public sector equality duty imposed on the Council. The IIA also sets out that there will be a neutral impact on the environment.

3.7.2 Fenay Lane

An Integrated Impact Assessment (IIA) has been carried out for Fenay Lane. As with Dewsbury Riverside, the Integrated Impact Assessment indicates that there will be a neutral impact on communities including people identified as having a protected characteristic under the Equality Act 2010 and satisfies the public sector equality duty imposed on the Council. The IIA also sets out that there will be a neutral impact on the environment.

3.7.3 Subsidy Control

Disposal of land at less than best consideration involves the conferring of an economic advantage on the appointed partner, because the land has an open market value but will be transferred to the successful partner at less than this value due to the reasons set out in 2.5 above.

From 31st December 2020, the then existing State Aid law, as it applied to the UK, was repealed and replaced by Subsidy Control, the requirements of which are set out in the UK-EU Trade and Cooperation Agreement and detailed in the Subsidy Control Act 2022. Under State Aid law, aid provided to support certain types of public services are deemed to be “Services in the General Economic Interest” and therefore subject to a far less restrictive regime. The same is true under the new regime of Subsidy Control.

As part of the process of agreeing legal contracts, arrangements will be put in place with the appointed partner to ensure compliance with the Subsidy Control regime, and to ensure repayment of subsidy in the case of any over compensation.

3.7.4 Disposal of Open Space

There is a requirement under Section 123 (2A) of the 1972 Local Government Act that local authorities wishing to dispose of any land consisting of or forming part of an open space to advertise their intention to do so for two consecutive weeks in a local newspaper. This process is underway for the Fenay Lane site.

4 Consultation and Engagement

Engagement with ward members takes place on a site by site basis, as proposals for each site progress. For example, local ward members are informed when survey work takes place on site, and at key points during the development process e.g. when planning applications are made or when there is a start on site.

Portfolio holders are informed of progress on the overall Housing Growth programme via their regular briefing sessions, and specific, strategic issues and decisions in relation to each site are taken to them for a decision.

5 Next steps and timelines

Dewsbury Riverside

The proposed next steps in relation Dewsbury Riverside are as follows:

Community and stakeholder engagement and masterplan refresh	Nov 2023 - Jul 2024
Secure relevant land owner and development partner agreements	Nov 2023 – Sept 2024
Progress funding business cases with Homes England and WYCA	Nov 2023 – Sept 2024
Development and funding agreements secured	Oct 2024
Detailed planning and development phases	Nov 2024

Fenay Lane

The proposed next steps in relation to Fenay Lane are as follows:

Soft market testing	Oct/Nov 2023
Prepare land sale pack	By end Nov 2023
Cabinet report	14 Nov 2023
Finalise land sale pack and supporting documents	Dec 2023
Land sale “Tender” period	Jan/Feb 2024
Period for clarifying interviews	Feb/March 2024
Evaluation	March/April 2024
Appointment of preferred partner	April/May 2024

6 Officer recommendations

6.1 Dewsbury Riverside

Recommendations:

- i. Delegate to the Service Director – Skills & Regeneration, in consultation with the relevant portfolio holder, the Service Director - Finance and the Service Director – Legal, Governance and Commissioning, power to enter into appropriate legal agreements, including an MoU with Homes England and Network Rail, and undertake the appropriate procurement route required for the appointment of a master developer to deliver the Dewsbury Riverside site, including relevant agreements with other land owners and interested parties.
- ii. Delegate to the Service Director – Skills & Regeneration, in consultation with relevant portfolio holder, the Service Director - Finance and the Service Director – Legal, Governance and Commissioning, power to dispose of the Council’s land as required to facilitate the delivery of the Dewsbury Riverside site (Local Plan Ref: HS61).
- iii. Delegate to the Service Director – Legal, Governance and Commissioning power to enter into all agreements necessary to effect any of those disposals referred to at (i & ii)

6.2 Fenay Lane

Recommendations:

- i. Cabinet approve the disposal of the Fenay Lane site
- ii. Cabinet give their approval to dispose of the site at ‘less than best consideration’ to the preferred partner when appointed in accordance with the General Disposal Consent (England) 2003.
- iii. Cabinet delegate authority to the Strategic Director, Growth and Regeneration to: negotiate and agree the terms of disposal for the site with the preferred partner; and determine the appropriate level of discount for the site following a comprehensive assessment of the appointed partner’s development appraisal reflecting the housing mix which receives planning consent.
- iv. That authority be delegated to the Service Director, Legal, Governance and Commissioning to enter into and execute any agreement and other ancillary documents necessary to dispose of the site to the preferred partner for use as affordable and market housing dependent on the final housing mix.

The reason for these recommendations is that, as set out in the report, the site will contribute to the delivery of the Council’s housing strategy. It will also contribute to the Green Agenda.

6.3 Site development, preparation and delivery

Recommendations:

- I. Add grant (Capital Allowances) into the Capital Plan to support the delivery of the Housing Growth Programme
- II. Approve Capital funding from grant (Capital Allowances) up to the maximum available for this activity which is £1.014M in total for Housing Growth site development, preparation and delivery costs to support progress of sites in the Housing Growth Programme. This is not borrowing. The capital funding will be drawn down in to the capital plan as each element of expenditure is required and when expenditure is approved by the chair of Housing Growth Board.

7 Cabinet Portfolio Holder's recommendations

Cllr Graham Turner fully supports the recommendations in this report in relation to both sites.

As a major site for meeting our future housing needs it's important that we continue the progress on Dewsbury Riverside, and that given the complexities of the site it is vital that a project of this size has a master developer, and this report gives the relevant directors and portfolio holders the permission to progress negotiations with potential developers.

The Fenay Lane site whilst not a large site is in an excellent position to deliver more much needed housing.

We need to find a partner to deliver those houses, and by working with the right partner we will be able to deliver much needed affordable homes and some for social rent.

8 Contact officer

Adele Buckley
Head of Housing Growth and Regeneration
adele.buckley@kirklees.gov.uk

9 Background Papers and History of Decisions

Cabinet Report – Housing Delivery Plan. Approved 29th August 2018
<https://democracy.kirklees.gov.uk/documents/g5703/Public%20reports%20pack%2029th-Aug-2018%2016.00%20Cabinet.pdf?T=10>

Cabinet Report – Dewsbury Riverside Masterplan. Approved 19th March 2019

<https://democracy.kirklees.gov.uk/documents/g5613/Public%20reports%20pack%2019th-Mar-2019%2016.00%20Cabinet.pdf?T=10>

Cabinet Report – Housing Delivery Plan Update. Approved 20th January 2020

<https://democracy.kirklees.gov.uk/documents/g6297/Public%20reports%20pack%2020th-Jan-2020%2010.00%20Cabinet.pdf?T=10>

Dewsbury Riverside Development Strategy. Approved 25th February 2020

[Agenda for Cabinet on Tuesday 25th February 2020, 4.00 pm | Kirklees Council](#)

Cabinet Report – Housing Delivery Plan Update. Approved 27th June 2023

[Agenda for Cabinet on Tuesday 27th June 2023, 2.00 pm | Kirklees Council](#)

10 Service Director responsible

Edward Highfield

Service Director: Skills & Regeneration

Edward.highfield@kirklees.gov.uk



Name of meeting: Cabinet
Date: 14th November 2023
Title of report: Council Owned Tree and Woodland Management Policy

Purpose of report: For Cabinet to consider:

- Formally adopting the new, replacement Council Owned Tree and Woodland Management Policy
- If adopted, to delegate authorisation of future updates to the Service Director for Highways and Streetscene.

Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area compromising two or more electoral wards. Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	Yes If yes give the reason why Affects all 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 & Regeneration, 30/10/23
Is it also signed off by the Service Director for Finance?	Isabel Brittain, Interim Service Director – Finance, 24/10/23
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft, Service Director - Legal, Governance and Commissioning, 26/10/23
Cabinet member portfolio	Cllr Y Hussain, Culture & Greener

Electoral wards affected: all

1. Summary

A review of the Council's existing tree and woodland management policy identified that it now requires reviewing, updating, and redesigning. This review work resulted in a redevelopment of the existing documents to provide a new progressive policy.

Engagement and consultation has been undertaken with the new document package drawn together into a finalised draft. Including Policy Statements, an updated Risk Framework, Management Standards and Service Standards.

This new, replacement policy suite now requires consideration and a decision on:

- If the policy should be formally adopted
- If adopted, delegating the authorisation of future updates and revisions to the Service Director for Highways and Streetscene to allow the document to be kept up to date and aligned with any changes to national or local policies, legislation, and guidance during its life cycle. As per the review schedule set out at section 13 of the new policy document suite.

2. Information required to take a decision

Trees are an important part of the district offering a range of valuable benefits to our communities.

Research has shown that trees provide important benefits to a district, ranging from:

- Wellbeing and mental health
- Supporting biodiversity
- Climate change, pollution absorption, carbon capture
- Beautification - economic uplift

BlueSky GIS data estimates that there are approximately 190,000 trees on Kirklees owned land, across parks, open spaces, grounds of Kirklees owned buildings etc. This excludes trees in the highways network.

There are then 450 miles of classified A, B and C roads, with a further 1500 miles of none classified roads where the Council has duties and management responsibilities over trees that are under Council ownership within the highway's curtilage. However, duties also expand to private trees where they may present an immediate risk to the public highway network. Using the Capital Asset Valuation for Amenity Trees (CAVAT) methodology the Council's stock of urban street trees alone, has an estimated value as an asset of £51,000,000.

The Health and Safety at Work Act, and the Occupiers Liability Act place a duty on the Council to manage its trees to reduce any risk they may pose to an acceptable level. The Highways Act also places a duty on the Council, as the Highways Authority, to ensure the safety of road users and to clear obstructions to the highway network. In terms of trees this must include a cycle of inspections to identify, and respond to any obvious hazards, disease, or significant defects that develop with regards to trees that the Council are responsible for.

The Environment Act (2021) and recent associated changes to the Natural Environment and Rural Communities Act (2006) then place duties on the Council in terms of area, such as increasing canopy cover, conserving and enhancing biodiversity.

The majority of management works to Council trees, including inspections, are undertaken by the Council's Arboricultural Team (formerly known as Forestry), the core of which is made up of: 8 Arborists, 4 Inspectors and a Business Support Officer.

In 2020 the Council adopted a Tree Policy, a Tree Risk Framework, and a Tree Management Guidance document. Which, as a suite of documents, sets out the Council's proposed method of managing its trees to discharge its duties, including a cycle of safety inspections.

This document suite now requires reviewing and updating to bring it in line with current national policy, best practice, to help focus service delivery and to allow more effective and strategically focused use of resources.

On this basis, officers have been working to redevelop the Council policy documents to provide a new progressive policy which is better aligned with new national policy, the Council's current commitments and Kirklees' corporate goals. A copy of which is included in the supporting papers.

In general, the emerging draft document is made up of the following key sections:

- Revised policy statements, to provide a scaffold for the wider document and a foundation for the Council's management principles, aligned with existing wider national and local policies.
- A revised and updated risk framework, aligned with current industry best practise, taking account of recent case law and legislation. Setting a system of inspections and operational methods that meet the legal requirement, but which utilise current resources more effectively.
- Management Standards setting the council's detailed position on the maintenance and management of its trees. The situations where the Council will undertake work, and those areas where it cannot undertake works.
- New Service Standards setting out priorities, response time for enquiries received and timeframes for works to be completed in different situations. Along with setting proformas to be used for submitting enquiries, to ensure that they can be processed and prioritised efficiently in a standardised format.

These revised documents are key to setting consistent principles across the Council surrounding the management of Council trees. This new document suite also represents a messaging opportunity, allowing clear information for both officers of the Council and members of the public to be signposted to.

If adopted, it is intended that the provisions, and information, contained in this new policy document suite is used as the basis of an expanded web facility. To better communicate the Council's position, allowing service users to better self-help and engage with the Council's Arboricultural Team, streamlining the enquiry submissions and handling process.

The draft policy document has been through an engagement process with colleagues in Climate Change, Risk and Insurance, Planning- Conservation, Design, Trees and

Ecology and the Arboricultural Team. Along with a range of Service areas as interested parties, including Planning Policy, Highways, Homes and Neighbourhoods, Corporate Facilities Management, Kirklees Direct and The White Rose Forest as the regional Community Forest partner.

In January 2023, the initial draft was also taken to the Environment and Neighbourhoods public Scrutiny Panel for comment. With the comments received now addressed, see section 'e Engagement' below for more detail.

All the necessary amendments and revisions identified through the engagement process have now been addressed. The finalised draft policy now in a position to progress to consideration for adoption.

3. Implications for the Council

Officers believe that continuing to rely on the current policy, with the gaps it now contains, would leave Kirklees out of step with the change in national and public position surrounding the trees leaving the Council open to challenge, and would result in continued difficulties and inconsistency with service delivery across Service areas preventing the Council from moving forwards with a progressive and strategically led management of its trees stock.

3.1 Working with People

The Council's management of its trees and woodlands portfolio affects all the communities that the Council serves. The safety of citizens is especially important and the new policy documents put the management of risk from Council trees to members of the public as a key factor benefiting residents and visitors to the district alike.

The value of the Council's tree stock and the benefits trees bring to the people in relation to climate change, health benefits, biodiversity value and economic benefits are also key aspects of the new policy to ensure the Council is managing its trees to increase the benefits they provide for current communities and for generations to come.

The new document suite will also allow for better information to be shared via a new web resource to facilitate service users being able to access better information to self-help and to access the Council's tree services more efficiently.

3.2 Working with Partners

The management of trees within the Kirklees district crosses over multiple service areas. Therefore, involving key interested partners at the early stages of drafting was key to ensuring the Council Owned Tree and Woodland Management Policy is fit for purpose and linked to other Council policies and commitments as necessary. See section 5. Engagement, below for further details.

3.3 Place Based Working

The new policy document takes account of the diverse district which the Council covers and allows for resources to be utilised in the best way possible to achieve the positive outcomes for all communities. By fostering a consistent joined up tree management approach across Kirklees services areas the policy uses intelligence and information to focus on wider community needs.

3.4 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 residents and create a borough that is healthier, more sustainable, and fairer for everyone.

These are key areas of the Council Owned Tree and Woodland Management Policy: Setting management principles that will capitalise on trees' ability to capture and store carbon; absorb and reduce air pollutants; reduce urban heating; slow run off of water thereby reducing the risk of flooding, and the proven benefits around increasing mental and physical health benefits of individuals, all of which will contribute to the Council's goals around tackling climate change.

3.5 Improving outcomes for children

Managing the benefits trees bring to the district, via the new policy documents, will have a positive impact for future generations and children in the district today. Providing them with access to safe and healthy environments to live, and grow in, now and into the future.

3.6 Financial Implications for the people living or working in Kirklees

The new Policy document will facilitate more efficient use of Council resource, allowing current resources to better deliver services to residents and communities.

3.7 Other (eg Integrated Impact Assessment/Legal/Financial or Human Resources)

The management of the Council's trees is currently listed as high priority on the corporate risk register. The new Council Owned Tree and Woodland Management Policy documents, and the principles they contain, will be an important step towards starting to address, and reduce this risk rating.

The new document suite will allow the Council's Arboricultural Team to manage its resource more effectively and provide easier access to clear information for Council officers, service users and the wider general public, which is anticipated will reduce resource implications over the long term.

The Integrated Impact Assessment (Case ID IIA-547149095) undertaken to support the tree policy document has found that:

The policy will apply across all residents of communities equally and will not have any negative impact in terms of equality, diversity, and inclusion. Specialist advice was sought as required. As such the tree policy document reflects and is aligned with other service area policy commitments and Council goals.

Positive impacts were identified in terms of service users with improved Council officer access to the information to help resolve issues.

Positive impacts were also identified relating to environmental matters such as air quality, greenhouse gas emissions, biodiversity and nature and climate risk and vulnerability.

4. Consultation

N/A

5. Engagement

From the beginning of drafting the new policy documents engagement was, and has been ongoing with: Risk and Insurance, Planning- Conservation, Design, Trees and Ecology, Energy and Climate Change and The Arboricultural Team.

Further engagement was undertaken with: Highways, Planning Policy, Legal Services, Kirklees Direct, Homes and Neighbourhoods, Corporate Facilities Management, and the White Rose Forest as the regional Community Forest partner.

Comments received related to rewording, or amendments to specific sections, and addition of text to link the draft tree management policy to other areas, such as Planning Policy.

In January 2023, the initial draft was also taken to the Environment and Neighbourhoods Scrutiny Panel for comment. Comments provided by the Panel, and actions taken to address them in the finalised draft, are as follows:

- 1) "To add to the policy the aim to increase tree numbers and tree cover." *wording has now been clarified and expanded to better reflect the existing Council's commitment to the White Rose Forest regional planting targets.*
- 2) "For officers to speak to Councillor enquiries regarding the development of the proforma". *Officers have engaged with enquiry colleagues to further develop the enquiry proforma and processes.*
- 3) "The wording around removing deadwood in the policy be revised to reflect that deadwood would only to be removed when deemed hazardous". *Wording has now been amended to better reflect this position.*
- 4) "The wording on point 8.3 be revised to better reflect the procedure in relation to the right to light and the discretion around alleviating problems where funding was available." *Wording has been amended and expanded to better reflect the process around shade issues.*
- 5) "It was important to ensure the diversity of trees when growing and forming woodlands." *Wording has been amended, and text added, to link the current national standards for diversity of trees and woodlands. Specifically clearer links have made to documents like the UK Forest Standard that governs these areas.*
- 6) "The wording in the policy be amended to make clear that the procurement of trees was sourced locally through Leeds City Council". *Wording has been strengthened and better linked to legislation and national guidance relating to bio security and local provenance of tree material. However, specific reference to Leeds City Council as a supply has not been included. On consideration of this point, it was seen to be inappropriate to make reference, or commitment, to a specific supply within our policy. This is dealt with via our procurement procedures and may be subject to change within the lifetime of the Policy.*
- 7) "More information relating to Ash Dieback be presented to the Panel at a future meeting in relation to funding streams and resources". *This is being dealt with separately and more information relating to this will be presented at Scrutiny in due course.*
- 8) "The Policy be presented back to Scrutiny prior to Cabinet". *The final draft document has now been presented back to Scrutiny Panel.*

6. Next steps and timelines

If adopted, the new policy documents and the provisions they contain, will be rolled out across the management of Council owned trees. Supported by a web facility to communicate the information more readily and allow streamlined access to the enquiries process set out in the new policies and service standards.

Allowing:

- Better control over service delivery with more efficient use of resources
- A consistent joined up approach across Kirklees' delivery of services
- Improved management of exceptions
- Better communication of the Council's position on tree management

7. **Officer recommendations**

Officers recommend that the new Council Owned Tree and Woodland Management Policy be adopted and that approval of future updates to this document be delegated to the Service Director for Highways & Streetscene.

8. **Cabinet Portfolio Holder's recommendations**

As Culture & Greener Portfolio holder, Cllr Hussain has set out that the replacement Council Owned Tree and Woodland Management Policy, provides important benefits through bridging gaps in current policy and utilising resource more effectively. The principles and standards set by the new policy clearly identifies the benefits to economy, climate change and public health. Along with contributing to our net zero aims for Kirklees Council, despite government's opposition to this. Councillor Hussain has no concerns or issues with the policy and recommends that Cabinet accepts / endorses the officer recommendations.

Contact officer

Joe Robertson, Woodland Development Manager
Email: Joe.robertson@kirklees.gvo.uk Tel: 01484 22100

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

- Council Owned Tree and Woodland Management Policy adopted July 2020
- Tree Works on Council Owned Trees, Guidance Document revised 2020
- Kirklees Council Tree Risk Management Framework, adopted 2020
- Report to E&N Scrutiny Panel, 10th Jan 2023
- The Integrated Impact Assessment (Case ID IIA-547149095)

10. **Service Director responsible**

Graham West, Service Director - Highways & Streetscene

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Council Owned Trees and Woodlands

Policy
Risk Framework
Management Standards
Service Standards



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1.0 INTRODUCTION

Trees are a hugely important component of the landscape in both the urban and rural parts of the Kirklees district. Trees, whether appearing as individuals, groups or as woodlands, have a very significant effect on our quality of life by providing a range of ecological, aesthetic, social and health benefits. As such the Council is committed to maintaining – and where possible increasing – the level of tree cover across its land portfolio.

Kirklees Council is responsible for the management of all trees growing on its land including street trees, trees on public open spaces and in woodlands. The Council has duty of care with respect to tree related risk. In order to discharge this duty, a programme of inspection and maintenance works is in place aimed at keeping staff and the public safe from harm and preserving the health and future wellbeing of the Council's tree stock.

District Statistics:

- In population terms Kirklees is one of the larger local authority districts, covering 150 square miles, with a population in excesses of 440,000 ⁽¹⁾.
- The Council is responsible for the maintenance of all the trees that are located on land that it owns, which includes areas such as: parks, open spaces, cemeteries woodlands and highway verges.
- Information from the Blue-sky data set suggests that there are approximately 190,000 trees on council owned land. The Kirklees District has an approximate canopy cover of 15%
- Using the Capital Asset Valuation of Amenity Trees (CAVAT) methodology, suggest that as an asset, the council's urban highways trees have a monetary value in excess of £50,000,000

2.0 STATUTORY OBLIGATIONS-LEGISLATION

The Health and Safety at Work Act 1974, and the Occupiers Liability Act 1984 place a duty on the Council to manage its trees to reduce any risk they may pose to an acceptable level.

The Highways Act 1980 also places a duty on Kirklees, as the Highways Authority, to ensure the safety of road users and to clear obstructions to the highway network.



Under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) Local Authorities have a statutory obligation to have regard to the conservation of biodiversity, including restoring habitats and species populations, while exercising their functions.

Further statutory protection to species associated with trees and woodlands are conferred by the Wildlife and Countryside Act 1981 and Protected Species legislation. Of particular note is National legislation relating to bats and their roosts, badgers, and nesting birds.

3.0 BENEFITS OF TREES

The benefits of trees have been widely researched and documented, and include:

- Landscape character: contributing to the physical attractiveness of the district and providing screening for less attractive development, thereby also attracting local investment
- Local environment: mitigating air and noise pollution, providing shelter, stabilising soils thereby reducing erosion, and mitigating flood risk by absorbing water and slowing the flow of water into watercourses
- Climate change: carbon capture and sequestration
- Biodiversity: supporting a multitude of other species of flora and fauna and provide habitat connectivity.
- Physical health: significantly improving air quality through trapping of particulate matter, offering shade, offering opportunities for physical activity
- Mental health and well-being: contributing to attractive green spaces which are well documented to have a positive effect on mental health and well-being
- Education and culture: providing an educational resource e.g. for Forest Schools; many specific trees and woodlands have important historic and cultural significance



Examples:

3.2 (a) Economy:

- I. A study by Garrod and Willis suggested that 20% tree cover can increase property values by 20%, (3)
- II. Well planned public spaces can boost commercial trading by up to 40% and small business' choosing a new business location, rank open space, parks and recreation as a number one priority (4).

3.2 (b) Climate Change:

- I. Adding 10% green cover is projected to keep maximum surface temperatures in high density residential areas and town centres at or below the 1961-1990, levels up until the 2080s (5)
- II. A single young small tree planted in a small pit over an impermeable asphalt surface can reduce run off by around 60% (6)
- III. In a year, 100 mature trees can remove 53 tons of carbon dioxide and 430 pounds of pollutants from the air and catch 538,000 gallons of rainwater. (7)

3.2 (c) Health:

- I. Physical signs of stress such as muscle tension and pulse rate are measurably reduced within as little as 3 to 4 minutes of a stressed person moving into leafy green surroundings. (8)
- II. Sitting in a room with tree views promotes a rapid decline in diastolic blood pressure over sitting in a viewless room (9)
- III. It has been estimated that a single tree can reduce particulate matter air pollutant concentrations by 15-20% (10).
- IV. A Forestry Commission study estimated that net pollution absorption by woodland resulted in the saving of 65 to 89 lives per year (11)



4.0 AIMS

The aim of the Council's tree Policies, Risk Framework, Management Standards and Service Standards are to set out how the Council will effectively manage and enhance trees and woodlands under Council ownership, ensuring that they:

- positively contribute to the area, the achievement of the Council's corporate priorities including the Council's Climate Emergency (<https://www.kirklees.gov.uk/beta/climate-emergency/index.aspx>)
- maximise benefits for citizens and the wider environment
- meet legal obligations; and
- minimise conflict with the public and other landowners

The Policies, Risk Framework, Management Standards and Service Standards are intended to provide a structure for decision-makers across the Council and for the general public, in terms of the management of the council owned trees stock and how requests/complaints will be dealt with.



Council Owned Tree and Woodland

Policy
Statements

DRAFT



5.0 POLICY STATEMENTS FOR THE MANAGEMENT OF TREES AND WOODLAND UNDER THE COUNCIL'S OWNERSHIP

5.1 Tree Risk Management: Kirklees Council will:

- a) Manage tree-related risk in a proportionate, consistent, and effective manner through the implementation of the Kirklees Council Tree Risk Management Framework.

5.2 Tree Management: Kirklees Council will:

- a) Manage its tree stock and prioritise works, in accordance with the Kirklees Tree Risk Management Framework and the Council's Tree Management Standards.
- b) Prioritise the maintenance of Council owned trees to reduce the actual risk of harm to people and property to an acceptable level and to discharge the Council's statutory duties.
- c) Work to industry best practise, and the current British Standard, BS 3998- Tree Work Recommendations (and any amendments to, or replacement for, this document) when undertaking any tree works.
- d) Not agree to the removal of healthy Council owned trees unless the removal is deemed necessary under the Kirklees Council Tree Risk Management Framework, the Kirklees Tree Management Standards, required via the grant of full planning permission or is otherwise required under other legislation.
- e) Manage its trees in accordance with the Council's adopted Local Plan
- f) Continue to ensure that its staff are appropriately trained to the current nationally recommended levels.

5.3 Highway Trees/ Street Trees- Kirklees Council will:

- a) Meet its statutory duties under the Highways Act 1980 with regards to trees
- b) Require that any utilities works within the highway is carried out in accordance with National Joint Utilities Group, Volume 4 (and any amendments to, or replacement for, this document).



5.4 Requests and Complaints- Kirklees Council will:

- a) Deal with requests and complaints from third parties in relation to Council trees in accordance with the Council's Complaints Procedures where relevant.
- b) Seek compensation in the form of remedial work to rectify damage and/or full replacement cost values from any organisation or individual(s) responsible for significant damage to, or removal of, any Council owned tree(s). According to the value as calculated by the Capital Asset Valuation of Amenity Trees (CAVAT) methodology.
- c) Where essential tree works are undertaken to address public safety issues or to rectify damage to Council property, resulting from third-party trees, the costs will be recharged in full to the owner of the tree(s) in question. Any other tree work on private land will not be carried out at the expense of the Council on behalf of private tree owners.

5.5 Woodland Management- Kirklees Council will:

- a) Where practicable, seek to bring its woodlands back into active management in line with best practice as set out in The UK Forestry Standard (and any amendments to, or replacement for, this document).
- b) Work to increase woodland cover on its land, wherever practicable and sympathetic to local topography, ecology, and landscape character. Taking into account the avoidance of future conflict with other landowners and users. While considering enhancement of connectivity within the Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network, as shown on the council's Local Plan (www.kirklees.gov.uk/localplan).

5.6 Tree Planting- Kirklees Council will:

- a) Seek to proactively increase tree cover on its land, to meet the White Rose Forest tree canopy targets. Maximising opportunities to plant trees wherever practicable. Enhancing connectivity within the Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network (as shown on the council's Local Plan).
- b) Ensure that its tree planting is in accordance with Bs 8545: 2014, Trees from nursery stock to independence in the landscape-Recommendations and the UK Forest Standard (and any amendments to, or replacement for, this document).
- c) Continue to look for opportunities and funding, where available, to facilitate new tree planting across the district.



Council Owned Tree and Woodland

Tree Risk Management Framework

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6.0 TREE RISK FRAMEWORK

The risk management framework sets out a system of inspection for trees. This will enable the Council to have a system that considers the risks to which people and property may be exposed and to guide decisions regarding what level of inspection or assessment is reasonable.

The framework aims to assist Kirklees Council in exercising its duty of care to both its employees and the public with regards to the safety of trees, and proactively manage risk to land and property.

In line with HSE Document- ‘Management of the risk from falling trees or branches and the National Tree Safety Group guidance ‘Common sense risk management of trees’. Kirklees Council trees will be categorised for the purposes of prioritising inspections according to the following parameters of tree related risk:

- the likelihood of failure of the tree or part of the tree (e.g. presence of known structural faults);
- the value of the targets (persons, property etc.) present and frequency of presence within falling distance; and
- the severity of impact should failure occur (e.g. size of tree or part that fails).

Based on these parameters the Council has devised the following minimum inspection frequency’s: 18 months, 3 years, 5 years and no routine inspection.

Zone	Zone Definition <i>(Carriageway categories are based on Kirklees Highway’s Safety Instructions Manual 2018- section 4 network Hierarchy see appendix 2)</i>	Minimum inspection frequency
1	<ul style="list-style-type: none"> • All trees within falling distance of category 3 or 4 carriage ways (unless other factors such as tree size mean the trees should be in zone 2, 3 or 4). • All trees in places where there is significant frequent public access e.g. in and around picnic areas, children’s playgrounds, main pedestrian access points (unless other factors such as tree size mean the trees should be in zone 2, 3 or 4, or inspected on a bespoke frequency). 	18 months



	<ul style="list-style-type: none"> • Trees in places where failure would cause damage to high-value property (unless other factors such as tree size mean the trees should be in zone 2, 3 or 4). • Trees with known structural faults where a decision has been made to retain the tree in question due to its importance for habitat, landscape, cultural or amenity reasons. • Tree species or groups of trees affected by known pests or diseases which would otherwise fall into zone 2. 	
2	<ul style="list-style-type: none"> • All trees within falling distance of category 5, 6, 7, or 8 carriageways. (Unless other factors such as tree size mean the trees should be in zone 3 or 4). • Areas with public access but less frequent than category one, open spaces, paths, trees beside private gardens (unless other factors such as tree size mean the trees should be in zone 3 or 4). 	3 years
3	<ul style="list-style-type: none"> • Trees within low usage public areas (unless other factors such as tree size mean the trees should be in a higher or lower zone). 	5 years
4	<ul style="list-style-type: none"> • Private trees as per section 7.4 • Trees in sites with very limited access. • All young trees, generally below 5 m high and planted in the last 10 years. 	No routine inspection

In some circumstances inspectors may recommend inspections on a more frequent basis, in particular in the case of trees with known defects where a decision has been made to retain them due to their importance for habitat, landscape, cultural or amenity reasons.

For urgent and emergency situations an inspection will take place as soon as is reasonably practicable and, if the required work cannot be completed immediately areas at risk such as roads, footpaths, or public spaces will be cordoned off until resources are available. Where emergency situations are reported, inspections and works relating to these situations will take priority over scheduled inspections and tree works.

All inspections will be undertaken by trained and experienced staff who hold a recognised award/certificate such as the Professional Tree Inspection award. Best practice will be maintained through training and other ongoing continual professional development.

In the context of inspections, a defect is defined as a structural, health or environmental condition that could predispose a tree to failure. Such inspections will comprise a general assessment of the tree cover within the area from ground level, generally by passing along existing footpaths or access routes, or along the perimeter of the site where it is accessible. Any trees requiring works will be recorded and any trees exhibiting signs of decline, disease or structural instability will be subject to a closer visual assessment.

Minimum inspection for trees that are under the control of the highway's authority will be via vehicle based inspection from a slow moving vehicle with a driver and inspector. Followed by manual inspection where potential risk has been identified.

Trees that appear to present no unreasonable hazard, as defined in the Council's risk framework, during the inspection will not be documented in detail. However, a record that they have been subject to an inspection will be made. Any omission from the detailed record therefore implies that their hazard level is considered negligible. Trees that are considered to pose an unreasonable hazard and therefore requiring remedial works, or those requiring further investigation, will be documented. All remedial works recorded will be actioned accordingly.

In cases where potential defects are suspected but the inspector feels that further investigation is required before making a decision on the required action, details of the tree will be recorded and recommended for further assessment or monitoring which could include:

- re-inspecting the tree at a later date, such as during a different season.
- carrying out a climbing inspection.
- asking for a second opinion from another member of the team.

Any further investigations undertaken will be recorded and any required works scheduled.

For emergency enquires please see section 9.1 below.



Council Owned Tree and Woodland

Management Standards

Management, Maintenance
And
Discharge of Legal Duties



7.0 TREE AND WOODLAND MANAGEMENT STANDARDS- MAINTENANCE AND DISCHARGE OF LEGAL DUTIES

7.1 Maintenance of Council Trees

Kirklees Council owned trees will be maintained in order to reduce the risk of harm to people and property to an acceptable level and to discharge the Council's duties under law. In exceptional cases tree maintenance may on occasion be undertaken for other reasons, but this will be a balanced decision at the discretion of the Council. The Council is committed to increasing tree cover across the district and as such the retention of trees will always be the preferred course of action unless there is a clear justification otherwise.

Some works are required for the council to comply with its legal and statutory duties. For other works the Council will adopt a common sense approach with regards to requests received for tree works; all requests will be considered individually, and the circumstances of the request will be balanced against any environmental impacts and the council's policies before a decision is made.

7.2 Tree Felling

Tree removal is regrettable but necessary under a number of circumstances. The decision to remove a tree is not taken lightly. Tree removal will be supported when it is required:

- To reduce the risk of harm to an acceptable level (e.g. dead or dying trees).
- To facilitate the implementation of a development that benefits from a grant of full planning permission
- Under other legislation

Such decisions will always be made with reference to the Kirklees Council Tree Policy, Risk Management Framework and Management Standards.

Other circumstances where trees may be felled extend to situations where it can be evidenced that the tree's removal is required due to



- A tree has been proven to be causing subsidence
- The tree removal would benefit surrounding trees
- It is the requirement of a management plan to enhance the development of neighbouring trees.

The decision to fell on the above grounds will be at the discretion of the Council based on the council's management standards, level of evidence and justification available; balanced against the value of the tree and potential impact resulting from its loss.

7.3 Tree Pruning

Substantial pruning of a tree can allow decay pathogens to enter exposed and vulnerable tissues and can also often weaken the structure of the tree. Pruning of a healthy tree may cause it to respond by producing vigorous new growth. Older trees do not tolerate pruning as well as younger ones and any substantial pruning can pose significant risk to the survival of a tree particularly in species which are not naturally tolerant of cutting. Pruning should therefore be avoided for reasons other than for undertaking statutory functions or for reducing risk of harm to people and property. Pruning for any other reasons would be exceptional and at the discretion of the Council in line with the management standards.

7.4 Hazardous Trees

Council Trees:

If a Council owned tree is in such a condition that it (or part of it) is at risk of imminent failure in the vicinity of people or property, the Council will attend the site as an emergency as soon as is reasonably practicable in line with its Tree Risk Management Framework. If work cannot be completed, areas at risk will be cordoned off until resources are available.

Private trees – not threatening the public:

Hazardous trees in private ownership, but that are not within falling distance of a public highway or public space, are principally a matter for the private parties to resolve. Private parties should take care of their own responsibilities and hence, as a civil matter, the Council is not to be considered as the first point of



contact in attempting to resolve concerns about the danger posed by trees in private ownership. Kirklees Council does, however, have the power to require a private individual to make safe a tree which poses an imminent danger via the Local Government (Miscellaneous Provisions) Act 1976. The Council may, therefore, intervene according to the powers given in the Act if evidence is presented that show an owner of such trees has failed to act in a reasonable timescale (timescales depend upon the degree of risk presented), and the Council may recover from the tree owner the expenses reasonably incurred by it in so doing.

Private trees – threatening the public:

If a private tree WITHIN falling distance of a public highway or public space is reported to the Council and assessed as posing a danger to the public, the landowner will in the first instance be contacted and instructed to make the tree safe. The Council may intervene according to the powers given in the relevant Acts if an owner of such trees fails to act in a reasonable timescale (timescales depend upon the degree of risk presented) and may recover from the tree owner the expenses reasonably incurred by it in so doing.

7.5 Adopted Highways- Street Trees

Street trees are trees which are under the control of the Highways Authority, growing in pavements and road verges along the district's highway network. Such trees are a valuable part of our urban landscape, and the Council will maintain and enhance this urban forest for the benefit of present and future generations.

The Council will endeavour to protect street trees from threats such as loss of and damage to verges, the activities of statutory undertakers and other excavations. Where utility works are being undertaken within close proximity to highway trees, contractors will be obliged to undertake works in accordance with National Joint Utilities Group, Volume 4 (and any amendments to, or replacement for, this document) or any amendments to that document, as per the Council's tree policy.

The Council will not support the removal of trees for vehicle drop crossings unless the tree is of limited life expectancy, or a suitable mitigation scheme is agreed. All trees removed will be replaced with suitable specimens and all costs for removal and replacement will be borne by the person applying for the drop



crossing, calculated using the Capital Asset Valuation of Amenity Trees (CAVAT) methodology.

Where practicable the Council will always seek to replant new trees to reverse the decline of our urban tree population – more often in grassed verges which are more suited to tree growth. Careful consideration will be given to the species selected and to the placement of trees so as to minimise conflict with other uses of the highway.

Tree obstructing the highway or pavement

Kirklees Council will undertake work to trees owned or managed by the Council to maintain a minimum clearance over the highway or pavement, as follows:

- 5.2 metres height over the carriageway (associated with a street, road or highway) or at a height deemed suitable by the Highway Authority for the road conditions.
- 2.5 metres height clearance over a pavement associated with a street, road or highway
- 3 metres where there are cycling rights, as per statutory requirements
- 4m as required, where there is a bridleway.

If a privately owned tree is causing an obstruction to a Highway, road or pavement, powers exist under the Highways Act to make the owner of the tree remove the obstruction. If they do not, the Council may enforce this work and recharge the owner.

Any works necessary to prevent an obstruction to the width of a pavement associated with the highway due to the presence of a Council owned tree will be considered on a case-by-case basis. Where a pavement is deformed or damaged owing to a tree or trees the preferred course of action will be remedial works to the pavement to enable the tree(s) to be retained, unless the tree needs to be removed owing to age or condition.



Sight lines, signals, signage, and street lighting obscured by trees

Where trees are associated with an adopted street, road or highway, Kirklees Council will undertake work to trees owned or managed by the Council to maintain:

- sight lines for traffic and pedestrians at junctions.
- clear lines of sight for traffic signals and street signage
- to ensure that streetlight glow is not substantially blocked by the presence of trees.

Standards for visibility vary according to the class of the road and the speed limit in force. If a privately owned tree is causing an obstruction to visibility at a road junction (sight line), is causing an obstruction to streetlight or is causing an obstruction to a traffic signal or street sign, powers exist under the Highways Act to make the owner of the tree remove the obstruction. If they do not, the Council may undertake this work and will subsequently recharge the owner of the tree.

7.6 Parks and Public Open Spaces

Trees in parks and public open spaces are managed to reflect the context of the site and their type, age and condition. Trees in parks generally have more room to grow compared to street trees and usually grow to their full height and spread.

Ongoing maintenance includes removing significant deadwood where it may pose a risk, formative pruning (to remove problems in tree form when the tree is young, thus avoiding expensive problems later), removing low branches from pathways and removing trees when they come to the end of their safe and useful life.

Available resources will be used to plant new trees where a need has been identified. Where management plans do not exist, trees will be selected and sited to complement and enhance the park or green space and to maintain tree cover in these areas.



7.7 Vandalism to trees

Kirklees Council will investigate any reports of vandalism to any tree owned or managed by the Council and use enforcement and legal action to bring about the prosecution of offenders.

Vandalism includes wanton damage of newly planted trees and any unauthorised pruning, felling or similar work to mature trees.

Third parties are not allowed to remove living material from Council land without consent and unauthorised persons are not allowed to use tools of any type in parks, public open spaces or on other Council land.

7.8 Anti-social behaviour and trees

Where any tree owned or managed by the Council is associated with criminal activity or anti-social behaviour, measures to reduce the problem will be considered on a site by site basis.

Where a tree is associated with criminal activity and/or anti-social behaviour, steps to reduce the problem will typically require the coordination of a number of agencies including the police. Pruning or felling a tree is not always the answer to the problem. Neglected spaces with overgrown trees and untidy areas can, on occasion, encourage criminal activity and/or anti-social behaviour and the Council's tree and grounds maintenance programme tries to improve these areas by making the local environment cleaner, greener and safer.

7.9 Claims of property damage or subsidence caused by trees

The Council recognises that tree roots can, in some circumstances, cause property damage. However, just because property close to a Council owned tree has suffered damage, that does not automatically make the Council owned tree the primary cause of the damage. Furthermore, the Council cannot be liable for damage it is not aware of. Property owners/occupiers have a responsibility to mitigate any losses.

If it is believed that a tree owned by Kirklees Council has damaged property, the party who alleges that the Council's tree had caused the damage is obliged to provide evidence to support the contention that the tree is the primary cause



of the damage. This evidence will be assessed to determine if the tree is the primary cause. If so, reasonable action will be taken to mitigate further damage. Kirklees Council will only perform work on land for which the council is responsible for and will not carry out remedial work on private property.

Subsidence – evidence requirements

The Council requires that the following evidence is provided to support all allegations that a Council owned tree is the primary cause of subsidence:

In line with industry best practise, reports must be supported by technical analysis from appropriately qualified experts. These reports must include the following information:

- A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map
- Details of all relevant vegetation in the vicinity and its management since discovery of the damage together with a plan showing the vegetation and affected building
- Measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, crack-monitoring data should be provided. Data provided must be sufficient to show a pattern of movement consistent with the presence of the implicated tree(s). Monitoring is usually required for at least 12 months to allow for seasonal variations.
- A profile of a trial/bore hole dug to identify foundation type, depth, and soil characteristics.
- The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit, and plasticity index
- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out
- Proposals and estimated costs of options to repair the damage.
- For non-Council Tenants, a report from an arboriculturist to support the tree work proposals must be provided which includes arboricultural options for avoidance or remediation of indirect tree-related damage.

If the evidence shows that a property is suffering subsidence damage due to the action of trees owned or managed by the Council (or there is concern about potential damage) the parties involved are advised to contact their property insurer (private ownership) or Homes and Neighbourhoods (Council Tenants) in the first instance to discuss the concerns and agree an appropriate course of action. Should those parties, or those acting on their behalf, wish to make a claim for damages against the Council, alleging that a Council owned/managed tree is causing subsidence damage, then they will be required to submit the information set out above to the Council's Insurance Department.

Other structural damage including drains – evidence requirements

Technical evidence in respect of other property damage (e.g. garden walls, drains, paving, surfaces) should be provided by a relevant engineer, building/drainage surveyor or other appropriate expert. This should include remedial actions and construction solutions, which may allow trees and structures to co-exist. This evidence will be assessed to determine if the tree is the primary cause. If so, reasonable action will be taken to mitigate further damage. Kirklees Council will only perform work on land for which the council is responsible for and will not carry out remedial work on private property.

The Council is committed to increasing tree cover across the district and as such the retention of trees will always be the preferred course of action unless there is a clear justification otherwise.

7.10 Private work on Council trees:

In some situations, the Council may agree to third parties/volunteer groups undertaking works to trees on its land in order for them to help resolve their own specific issue or as part of a management plan, provided that those works do not compromise the structural integrity of the tree in question. In such situations all works would need to have prior agreement in writing from the Council and all such works would need to be funded by the third party in question.

Details of the contractor undertaking the work would also need to be provided, including:

- An up to date copy of their public liability insurance with £10,000,000 cover.



- A copy of qualifications relevant to the work proposed - if climbing two operatives trained for rescue and LOLER; if the proposal is a reduction we would need a pruning qualification and if lowering is involved we would need lowering qualification; and
- Risk assessments and method statements for the work.

Work should not take place until written consent is granted in response to the request. Any works completed without prior written consent may result in the Council seeking compensation from those responsible in the form of remedial work to rectify the damage and/or full replacement cost values as calculated by the Capital Asset Valuation of Amenity Trees (CAVAT) methodology.

7.11 Tree planting

Kirklees council will ensure that any tree planting on its land, or associated with its operation, will be carried out in line with BS 8545: 2014, Trees from Nursery Stock to Independence in the Landscape-Recommendations and the UK Forest Standard (and any amendments to, or replacement for, these document).

Standards (individual large trees ranging from 1m- 4m in height at planting)

- Preference will be given to planting root balled or container grown tree stock, dependant on availability and site constraints.
- Suitable above ground or underground support will be provided for young trees, dependent on site factors and design. Ordinarily this will consist of double stakes with ties or underground guying.
- Trees pits should be mulched, or a suitable permeable surface provided over the tree pit area, appropriate to the site's intended usage.
- Installation of irrigation systems will be considered on a case by case basis, taking account of site conditions, ground make up and site usage.
- Where tree planting is planned close to infrastructure or within the built environment, all tree pit designs will include appropriate underground infrastructure for each situation, to ensure the tree's survival and avoid long term conflict with surrounding built structures. This may include a combination of root barriers, root deflectors, integrated SUDs, soil cells or structural soils. Tree pit designs will be based on the intended type of tree planting, the nature of the planting site, it's usage and surrounding environment.



- Where tree planting is planned within hard surfaces or within the built highway network, including constrained grass verges, the following minimum soil volume must be accounted for within the tree pit design.
 - Soil volume calculation: 6 cubic metres of soil/ 1 square metre of projected mature crown area ⁽¹²⁾
- The trees will be from UK seed source, following Forestry Commission Advice on provenance. Produced using suitable biosecurity measures, as set by Plant Health Management Standards.
- Aftercare maintenance will be provided for 2-3 years after planting. This will consist of regular visits to:
 - water
 - check tree condition, stakes, ties, mulch
 - weed and litter pick
 - formative prune as necessary

Level of visit frequency will be based on weather conditions and site factors. Watering quantities and frequency will be sufficient to meet the needs of the tree and site specific ground conditions and carried out throughout periods of dry and or hot weather.

Whips (young saplings normally 18 months old)

- Preference will be given to the use of cell grown whips dependant on availability and site conditions.
- The trees will be from UK seed source, following Forestry Commission Advice on provenance. Produced using suitable biosecurity measures, as set by Plant Health Management Standards.
- Protection: shelters, guards, fencing etc will be specified on a case by case basis taking account of site conditions and the proposed project. Dependent on availability and site factors, preference will be given to the use of plastic free shelters or guard products. Followed by biodegradable plastic products or other environmentally friendly products such as recyclable or reusable.
- Dependant on site factors and design, mulch matts will be considered for use with whips. Where mulch mats are being utilised, these should be plastic free and biodegradable, dependent on availability.

- Aftercare of whip planting on Kirklees land will be tailored to each site's specific planting designs. However, after care will follow these general management principles, as applicable:
 - Condition checks
 - Beating up
 - Guard removal
 - Longer term thinning.

7.12 Woodland Creation and Management

It is important to note that woodlands are a diverse ecosystem, not just a group of trees, they include open spaces, a range of habitat types and different layers of vegetation growth. All of which are important, right down to the makeup of the soil. This will be a key consideration when designing new woodlands for Kirklees owned land or management plans for existing council woodlands. The aims and objectives of Kirklees council woodland creation designs and woodland management plans will be:

- Contribute to long-term carbon storage and mitigating the effects of climate change
- Contribute to reversing biodiversity decline
- Provide communities with opportunities to access quality green spaces.
- Contribute to flood alleviation where possible

Woodland creation Schemes and woodland management plans will be designed in accordance with The UK Forestry Standard. Designs and management plans will consider the following principles:

- Climate change and adaptation
- Biodiversity
- Local and wider landscape
- Historic landscape
- Local and wider communities
- Soils, water and utilities



7.13 Tree Swings and Tree Houses

Kirklees Council recognises the value of all green spaces, including woodland, for adventurous play and the vital contribution this makes to children's physical, mental and emotional well-being, and development. However, as the council is unable to guarantee the safety of tree swings and tree houses, if during an inspection an inspector finds a tree swing or tree house, arrangements will be made to have them removed. If a tree swing or tree house is brought to the attention of the council, the Council will attend site to record the location and make arrangements for its removal. Any users of tree houses and tree swings within council owned open spaces or woodlands do so at their own risk.

7.14 Ivy and climbing plants in trees:

Kirklees Council recognise the biodiversity value of climbing plants in trees. On that basis the Council will not routinely remove Ivy, and other climbing plants, from a tree. Unless the volume of the plant material is judged to have increased to such an extent that it is impacting on the stability of the tree, or where the removal is necessary to facilitate a more detailed inspection of a tree, when an initial inspection suspects that defects or disease may potentially exist. Decisions to remove climbing plants will be made on a case by case basis, balanced against the level of risk, biodiversity value and the reason for the works.



Council Owned Tree and Woodland

Management
Standards

Other Issues



8.0 OTHER ISSUES

8.1 Trees touching a building

If a tree that is owned or managed by the Council is touching private property (dwelling, house, garage etc.) the Council will take appropriate remedial action. In many cases the solution will be for the Council to prune the tree, but in some circumstances, it may be more appropriate to fell the tree. If pruning is appropriate, we will endeavour to undertake works to stop the problem recurring within three years.

8.2 Tree overhanging property

If a tree that is owned or managed by the Council is overhanging private property, the Council will not take action. In exceptional circumstances, pruning options may be considered, in line with section 7.3. However, this is discretionary and subject to the availability of funding.

Common law permits landowners/occupiers to trim tree roots or branches that are within the curtilage of their property back to their boundary. However, if their actions render a tree to be unsafe, they may be liable for any subsequent damage that results from the tree's failure. Any party exercising this right must not cross the boundary or access third party land without prior consent from the landowner, including where the Council is the landowner. In addition, the Council is not obliged to accept the return of any pruned materials from its trees and this material should only be left on Council land if prior written consent has been given.

8.3 Trees blocking natural light or views

Kirklees Council will not fell a tree owned or managed by the Council to improve natural light to private property. In exceptional circumstances, pruning options may be considered, in line with section 7.3. Subject to funding be available. Where trees growing naturally within the environment are blocking light into a property, due to the incremental nature of their growth there is no legal "right to light". If natural light is being blocked by the growth of a predominantly evergreen hedge, then there may be a case under the High Hedges legislation, Part 8 of the Antisocial Behaviour Act, 2003. Further information can be found on the Planning Trees web page www.kirklees.gov.uk/trees



8.4 Debris drop related to trees- leaf fall, sap (honeydew), blossoms, bird droppings, nuts, fruits, seeds

Kirklees Council will not prune or fell a tree owned or managed by the Council in relation to complaints regarding natural debris drop.

Leaf fall, blossoms, fruits, nuts, and seeds are natural seasonal events and as such should be considered as part of routine property maintenance.

The sticky residue falling from trees that is commonly referred to as 'Sap' is Honey Dew and is caused by Greenfly (Aphids) feeding on the tree's sap. Honeydew is a natural and seasonal problem. Where new trees are planted, Kirklees will explore the use of trees that are less likely to have this problem. Where honeydew affects cars or surfaces, warm soapy water will remove the substance, particularly if the car or surface is washed as soon as possible.

Bird droppings may be a seasonal nuisance, but the problem is not considered to be a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law). Warm soapy water will usually be sufficient to remove the bird droppings.

8.5 Satellite, television, and other communications reception blocked by trees

Kirklees Council will not prune or fell any tree owned or managed by the Council to enable or ease installation or improve reception of satellite or television receivers. It may be that the satellite or TV provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or means to boost the signal. Kirklees Council will not reimburse costs associated with relocating a TV aerial or satellite dish.

8.6 Security cameras/sensors blocked by trees

Kirklees Council will not prune or fell any tree owned or managed by the Council to improve the range or vision of security cameras or similar sensor equipment unless requested to do so by an appropriate statutory authority, e.g. the Police, on the grounds of public safety. Security of premises is the responsibility of the owner, and any system should be installed in such a way as to avoid interference from or with adjoining trees.



8.7 Solar collectors and panels obscured by trees

Kirklees Council will not prune or fell any tree owned or managed by the Council to improve the performance of solar water heating collectors or solar panels such as photovoltaic cells.

Whilst the Council appreciates that there is a need to provide renewable energy resources, trees have an important role in maintaining and improving local amenity, in addition to contributing to local and national targets in tackling climate change. The presence of trees must be fully considered when selecting a suitable location for the placement of solar collectors and panels.

8.8 Telephone wires and trees

Kirklees Council will not fell any tree owned or managed by the Council to remove or reduce interference with telephone wires. However, there may be instances where the Council will undertake works to prune trees and reduce interference where pruning would be an effective measure.

The telephone service provider may be able to suggest an alternative solution to the problem. However, wires do and can run through trees with little or no effect. Service providers will often install the wires after the tree has been planted. Service providers will be able to offer further advice.

8.9 Trees considered too large

Kirklees Council will not prune or fell any tree owned or managed by the Council because it is considered to be 'too big' or 'too tall'.

A tree is not dangerous simply because it may be considered too big for its surroundings. Other problems would need to be present, such as those described in earlier sections, in order for the Council to consider it to be dangerous. Kirklees Council does not recognise, "lopping", "topping" or "pollarding" as a general form of management of its trees. Such work can be detrimental to the health and future safety of trees and will only be undertaken in exceptional cases.



Council Owned Tree and Woodland

Service Standards

DRAFT



9.0 SERVICE STANDARDS

9.1 Enquiries- Emergency

All emergency enquiries relating to dangerous trees (see appendix 1 for definitions) must be logged to the Council's Arboricultural team via telephone on the numbers listed below. Please do not email emergency cases through. The team's email address may not be monitored on frequency sufficient to pick up and respond to an emergency enquiry:

- Telephone (normal working hours): 01484 414700
- Telephone (out of hours): 01484 414850

When contacting regarding an emergency please provide the following information:

- Detailed location information including nearby post code, where possible
- Size of tree and description of the situation being reported, hanging branch, fallen tree etc
- Your contact details and those for the party who reported the works, if different.
- Time when the enquiry was initially received or noted.
- Any other details that may be useful for the team, presence of any power lines, other service that may be involved, road closure in place etc

9.2 Enquiries- Homes & Neighbourhoods and Corporate Facilities Management

If the land is under the control of Homes and Neighbourhoods or Corporate Facilities Management, including tenanted land, the enquiry will be considered by a relevant Officer from that service who will decide if the Council's Arboricultural Team should be involved and make any necessary instructions using the Internal Request Submission Proforma, at section 9.7 below.

Contact Email, Homes and Neighbourhoods: housing@kirklees.gov.uk

Contact Email, Corporate Facilities Management: corporate.fm@kirklees.gov.uk



9.4 Enquiries- Other

All other enquiries relating to council owned trees must be submitted to the Council's Arboricultural Team using the relevant enquiries proformas at section 9.6 And 9.7 below:

9.5 Kirklees Arboricultural Team, Service Standards

Kirklees Council's Arboricultural Team will work to the following target service delivery standards, ensuring that the Council's tree management resources are prioritised on safety critical works:

Arboricultural Team, Work Completion Timeframes

Priority Level	Definition	Completion time	Policy Areas
Emergency	Dangerous, immediate	As soon as practicable	Risk Framework
Urgent	Important, critical	Within 7 days	
High Priority	Important task	Within 2 months	Maintenance, Legal Duties
Medium Priority	Core Task	Within 8 months	
Low Priority	Low level nuisance	No action	None-Safety, Not Required by Law

Arboricultural Team, Enquiry Response Timeframes

Enquiry Response	Response Time	Definition
Emergency and Urgent	As soon as practicable	Enquires of a dangerous, important, critical nature
Confirmation of receipt	Within 7 days	Response sent to confirm receipt of enquiry
Acknowledgement	With 28 days	To outline proposed response and process to expect
General enquiry	Within 2 months	Case assessed and actions proposed

To ensure that enquiries to the Arboricultural Team can be dealt with in an efficient and timely manner, all reports or requests, from members of the public or internal parties, are required to be submitted on one of the following forms and emailed to: Arb.Team@kirklees.gov.uk

9.6 Arboricultural Team External request submission proforma

Customer Enquiry Form- Council Owned Trees			
Customer Details			
Title		Full Name	
Contact details			
Tel			
Email			
Address			
Post code			
Tree Enquiry Type (enter Y/N as appropriate)			
Dead, dying or dangerous tree		Interfering with a highway or public path	
Concern over the health of a tree		Property Damage (Evidence required in support of the enquiry, see Management Standards)	
Other		Tree causing issues; overhanging branches, blocking light, aphid sap, leaf fall	
Before progressing, please read our policy document and management standards, detailing when and why Kirklees Council undertakes works to trees and note where the council can not take action.			
Tree Location Description Please give a detailed description of the tree(s) location and where possible nearest post code or grid ref			
Enquiry Description Please give details of the situation you are reporting or the works that you are requesting			
Supporting Documents (enter Y/N as appropriate)			
I have attached supporting photos			
I have attached the required expert evidence <small>Required to support reports of property damage, see Management Standards section 7.9</small>			
Once complete please email to: Arb.Team@kirklees.gov.uk			

9.7 Arboricultural Team Internal request submission proforma

Internal Request Form- Council Owned Trees			
Section 1- Enquiry Details			
Customer Details			
Reporting Officer Name		Service Area	
Tel		Email	
Tree Enquiry Type (enter Y/N as appropriate)			
Dead, or dangerous tree		Interfering with a highway or public path	
Concern over the H&S		Property Damage (Evidence required, see Management Standards)	
Other		Tree causing nuisance issues (Before progressing please read our policy doc detailing when and why Kirklees Council works on trees)	
Tree Location Description Please give a detailed description of the tree(s) location and where possible a location plan			
Request Description Please give details of the situation you are reporting or the works that you are requesting			
Supporting Documents (enter Y/N as appropriate)	I have attached supporting photos	I have attached the required expert evidence (see Management Standards Section 7.9)	
Once complete please email to: Arb.Team@kirklees.gov.uk			
Section 2- Quotation Details- (To be completed by the Arb Team and returned to customer for their attention and consideration)			
Work Summary (For Arb Team use only):			
Quote	£	SLA	
Section 3- Acceptance and Instruction			
I accept the quotation and instruct the Arb Team to undertake the specified work, as above. (enter Y/N as appropriate)			
Cost Code			
Instructing Officer Name		Date	
Once complete please email to: Arb.Team@kirklees.gov.uk			

9.8 User Instructions- Arboricultural Team Internal Request Submission Proforma

For emergency work (see appendix 1 for definitions) please refer to section 9.1 of the Service standards

As an internal party, when contacting the Arboricultural Team regarding possible management works to trees, please follow the below process:

1. Complete section 1 of the Internal Request Submission Proforma-(section 9.7). Including your details, location information and as much details as possible about your request. Then email the partially filled form along with supporting photos and plan to: Arb.Team@kirklees.gov.uk
2. One of the team's tree inspectors will assess your request. They will then complete section 2 of the form. Including details of the work that they are specifying/recommending and a quotation for this works to be undertaken. The form will then be return it to you for your consideration.
3. If you are happy with the specification and quotation and want to instruct the works to be carried out, please then complete section 3 including your name and cost code to charge the works to. The job will then be scheduled in for completion based on the priority levels given in section 9.5 of the Service Standards.



10.0 APPENDIX 1 Priority Levels

Emergency: tree is snapped or blown over, tree uprooted but held up by another tree or building, a large branch has broken off or is hanging off the tree
d) tree or branch has fallen or partially snapped is blocking the road or footpath or access to property, tree may, or has already, fallen onto house or car

Urgent: tree is dead, tree is dying - few leaves in summer or dieback in the crown, bark is loose and falling off, mushrooms or fungi growing on or near the tree, splits and cracks in the trunk or large branches, Tree swings and tree houses on Council owned land, tree has fallen down completely but not blocking access

High and Medium: tree has been damaged but stable, tree blocking streetlight. Tree obscuring sightline for traffic, Signal and signage obscured by trees - Tree touching a building, smaller branches or twigs falling from the tree, Vandalism to trees, evidence tree causing damage to property.

Low: Refer to NO priority (NO ACTION WILL BE TAKEN). Tree overhanging property, Tree roots and drains, Trees blocking natural light, Trees blocking view, Leaf fall from trees, Sap from trees, Blossom from trees, Bird droppings from trees, Fruit, berries & nuts from trees, Wildlife and insects in trees, Security cameras/sensors blocked by trees, Solar collectors and panels obscured by trees, Telephone wires and trees, Tree considered too large.



11.0 APPENDIX 2, EXTRACT- KIRKLEES SAFETY INSPECTION MANUAL 2018

Table 4.1 Hierarchy – Carriageways

Carriageway Hierarchy			
Category	Hierarchy Description	Defined by	Road Description
1	Motorway	DFT	Limited access, motorway regulations apply
2	West Yorkshire Key Route Network (WYKRN)	Defined by West Yorkshire Transport Committee	Regional routes which have a 'strategic' function such as connecting the key towns and cities in the county, linking to the motorway network or to Leeds Bradford Airport.
3	Main Distributor	A Roads connecting larger towns	Heavily trafficked routes and busy freight routes including Resilient Network e.g. roads linking towns to the WYKRN. The resilient network is under review and any roads falling into this category will be introduced in the next hierarchy review/update.
4	High Traffic Local Network	B and C class roads and/or one or more high key feature	Heavily trafficked local roads which have one or more high traffic volume generators e.g. important links in the network connecting towns and larger villages.
5	Medium Traffic Local Network	Locally important routes and/or one or more medium key feature	Medium trafficked local roads which have one or more medium traffic volume generators or metalled through roads with no footways
6	Low Traffic Local Network	Roads with one or more low key feature	Low trafficked local roads which have one or more low volume traffic generators
7	Local Road	Roads serving limited numbers of properties carrying access traffic and have no key features	Local roads with no traffic generators present eg serving residential properties In rural areas serve small settlements and provide access to individual properties and land In urban areas they are often residential loop roads or cul-de-sacs
8	Minor Access Road	Byways/Tracks Lanes Unmade and have no key features	Minor routes and low use unmetalled tracks- some may already be unsuitable for motors and maintained in character only

12.0 CONTACTS:

- **Emergency contact** (normal working hours): 01484 414700
- **Emergency contact** (out of hours): 01484 414850
- **Arboricultural Team:** Arb.Team@kirklees.gov.uk
- **Homes and Neighbourhoods:** housing@kirklees.gov.uk
- **Corporate Facilities Management:** corporate.fm@kirklees.gov.uk
- **Web site:** www.kirklees.gov.uk/beta/leisure-and-culture.aspx

13.0 MONITORING AND REVIEW

This document will be subject to a biennial review and update. The review will include:

- Checks against industry best practise, industry standards, national legislation, and guidance
- Check against local adopted policies and guidance
- Resource & capacity
- Operational feed back

Date Adopted	
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Reviewer Name and Job Title	Comments	Date Reviewed



14.0 REFERENCES:

- (1)- Kirklees District Factsheet 2014: <https://www.kirklees.gov.uk/beta/information-and-data/pdf/fact-2014.pdf>
- (2) Forest Research <https://www.forestresearch.gov.uk/research/i-tree-eco/uk-urban-canopy-cover/>
- (3) Natural Economy Northwest (2008) The Economic Benefits of green Infrastructure
- (4). CABE, 2005, The Value of Public Open Space
- (5) Natural Economy Northwest (2008) The Economic Benefits of green Infrastructure
- (6) Bartens, J., S.d., Harris J.R., Dove J.E. & Wynn, T.M. (2008) Can Urban tree roots improve infiltration through compacted subsoils for storm water management? Journal of Environmental Quality 37, 2048-2057
- (7) Virginia Outdoors Plan, Chapter IV. Green Infrastructure, 2007.
- (8) Trees Matter, NUFU, 2005
- (9) Van Den Berg, A., hartig, T. & Staats, H. (2007) Preference for Nature in Urbanized Societies: Stress Restoration, and the Pursuit of Sustainability. Journal of Social Issues, 63, 79-96
- (10). Trust, (2015) Residential Developments and Trees
- (11) The Woodland Trust, 2004, Making Woodland Count – its contribution to our quality of life,
- (12) Lindsey and Bassuk, (1991)





Name of meeting: Cabinet

Date: 14th November 2023

Title of report: Asset Review November 2023

Purpose of report:

This report is the second in a series of reports, it sets out some early recommendations considering the further optimisation, rationalisation, mothball, closure, and disposal of property assets and interests across the Council's estate. Further reports with options and recommendations will be offered over the coming months for consideration and presented in alignment with ongoing budget planning and organisational change activity.

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 – has implications exceeding £500k and covers all wards.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Public Report
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	David Shepherd – Strategic Director for Growth and Regeneration – 27/09/23
Is it also signed off by the Service Director for Finance?	Isabel Brittain – Service Director for Finance – 27/10/23
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – Service Director for Legal, Governance and commissioning – 02/11/23
Cabinet member portfolio	Cllr Graham Turner – Finance & Regeneration

Electoral wards affected: All Wards

Ward councillors consulted: No

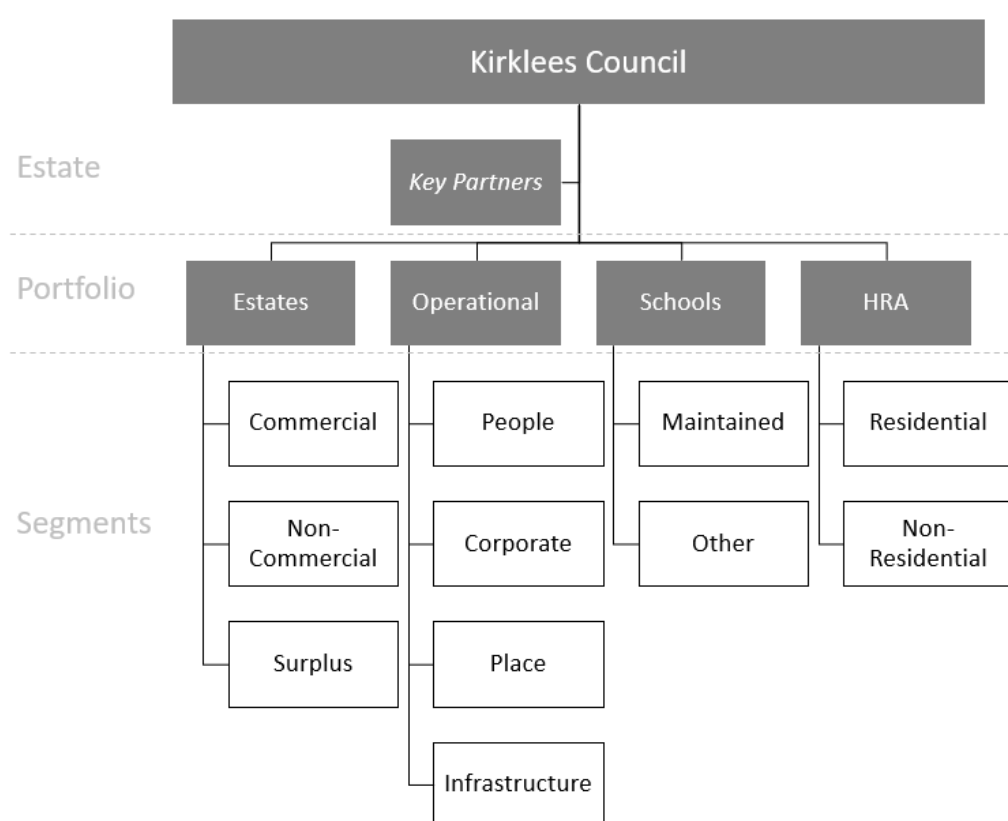
Public or private: Public

Has GDPR been considered? There is no personal data within the report.

1. Summary

- 1.1 In alignment with the emerging Corporate Property Strategy, the Asset Review is a systematic and holistic approach to the optimisation, rationalisation, mothball, closure, and disposal of property assets and interests across the Council's estate.
- 1.2 This report is the second in a series of reports, presenting further opportunities and recommendations to rationalise the estate, reduce costs and forward liability, and to generate capital income through the disposal of property which has been declared surplus to the organisation's needs. It sets out some further property implications and early recommendations in response to ongoing organisational change activity.
- 1.3 The Council's estate is split into portfolios and segments as illustrated below, the initial focus of the Asset Review is on the operational portfolio.

Figure 1 - Kirklees Council's Estate



- 1.4 The approach taken to prioritise assets across the estate is termed the Core Estate. The Core Estate identifies those assets which are required to facilitate the Council's statutory functions, corporate and political priorities, and to safeguard legal, cultural, and heritage obligations.
- 1.5 The categorisation and analysis of the operational portfolio remains under review to understand the forward investment priorities of the retained Core Estate and to further identify opportunities for rationalisation and optimisation of the estate.
- 1.6 As opportunities emerge, either due to the review or as a result of ongoing business planning and service change activity, further reports will be brought forward for consideration.

- 1.7 The statutory requirements of Assets of Community Value, and the position of the Council's current Community Asset Transfer Policy have been summarised as follows to help provide clarity on the process being used as part of supporting the Council's present approach to property disposals.

Assets of Community Value

- 1.8 The Localism Act 2011 introduced the Community Right to Bid, which provides the legal powers to enable local community groups to nominate buildings or land for listing as Assets of Community Value (ACV). It is the local authority's responsibility to hold a register of confirmed nominated ACV's, and nominated assets can be owned publicly or privately.
- 1.9 For a nomination to be successful the nominee must demonstrate that the asset currently or in the recent past furthered the social interests or social wellbeing of the local community, and it is realistic to think that this use can continue.
- 1.10 Disposal of assets registered as an ACV is governed by legislation. An owner must inform the Council of an intention to dispose of the asset, which triggers an interim moratorium period of six weeks during which eligible groups can notify the Council if they wish to be considered as a potential bidder for the asset. If an eligible group indicates they would like to be considered as a potential bidder a full moratorium period of six months is then triggered. This is designed to give eligible groups opportunity to negotiate with the asset owner.
- 1.11 It is important to highlight that there is no right for the community to buy, or a right to first refusal. Instead, the community is entitled to bid for the asset and is given time to prepare a proposal.
- 1.12 During the moratorium period the owner can only dispose of the asset to an eligible group, however there is no obligation on the owner to consider any bid or offer for the asset. The owner of the asset can choose freely who to sell the asset to and for how much, but open market disposal can only take place following the expiry of the moratorium period. Any disposal must take place within the 'Protected Period', which is 18 months from the date of receipt of the owner's intention to dispose of the asset.
- 1.13 If the asset is not sold within the Protected Period the owner must submit a fresh notice of intention to dispose of the asset and a new moratorium period will be triggered.
- 1.14 The disposal of any Council assets registered as an ACV must therefore consider and be aligned with the requirements of the Act and the timescales for disposal set down within. At the present time there are 4 Council owned assets which are registered as an ACV:

Property Name	Address	Nomination Date	Date Listing Expires
Red House	281 Oxford Road, Gomersal, Cleckheaton, BD19 4JP	24-Oct-19	23-Oct-24
Cleckheaton Library	Whitcliffe Road, Cleckheaton, BD19 3DX	25-Apr-21	24-Apr-26
Former Almondbury Library	Stocks Walk, Almondbury, Huddersfield, HD5 8XB	11-Feb-22	10-Feb-27
Savoy Square	Bradford Road, Cleckheaton, BD19 3JH	05-Apr-23	04-Apr-28

Community Asset transfer

- 1.15 The Council's current Community Asset Transfer Policy was approved by Cabinet in September 2020 and can be found on the Council's website. Community Asset Transfer (CAT) is a form of disposal involving the transfer of land or buildings from the Council to a community or eligible organisation at 'less than best consideration' – that is at less than its full market value – to further local social, economic, and/or environmental objectives.
- 1.16 A CAT can be brought forward either due to:
- (i) an asset initially being identified and advertised as an eligible asset,
 - (ii) or, a strong initial expression of interest is received from an eligible organisation prompting an asset to be considered as an eligible asset.
- 1.17 It is an internal Council service decision whether an asset is identified as an eligible asset. CAT will not be considered where:
- (i) The asset is required for service delivery or Council strategic objectives,
 - (ii) disposal would generate a capital receipt required to support the Councils Capital Programme,
 - (iii) or, there is no clearly defined community need or an asset transfer would compromise existing community assets.
- 1.18 Successful CATs are dependent on the complexity and scale of the asset alongside the capacity and capability of applicants. Should an asset be acknowledged as eligible for CAT, following receipt and acceptance of an expression of interest from an eligible organisation, a 3-month period will commence to allow an initial business case to be presented for CAT.
- 1.19 Subject to the acceptance of the initial business case, a further 6-month period will be given for an applicant's full business plan to be developed and considered. Should a business plan for a CAT be confirmed as viable, the CAT is then reported to and determined by Cabinet. If after the 6-months the business plan is still not agreed, the asset will be released, and the Council's surplus assets process will be followed. All CATs will be determined within a 12-month period.
- 1.20 The Council commissions external independent support for groups (currently through Locality), to help develop business cases and business plans.



2. Information required to take a decision.

- 2.1 The asset review has identified additional surplus property interests to be brought forward for disposal, and four further properties, as detailed below, for specific consideration which are proposed to be declared as surplus to organisational requirements and brought forward for disposal.

Surplus Property Disposals

- 2.2 The Council's Capital Receipts Schedule (CRS) and approach to the disposal of surplus property interests was approved at Cabinet in June 2023.
- 2.3 The Asset Review has identified further surplus property interests to be added to the CRS as listed within **Appendix A**. These will be brought forward in alignment with the Council's Capital Strategy and planned delivery pipeline for generating capital receipts.
- 2.4 All assets declared surplus to organisational requirements will follow the Council's surplus property process. This will involve further work and due diligence including the review of property title to understand whether any conditions exist which could affect bringing an asset forward for disposal.

1 Beech Street, Huddersfield

- 2.5 The site, which extends to 0.5 acres, includes a two-storey former Methodist Church Sunday School building dating from 1873 and a large single storey sports hall extension added in the 1960's. The original building is of traditional stone construction. The single storey sports hall is of a steel frame/brick panel construction.
- 2.6 The former Sunday School Building, previously the home to Paddock Youth Club, was closed in 2018 due to significant condition and structural issues. The building remains mothballed. A recent condition survey identified backlog maintenance across the site totalling £1m.
- 2.7 The sports hall remains open and is currently used by a local gymnastics club. The club has been allowed to occupy the premises on an interim basis on an informal agreement. Running costs and associated repair and maintenance requirements continue to sit with the Council with minimal contribution from the club.
- 2.8 The Council has previously provided the club with support in identifying alternative premises to relocate. Notice has now been served giving the club until 31 March 2024 to vacate the premises.
- 2.9 Following vacant possession, the property is proposed to be declared surplus to organisational requirements and brought forward for disposal to generate a capital receipt in support of the Council's capital plan.

DRAM Sport & Community Centre

- 2.10 The Dalton, Rawthorpe, and Moldgreen (DRAM) Sport & Community Centre was built in 2004. It is a two-storey, steel framed building with a pitched profiled metal roof. The Centre is comprised of a large function room that includes bar facilities, meeting / conference room, reception room, storerooms, a large kitchen which includes professional kitchen facilities, 6 changing rooms and WC facilities. Car parking is present to the front of the building.

- 2.11 The centre has been primarily used as a venue to support Council service needs, with additional uses/bookings made by the wider community and sports teams.
- 2.12 As part of the ongoing review of assets and operational services there is no longer an identified internal Council need for use of the facility. Alternative venues are now being used and the building is proposed to be declared as surplus to the organisation's requirements. In addition, there are alternative community venues within close proximity which could adequately meet the wider needs of the community.
- 2.13 However, the centre also supports local Rugby and Football clubs, providing changing and welfare facilities to support their operational requirements. Initial discussions are taking place to understand the opportunity for CAT which will be considered alongside wider opportunities for disposal.
- 2.14 As stated at 1.20, a period of 3 months will be given to determine whether capability and capacity can be identified within the community. Given the timing of this report, it is proposed that an extended period of 4 months is given with a deadline of 31st March 2024, allowing any interested eligible groups or organisations sufficient time to express an interest and present their initial business case. During this time, if no clear progress can be demonstrated, or an appropriate business case presented, the property would then be released for disposal.

Hudawi Centre, Great Northern St, Huddersfield

- 2.15 The Hudawi Centre was opened in 1997 on a site formerly occupied by Beaumont Street School. It is a two storey, steel framed building with masonry and rendered walls covered by pitched tiled roofs. Internally, the property is comprised of a large hall, a kitchen/café/bar area and a variety of training and meeting rooms to both the ground and first floor. Externally there are 2 car parks to either side of the building, a small grassed area and an enclosed former nursery play area.
- 2.16 The adjacent former Beaumont Street Studios building that shares the site was disposed of by the Council in 2020.
- 2.17 The centre has been primarily used as a venue to support Council service needs, with additional uses/bookings made by the wider community.
- 2.18 As part of the ongoing review of assets and operational services there is no longer an identified internal Council need for use of the facility. Alternative venues are now being used and the building is proposed to be declared as surplus to the organisation's requirements.
- 2.19 However, the centre is also used as a key venue to support the local community, and with limited wider community venues within the locality, the possibility of CAT needs to be considered alongside wider opportunities for disposal.
- 2.20 As stated at 1.20, a period of 3 months will be given to determine whether capability and capacity can be identified within the community. Given the timing of this report, it is proposed that an extended period of 4 months is given with a deadline of 31st March 2024, allowing any interested eligible groups or organisations sufficient time to express an interest and present their initial business case. During this time, if no clear progress can be demonstrated, or an appropriate business case presented, the property would then be released for disposal.

Red House, 281 Oxford Road, Gomersal

- 2.21 Red House is a Grade II* Listed Georgian Mansion with barn and coach house dating from c.1660. The property was declared surplus to organisational requirements in 2016 following withdrawal of the museums service, Cabinet gave approval to a 'twin track' disposal process for the property. Red House was advertised for CAT with preparations being made in parallel for open market disposal should the CAT not proceed.
- 2.22 Expressions of interest were received for CAT. However following evaluation none were considered viable taking into account the complexities of the asset and significant investment needed to bring it back into use. A decision was therefore made to proceed with open market disposal.
- 2.23 A petition was presented to the Full Council in September 2019 asking the Council to consider alternative options for Red House including the setting up and lease to a new charitable body, Community Right to Bid or disposal to a Social Enterprise. After consideration, a decision was taken to allow further time for CAT to be explored.
- 2.24 In 2020 the Council put forward proposals for a commercialisation opportunity which would see the property retained and developed as a venue and holiday accommodation. The proposals were approved by Cabinet on 13 April 2021.
- 2.25 Following the recent review of the Council's capital programme, the allocation for the proposed commercialisation of the property has been withdrawn. Without the capital funding allocation the commercialisation proposal is no longer viable. It is therefore proposed that the asset be declared surplus and brought forward for disposal to generate a capital receipt in support of the Council's capital plan.
- 2.26 Red House is registered as an ACV. The declaration of the Council's intention to dispose will trigger the statutory requirements associated with the ACV listing.

Summary

- 2.27 The following table presents the annual revenue change as a result of delivering the proposed activity:

Annual Revenue Change (saving)	
1 Beech St	£30k
DRAM	£55k
HUDAWI	£115k
Red House	£40k
Total:	£240k

- 2.28 The 2022/23 premises running costs have been used to forecast the annual revenue change and full year savings. To achieve a full year saving for 2024/25 the identified assets would need to be disposed of by 31st March 2024.
- 2.29 Any delay to the disposals will reduce the in-year savings for 2024/25, surplus assets would need be held as mothballed until disposal can be achieved, with the full year's savings then anticipated from 2025/26 onwards.

3. Implications for the Council

3.1 Working with People

The Asset Review and Core Estate approach will require key Council services to work closely together proactively.

3.2 Working with Partners

As part of the process for bringing forward the reshaping of the Council's estate, key partners will be made aware to help identify any collaborative opportunities.

3.3 Place Based Working

Changes to property can often highlight wider opportunities and be a catalyst for development, which in turn can make our places more attractive and vibrant.

3.4 Climate Change and Air Quality

Rationalising and optimising property reduces the Council's estate and carbon footprint, contributing to our commitment towards net zero.

3.5 Improving outcomes for children

Aligning the rationalisation and optimisation of property with service change will overall support the improvement of outcomes.

3.6 Finance

A balanced approach is required to support the rationalisation and optimisation of the estate. Vacating and mothballing assets can provide more immediate and direct building related revenue savings, alongside the optimisation of assets to improve the efficiency and effectiveness of use to promote more indirect service-based efficiencies and savings.

3.7 Financial Implications for the people living or working in Kirklees

None

3.8 Legal

Normal processes and procedures, including the officer scheme of delegation, will be used and advice sought as appropriate to bring forward the proposals for delivery.

Unless approved otherwise, the disposal of property assets will need to be in accordance with the scheme of officer delegation and the relevant statutory framework which applies to the particular asset. The Council has the legal power to dispose of assets generally under section 123 of the Local Government Act 1972 usually for the best consideration that can reasonably be obtained. Where it is proposed that an asset is disposed of at an undervalue, the General Disposal Consent 2003 (contained within circular 06/93) and the Subsidy Control Act 2022 (and associated regulations) must be assessed, and, where applicable, complied with. Housing assets may only be disposed of in accordance with The General Housing Consents 2013 issued pursuant to section 32 of the Housing Act 1985.

Alongside the Localism Act 2011, which may highlight certain sites for listing as an ACV, the Council's approach to CAT will also need to be considered. Both disposal routes require additional lead-in and determination time, and need to be highlighted as a significant risk should applicable sites be targeted for disposal within year, or within a specific timeframe.

3.9 **Integrated Impact Assessment**

An Integrated Impact Assessment has been carried out as part of the Council Budget setting process and is published on the Council's website. Individual assessments may need to be considered for individual property solutions and should be undertaken as part of bringing each forward for delivery alongside appropriate consultation and communication.

4. **Consultees and their opinions**

4.1 This report has been subject to consultation with the Council's Executive Team (ET), Leadership Management Team (LMT), and the Portfolio Holder for Finance and Regeneration, and their comments have informed the contents of this report.

4.2 Ward members will be engaged and informed of progress on a property-by-property basis.

4.3 When considering CAT, eligible groups will be supported by appropriate council services and external impartial support.

5. **Next steps and timelines**

5.1 Following this report, and subject to approval, instruction will be given to proceed at pace with the proposals, forming an accelerated programme for delivery.

6. **Officer recommendations and reasons**

6.1 Cabinet is asked to note and approve ongoing and planned activity which is being managed under business as usual, including the surplus declaration of the four identified assets to be brought forward for disposal:

(i) 1 Beech Street, Huddersfield, HD1 4JN

(ii) DRAM Sports & Community Centre, Ridgeway, Dalton, Huddersfield, HD5 9QJ

(iii) HUDAWI Centre, Great Northern Street, Huddersfield, HD1 6BG

(iv) Red House, 281 Oxford Road, Gomersal, Cleckheaton, BD19 4JP

6.2 In alignment with the emerging Corporate Property Strategy, and to support the immediate need to limit ongoing liabilities and the demand on capital receipts it is recommended that Cabinet delegate to the:

(i) Strategic Director for Growth and Regeneration in consultation with the relevant portfolio holder, Service Director – Legal, Governance and Commissioning, power to dispose of the identified property assets to support the Council's income targets, irrespective of the value of the site and on such terms as officers deem most appropriate,

(ii) Service Director – Legal, Governance and Commissioning power to enter into all agreements necessary to effect any of those disposals referred to at (i) above.

7. Cabinet Portfolio Holder's recommendations

- 7.1 The Council faces a significant financial challenge in the coming years, and the need to produce a balanced budget in February has meant we have to look at how we operate and deliver services, and where we deliver those services from.
- 7.2 The huge financial challenges forced up on us by the chronic lack of funding for essential services by central government means we must take some very difficult decisions.
- 7.3 As part of the process of delivering a balanced budget we need to save significant amounts of money from our assets budget.
- 7.4 Therefore, we need to reduce the number of buildings we operate and deliver services from and create a core of building assets that will provide only the space we need to deliver services and provide office functions from.
- 7.5 This report is one of a series that we will be bringing as we reduce our assets in line with our core need.
- 7.6 These are difficult decisions, that are not taken lightly, but they are necessary if we are to balance our books.
- 7.7 As part of the next stage in reviewing the identified surplus assets, in alignment with the Council's property disposals process, ward members and key local interest groups will be engaged with to confirm the position for each asset and to identify possible local solutions for further consideration.

8. Contact officer

Daniel McDermott: Strategic Manager – Assets & Estates – 01484 221000 – Daniel.McDermott@Kirklees.gov.uk

9. Background Papers and History of Decisions

- Red House Investment Proposal (Cabinet April 2021)
- Asset Rationalisation (Cabinet March 2023)
- Surplus Property Disposals (Cabinet June 2023)
- Asset Review September 2023 (Cabinet September 2023)
- <https://www.kirklees.gov.uk/beta/community-assets/pdf/asset-transfer-policy.pdf>
- <https://www.kirklees.gov.uk/beta/community-assets/assets-of-community-value.aspx>

10. Service Director responsible

Joanne Bartholomew: Service Director – Development – Growth & Regeneration – 01484 210000 – Joanne.Bartholomew@Kirklees.gov.uk

Appendix A – Proposed additions to the Capital Receipts Schedule (CRS)

Asset Name	Alias	Address (Nearest)	Ward
33 Lee Road	<i>former Castle Hall Residential Home</i>	33 Lee Road, Ravensthorpe, Dewsbury, WF13 3BE	Dewsbury West
DRAM Sports & Community Centre		Ridgeway, Dalton, Huddersfield, HD5 9QJ	Dalton
Federation House		St John's Avenue, Newsome, Huddersfield, HD4 6JP	Newsome
Former Westtown Family Centre		Boothroyd Green, Westtown, Dewsbury, WF13 2RQ	Dewsbury West
HUDAWI Centre		Great Northern Street, Huddersfield, HD1 6BG	Dalton
Land adjacent to Sycamore Industrial Estate		Walkley Lane, Heckmondwike	Heckmondwike
Land adj 13 Springdale Avenue		13 Springdale Avenue, Thornton Lodge, Huddersfield, HD1 3NJ	Crosland Moor & Netherton
Land at Castle Houses		Castle Houses, Ashes Lane, Almondbury Huddersfield	Newsome
Land at Grasscroft		Grasscroft, Almondbury, Huddersfield	Almondbury
Land at Leak Hall Crescent	<i>rear of Denby Dale Library</i>	Leak Hall Crescent, Denby Dale	Denby Dale
1 Beech Street	<i>former Paddock Youth Centre</i>	1 Beech Street, Paddock, Huddersfield, HD1 4JN	Greenhead
Former Ravensthorpe Housing Office		Queen Street, Ravensthorpe, Dewsbury, WF13 3BT	Dewsbury West
Red House	<i>former Red House Museum</i>	281 Oxford Road, Gomersal, Cleckheaton, BD19 4JP	Liversedge & Gomersal
Site of former Dewsbury Arena		Boothroyd Lane, Westtown, Dewsbury	Dewsbury West

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Name of meeting: Cabinet

Date: 14 November 2023

Title of report: Data Network

Purpose of report: To approve the procurement of new corporate data network services.

Key Decision – Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	Yes – Contract value will exceed £6m over a seven to ten year period. Capital and revenue will be funded from within existing budgets.
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	Rachel Spencer-Henshall 23/10/23
Is it also signed off by the Service Director for Finance?	Isabel Brittain 01/11/23
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft 01/11/23
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: None

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

Summary

The council's current data network was designed around the provision of a public sector network (PSN) nine years ago. The network infrastructure was underpinned by open public networks provided by City Fibre and Openreach. 85% of Kirklees residents now have gigabit capable network connectivity in their homes as a consequence of our previous investment.

The current data network comprises of four parts:

1. The core network hardware that manages traffic between the data centre, resilient sites and all council buildings.
2. The data network services contract that connects corporate council assets over public networks and out to the internet.
3. A private data network connecting key sites in Huddersfield and Dewsbury.
4. A schools data network that connects 130 schools into the JANET University and Colleges network and out to the internet.

This paper sets out the decision required to replace our core network hardware (1) and the data network services between our corporate council assets. (2)

1. Information required to take a decision

The core network hardware needs to be replaced to continue to provide resilient and available infrastructure for the next seven to ten years in line with the ambition in the Technology Strategy. The core network delivers services across Kirklees and will link the town centres of Huddersfield and Dewsbury via private fibre to provide ultra-fast connectivity between both locations.

The data network contract provides a managed Public Sector Network (PSN) compliant service to over 200 corporate sites and 8000 users. The network also provides wifi access for residents and visitors, Govroam access for our partners and Eduroam access for University and College students across almost all our corporate assets.

The current costs and estimated future costs based on a like for like replacement are provided in the table below:

	Annual Revenue Cost	Estimated capital cost	Estimated revenue cost per annum
1. Core network hardware	£6k	£270k	£6k
2. Data network	£542k	£678k	£650k

The cost to change from the existing network to the new contract will be covered by the IT Capital refresh budget as previously agreed at Cabinet 14th June 2022.

The change programme from existing services to new will take around 24 months to deliver which will span the next three financial years. There will be elements of dual running costs that will need to be spread across that three year period for both capital and revenue.

The potential pressure from increased revenue costs of network connections will be offset by a reduction in the number of connected assets, a review of the service level required in each asset and through connecting more sites to dedicated private fibre with significantly lower revenue costs.

The current corporate data network contract delivers services into Libraries and Information Centres, Children's Centres and Community Centres at a current cost of £70k per annum.

Those community-based assets play an important role in connecting people to essential services and provide support in accessing digital services online. They also allow council staff, NHS, Locala, WY Police, University and College staff and students to seamlessly connect to the internet.

The IT Service are engaging with the marketplace to find more cost-effective solutions for these services and also to understand whether there are opportunities for social tariffs that can be applied for by other local voluntary and community sector groups.

2. Implications for the Council

2.1 Working with People

Continuing to provide services into community locations will support the provision of inclusive digital services into communities across Kirklees. The inclusion of social value tariffs in the contract will support future connections for partners across Kirklees.

2.2 Working with Partners

Every council asset will continue to have direct access for the NHS and Locala staff, Police and Fire, Huddersfield University and Kirklees College staff and students. This will also be the case for those assets previously transferred to the local community partners.

2.3 Place Based Working

Maintaining community locations on our network will continue to provide future opportunities for place-based working.

2.4 Climate Change and Air Quality

The new procurement will include criteria to contribute to the reduction of overall power consumption and the recycling of all equipment.

2.5 Improving outcomes for children

The new procurement will include services for the children's centres across Kirklees. The IT Service will maintain access to Eduroam for students and staff across all wifi enabled locations.

2.6 Financial Implications for the people living or working in Kirklees

None

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

The integrated impact assessment can be found here:

<https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments/home/details/IIA-551955608/>

3. Consultation

None.

4. Engagement

We will engage with the Kirklees Digital Inclusion Partnership on our plans and the outcomes of any procurement and so our VCSE partners benefit from this opportunity.

5. Next steps and timelines

Proceed to market and aim to award a contract in March 2024.

6. Officer recommendations and reasons

1) Proceed with procurements for the core network hardware and the corporate data network services in line with the Technology Strategy. Ensure the procurements are delivered within existing capital and revenue budgets.

2) Continue to provide data network services into existing library and information centres, children's centres and community centres. The contract will include options for more cost effective connections and aim to provide social value tariffs for community based assets across Kirklees.

7. Cabinet Portfolio Holder's recommendations

I endorse the officer recommendations as set out above.

8. Contact officer

Terence Hudson – Head of Technology
terence.hudson@kirklees.gov.uk

9. Background Papers and History of Decisions

Previous decision regarding capital refresh budget for IT at Cabinet 14th June 2022: <https://democracy.kirklees.gov.uk/documents/s46405/IT%20Capital%20->

[%20Cabinet%20Report%20005.pdf](#)

10. Service Director responsible

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

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Name of meeting: Cabinet

Date: 14 November 2023

Title of report: Corporate Financial Monitoring Report, Quarter 2, 2023/24

Purpose of report

To receive information on financial monitoring for General Fund Revenue, Housing Revenue Account (HRA) and Capital Plan, as at Quarter 2 (month 6), 2023/24.

Key Decision - Is it likely to result in spending or saving £500k 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 <u>Strategic Director</u> & name	Rachel Spencer Henshall - 6th November 2023
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Isabel Brittain - 6th November 2023
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft - 6th November 2023
Cabinet member portfolio	Councillor Graham Turner

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public report

GDPR: This report contains no information that falls within the scope of General Data Protection Regulations.

1. **Summary**

The attached slides provide information on financial monitoring for General Fund Revenue, Housing Revenue Account (HRA) and Capital Plan, as at Quarter 2 (month 6), 2023/24.

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

2.1 The slides accompanying this report provide a more detailed breakdown of the outturn financial monitoring position, as follows:

Forecast General Fund revenue outturn position in 2023/24 by service area;

General Fund reserves and balances movements in-year;

Forecast HRA revenue outturn position including movements in HRA reserves in-year;

Forecast capital outturn position in 2023/24;

Treasury management prudential indicators;

The Council's Corporate Risk Register.

3. **Implications for the Council**

3.1 **Working with People**

3.2 **Working with Partners**

3.3 **Place Based working**

3.4 **Climate Change & Air Quality**

3.5 **Improving Outcomes for Children**

3.6 **Financial Implications for the people living or working in Kirklees**

3.7 **Other (e.g. Financial, Legal or Human Resources)**

3.7.1 The financial implications are as noted in this report and the accompanying slides.

3.7.2 The Council has a statutory duty to balance its budget under section 31A of the Local Government and Finance Act 1992 and to take any necessary steps in-year to ensure this. Section 151 of the Local Government Act 1972 requires the Council to make proper arrangements for the administration of its financial affairs and shall require that one of its Officers has responsibility for the administration of those affairs. That Officer at this Council is the Service Director - Finance.

3.7.3 Section 114 of the Local Government Finance Act 1988 requires the Service Director - Finance, as the Officer of the Council appointed under s151 of the Local Government Act 1972, to make a report (often referred to as a 's114 report') if it appears that the expenditure of the Council incurred, or likely to incur, in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure. As

outlined in this report, whilst a s114 report is not considered necessary at this point, the issue of such a report remains a possibility.

3.7.4 Regulation 3 of the Accounts and Audit Regulations 2015 requires the Council to ensure it has a sound system of internal controls facilitating the effective exercise of functions and achievement of aims and objectives, ensuring effective financial and operational management including effective risk management. The Council must determine whether its capital plan is affordable in line with the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 having regard to the Prudential Code for Capital Finance for Local Authorities. DLUHC have the power to make statutory directions under section 15(5) and (6) of the Local Government Act 1999 where it considers there has been a failure to comply with the duty of Best Value.

3.7.5 As outlined in this report, there are significant reserves drawdowns in-year, resulting in an estimated year end useable reserves balance of £35.4m. This use of reserves is not financially sustainable and leaves the Council very exposed to financial risks.

3.7.6 The Council's Executive Management Team must ensure that actions are taken to deliver services in line with agreed budgets and that savings targets are delivered as planned.

4. Consultees and their opinions

4.1 This report has been prepared by the Service Director - Finance, in consultation with the Executive Team.

5. Next steps

That Cabinet endorse the recommendations set out in this report.

6. Officer recommendations and reasons

- 1) note the forecast revenue outturn position at Quarter 2 for 2023/24 (£16.1m overspend), and the forecast year end position on the Council's reserves and balances (£47.4 Reserves, of which £35.4m are Usable Reserves);
- 2) note the Quarter 2 forecast HRA position (£34k surplus) and forecast year-end reserves position;
- 3) note the Quarter 2 forecast capital monitoring position for 2023/24 in regards to Capital (£57.9m underspend);
- 4) approve the re-profiling of the 2023/24 capital plan as set out in the accompanying slides;
- 5) approve £0.32m to purchase 3 Highways Tipper vehicles with delivery expected before April 2024;
- 6) note the Quarter 2 treasury management prudential indicators.

7. Contact officer

James Anderson, Head of Accountancy

james.anderson@kirklees.gov.uk

Sarah Hill, Finance Manager

sarahm.hill@kirklees.gov.uk

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

Annual budget report 2022-27 to Budget Council, March 2023

Budget Update Report to Council, September 2023

9. **Service Director responsible**

Isabel Brittain, Service Director – Finance.

Corporate Financial Monitoring, Quarter 2 2023/24

Cabinet 14th November 2023



Revenue Headlines

- Quarter 2 Monitoring – Forecast overspend of **£16.102m** (Q1 was £20.335m)
- Savings forecast to be delivered total c£18.7m (against a target of £19.8m)
- Total Useable Reserves forecast to be **c£35** by 31st March 2024 of which:
 - Unallocated reserves forecast to be **£16m** (Minimum working balance assessed at £15m using risk-based approach)
 - Earmarked Reserves forecast to be **£19m** – *includes £9.4m returned WYCA levy to be used in 2024/25 to mitigate against the use of other reserves to balance the budget*



Quarter 2 Revenue Monitoring

	Revised Budget Q2 £000	Forecast at Q2 £000	Variance Q2 £000	Variance Q1 £000	Change from Q1 £000
Children and Families	83,232	88,496	5,264	7,368	(2,104)
Adults and Health	130,896	133,087	2,191	3,024	(833)
Growth and Regeneration	53,374	56,076	2,702	3,248	(546)
Corp Strategy, Comm and Public Health	58,328	62,343	4,015	4,150	(135)
Central Budgets	54,870	56,800	1,930	2,545	(615)
General Fund	380,700	396,802	16,102	20,335	(4,233)



Directorate Budget Variances

Children and Families

Children and Families Totals

Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
£83.232m	£88.496m	+£5.264m	-£2.104m

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Overspend					
Education Psychology/SENDACT	+£300k	+£566k	+£266k	Increased staffing pressure due to the requirement to adhere to statutory timescales/capacity of these teams, plus increased unit cost of Education Psychology locums.	
Strategic Leadership in Education	+£600k	+£300k	-£300k	Partially caused by the removal of the School Improvement Grant	An overspend reduction proposal has been put forward as part of the 24/25 budget process to reduce this overspend.
Children's Disability Service Placements	+£700k	+£1.0m	+£300k	Demand, complexity and significant cost of living increases have driven costs up and resulted in the projected overspend.	Existing and new support packages are subject to scrutiny and the service is developing a multi-agency review of funding to ensure appropriate contributions are received from partners
Looked After Children and Care Leaver Service	+£1.4m	+£1.8m	+£400k	A result of increased numbers and complexity of need, plus £300k inflation uplift for contract provision	Review and plans in place for all over 18's to be moved to suitable accommodation – monitored on a weekly basis. For those approaching 18 plans are being made to ensure they transition to accommodation safely and securely
Financial Support for Care Leavers	+£300k	+£350k	+£50k	Demand led pressure	An audit has been scheduled to look at areas of spend to help manage these.

Directorate Budget Variances

Children and Families

Children and Families Totals

Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
£83.232m	£88.496m	+£5.264m	-£2.104m

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Overspend					
Special Guardianship Order	+£900k	+£900k	Nil Change	Increases in numbers and application of inflationary uplifts.	The cost associated to SGO financial support is a positive outcome for children and means that they do not need to remain in care. It is anticipated that this cost will continue to rise.
External Residential Placements	+£3.2m	+£2.3m	-£900k	Due to price and volume (increased need and complexity) increases.	Opening/Re-Opening of Magdale House and Healds Road will provide more local capacity to reduce the number or ERP's. Heald's Rd begins phasing children is from 18 th October and Magdale is anticipated to welcome the first child by the beginning of November. Existing placements continue to be reviewed regularly and where possible children are matched to local placements. Updates to Childrens SLT on a weekly basis. There is a plan to purchase an additional "small home" with a shortlist of 3 homes due to be shortlisted by the end of the week commencing 17 th October 2023.
Commissioned Services	+£500K	+£520k	+£20k	Pressure on commissioned contracts.	

Directorate Budget Variances

Children and Families

Children and Families Totals			
Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
£83.232m	£88.496m	+£5.264m	-£2.104m

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Underspend					
Service Wide Vacancy Management	-£400k	-£500k	-£100k	Projected over achievement of existing £0.5m savings target	
Internal and External Fostering Placements	-£300k	-£1.2m	-£900k	The improvement is due to the anticipated receipt of Home Office Grant in respect of UASC Placements in Internal/External foster placements.	We are seeing an increase in demand for placements for children. This is a national challenge, and we are facing enormous difficulties to place children in residential or fostering placements. Despite national searches being made we are repeatedly being told children cannot be matched. As a result, we are having to pay for very high-cost unregulated provision

Directorate Budget Variances

Adults and Health

Adults and Health Totals

Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
£130.896m	£133.087m	-+2.191m	-£0.833m

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Overspend					
Independent Sector Home Care	+£1.1m	+£1.4m	+£300k	Increased activity/demand levels on all client cohorts. Also, higher unit costs on Learning Disability and Mental Health.	Ongoing work to manage pathways, working with the market.
Self-Directed Support	+£800k	+£800k	No change	OP is underspending (seeing underspends on Direct Payments, commissioned services and higher than anticipated client income), but PD, LD and MH are overspending (the latter three driven by overspends on commissioned services).	Ongoing work to manage pathways, working with the market.
Increase in bad debt provision	+£100k	+£400k	+£300k	Growing level of potential bad debt coverage required.	Work ongoing to review reasons and processes.
Income Underachievement					
Catering	+£500k	+£500k	No change	Shortfall in income and food price inflation	Management of food contracts. Control on all spending. Maximising income.
Town Halls and Public Halls	+£450k	+£500k	+£50k	Shortfall in income.	Charging for room hire to re-commence, mainly external use. Spend controls.
Markets	+£300k	+£200k	-£100k	Shortfall in income.	Holding vacancies, spending controls, maximising income.

Directorate Budget Variances

Adults and Health

Adults and Health Totals

Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
£130.896m	£133.087m	-+2.191m	-£0.833m

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Underspend					
Residential and Nursing Placements	+£500k	+£100k	-£400k	OP and LD are up on activity but with lower unit net costs, and PD and MH are both under on activity but up on net unit cost.	Ongoing work to manage pathways, working with the market.
Employees	-£400k	-£800k	-£400k	Agency staffing is £+0.8m but direct staffing is £-1.6m. Also includes recent decision around funding/income for in-house provision (employees).	Ongoing work around recruitment and retention.
Caretaking & Cleaning	-£350k	-£350k	No change	Additional ad-hoc and specialist cleaning and a charging review	

Directorate Budget Variances

Growth and Regeneration

Growth and Regeneration Totals

Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
£53.374m	£56.076m	+£2.702m	-£0.546m

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Overspend					
Corporate Landlord	+£638k	+£209k	-£429k	Building running & maintenance costs	Essential spend (health, safety & compliance) only.
Assets and Estates	+£163k	+£412k	+£249k	Overspend staffing and piazza (previously funded by reserve)	The aim is to reduce this overspend on staffing by use of a 4% capital receipts top slice. £2-3m of sales income is expected imminently.
Highways Maintenance	+£200k	-	-£200k	Delayed revision to the current Highways Grounds Maintenance (GM) SLA due to a wider review of the GM team.	Monthly monitoring and workshops continue. Additional income generation(staffing) has been accelerated to offset for October 23.
Transport (fleet)	+£400k	+£600k	+£200k	Limited capital funding exists to deliver a future vehicle replacement programme. The age of the current fleet is now approaching end of economic life(% of) and repair costs have increased significantly within 23/24. Fuel costs have also increased in recent months and inflation is now out performing the base budget for fuel.	A Vehicle Replacement Capital Report is developed and a capital profile produced to 2032. The Capital Assurance Board will consider the report and impact. Currently the services(waste, GM, Highways, Winter) are hiring vehicles at the cost of £1.9m to offset vehicle downtime/disposal. Transport Assurance Board has been set up to review vehicle utilisation and repair costs.

Directorate Budget Variances

Growth and Regeneration

Growth and Regeneration Totals

Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
£53.374m	£56.076m	+£2.702m	-£0.546m

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Overspend					
Waste Services – Hired Fleet/Agency/POPs	Nil	+£850k	+£850k	Changes to disposal of Persistent Organic Pollutant(POP's) in 2023. No base budget to offset what is a significant cost to KMC c£750k. Increased landfill tax levy £250k. Inflation realised for the purchase of IPPC which is an essential chemical used to reduce emissions for the EfW Plant. disposal legislation & significant cost increase of chemicals to reduce emissions £200k. * Hired fleet approx. £20k/wk.	The final batch of (funded) replacement vehicles have been delayed but are now arriving in service to reduce hired fleet costs. Acceleration savings proposals from 24/25 to mitigate the overspend in IPPC, POPs, Fuel.
Income Underachievement					
Planning and Building Control	£1.0m	+£535k	-£465k	Demand suppressed for Planning & Building Control.	
Parking	+£100k	+£400k	+300k	Shortfall in income.	Acceleration of 24/25 proposals should bring in additional income to 23/24
Underspend					
Housing GF Services	+£36k	-£138k	-£174k	Delivery of DFG charge to capital early	
Various	-£23k	-£779k	-£756k	Net staffing, including -£0.5m Major Projects.	

Directorate Budget Variances

Corporate Strategy, Commissioning and Public Health

Corporate Strategy, Commissioning and Public Health Totals£

Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
£58.328m	£62.343m	+£4.015m	-£0.135m

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Overspend					
Strategy & Innovation	+£1.0m	+£400k	-£600k	Largely inflationary pressures on IT through increased costs of software and hardware, as well as pressure on volumes of IT kit used across the authority.	Vacancies are being held across the majority of the Strategy and Innovation services, which has helped to reduce the current overspend. Ongoing costs with IT are also being reduced wherever possible.
Public Health & People	+£100k	+£200k	+£100k	Staffing overspends due to succession planning, and Physio/counselling costs through employee healthcare.	OD vacancies being held to help improve the situation, as well as vacancies being held as much as possible throughout the service.
Finance	+£1.0m	-	-£1.0m	Staffing overspends and lower than anticipated court cost recovery, offset by grant funding and keeping vacancies where possible.	Utilisation of grant funding, and vacancy management factor applied across all services.
Schools Transport	+£200k	+£100k	-£100k	Overspend – Inflation & demand on routes, offset by transformation.	Transformation projects ongoing to reduce costs

Directorate Budget Variances

Corporate Strategy, Commissioning and Public Health

Corporate Strategy, Commissioning and Public Health Totals

Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
£58.328m	£62.343m	+£4.015m	-£0.135m

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Income Underachievement					
Housing Benefit Subsidy loss	+£2.5m	+£3.5m	+£1.0m	Spend on Homelessness and Supported Accommodation which is not eligible for Housing Subsidy grant.	Additional temporary accommodation is being sourced including using Berry Brow and Ashenhurst (previously student accommodation)
Licensing Income shortfall	+£150k	+£200k	+£50k	Shortfall in income.	
Underspend					
Governance & Commissioning	-£800k	-£400k	+£400k	Legal Services increased income through charges against capital works/HRA, offset by external costs. Vacancies in Risk and Governance. Insurance premiums increased.	Further options being investigated to charge to capital.

Directorate Budget Variances

Central Budgets

Central Budgets Totals

Agreed 23/24 budget	Forecast at month Quarter 2	Total variance at Quarter 2	Change from last quarter
£64.299m	£66.501m	+£1.930m	-£0.615m

Service area	Variance Q1	Variance Q2	+/- change from last month	Reason for variance	Mitigating actions
Overspend					
Additional Debt Charges	+£2.5m	+£2.3m	-£200k	Additional debt charges	To consider what scope there is to reduce debt charges in the current and future years, a review of the Council's Treasury Strategy (and related debt charges) is currently underway in conjunction with the review of the Capital Programme.
Underspend					
Energy Inflation	-	-£300k	-£300k	Re-payment from Gas supplier after reconciliation of 2022/23 fluctuating prices.	

Analysis of Council Reserves (excl Statutory Reserves)

	Unallocated *1 £000	Earmarked £000	Total £000
At 1st April 2023	(47,108)	(36,942)	(84,050)
<i>Planned Use</i>			
Earmarked Reserves		3,268	3,268
Unallocated Reserves	24,648		24,648
Budgeted Contribution to Reserves for Collection Fund Deficit	-	(2,500)	(2,500)
	(22,460)	(36,174)	(58,634)
<i>In Year Adjustments – Quarter 2</i>			
- Forecast Drawdown of Unallocated Reserves	19,499	-	19,499
- Forecast Use of Earmarked Reserves		13,165	13,165
- Reallocation of Demand Reserve	(10,750)	10,750	-
- Reallocation of Collection Fund Deficit Reserve	(2,500)	2,500	-
- WYCA returned levy		(9,400)	(9,400)
Balance of Reserves at 31st September 2023	(16,211)	(19,159)	(35,370)

*1 – includes Minimum Working Balance of £15m



HRA Quarter 2

	Revised Budget Q2 £000	Forecast Q2 £000	Variance Q2 £000	Variance Q1 £000	Change from Q1 £000
Repairs & Maintenance	30,325	30,773	448	0	448
Housing Management	44,496	43,937	(559)	(972)	413
Property Services	(0)	(0)	(0)	(0)	0
Other Expenditure	29,936	29,925	(11)	(2)	(9)
Total Expenditure	104,757	104,635	(122)	(974)	852
Rent & Other Income	(99,206)	(99,118)	88	160	(72)
Revenue Contribution to Capital Funding	0	0	0	0	0
Planned transfer from HRA Reserves	(5,551)	(5,551)	0	0	0
Total	(0)	(34)	(34)	(814)	780



HRA Reserves

	Balance at 31 March 2023 £000	Approved Movement in reserves £000	Balance at 31 March 2024 £000
Set aside for business risks	(4,000)	(9,500)	(13,500)
Set aside to meet investment needs (as per HRA business plan)	(38,916)	28,242	(10,674)
Working Balance	1,500	-	(1,500)
Total	(44,416)	18,742	(25,674)



HRA Budget Variances

Growth and Regeneration Totals

Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
-	-£814K	-£34K	+£780K

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Overspend					
Repairs and Maintenance	£0	+£448K	+£448K	Additional cost of repairs agreed increased price per property of £528k	Focus on damp and mould backlog as a priority savings to be achieved from other areas.
Policy and Management	+£324K	+£702k	+£378k	Forecast overspend for PFI extra care scheme unitary charge £166k, Abortive costs for GF schemes £600k to be recovered through sales.	Policy and Management review of continuation of catering service and abortive costs payments to be agreed when sites are sold
Council services bought in	+£102K	+£336K	+£234K	Increased legal costs due to disrepair claims of £299k	Council services bought in Review of process and controls for disrepair claims and compensation payments need to be budgeted for
Community facilities	+£641K	+£596K	-£45K	Increased cost of communal lighting £242k and sheltered heating £259k	Community facilities

HRA Budget Variances

Growth and Regeneration Totals			
Agreed 23/24 budget	Forecast at Quarter 2	Total variance at Quarter 2 +/-	Change from Last Quarter +/-
-	-£814K	-£34K	+£780K

Service area	Variance Quarter 1	Variance Quarter 2	+/- change from last Quarter	Reason for variance	Mitigating actions
Underspend					
H&N Management costs	-£2,039K	-£2,194K	-£155K	Vacancies remained vacant for longer	Additional resources allocated for staffing for Assets and Building Safety. Planned approach to recruiting to the team.
Income					
Rental Income	+£159K	+£207K	+£48K	Void rent loss through time taken to turnaround empty properties	Updated process in place to better manage turnaround times
Other Income	-£2K	-£147K	-£145K	Investment income	Additional income through balances held

Capital Headlines

- Quarter 2 Capital Monitoring – Forecast underspend **£57.9m** (Q1 £6.5m)
- Capital budget **£259.1m** (reduction since Q1 £0.6m: +£0.7m grants, - £1.3m re-profile)
- Majority of underspend is due to slippage and will be factored in as part of the corporate review and affordability assessment currently underway
- Slippage will be re-profiled into future years as part of the Council Budget Report

Capital – Project Approval

Transport programme

- Cabinet approval requested for £0.32m to purchase 3 Highways Tipper vehicles with delivery expected before April 2024
- Savings in hire costs from revenue budget
- Forward profile £0.32m from future years into 2023/24

Q2 Capital Monitoring (mapped to Council Outcomes)

	Revised Budget £'000	Actuals to Date £'000	Forecast £'000	Variance £'000	Variance %	Variance Q1 £'000	Change from Q1 £'000
General Fund							
Aspire & Achieve	20,970	5,232	16,713	(4,257)	(20%)	0	(4,257)
Best Start	2,980	420	1,028	(1,952)	(66%)	0	(1,952)
Independent	8,105	1,788	7,697	(408)	(5%)	0	(408)
Sustainable Economy	155,069	40,467	117,863	(37,206)	(24%)	(16)	(37,190)
Well	5,159	1,058	3,517	(1,642)	(32%)	500	(2,142)
Safe & Cohesive	49	0	49	0	0%	0	0
Clean and Green	11,218	3,262	10,132	(1,086)	(10%)	(1,309)	(223)
Efficient & Effective	6,787	413	5,476	(1,311)	(19%)	0	(1,311)
GENERAL FUND TOTAL	210,337	52,640	162,475	(47,862)	(23%)	(825)	(47,037)
Housing Revenue Account							
Strategic Priorities	21,420	5,934	18,269	(3,151)	(15%)	(250)	(2,901)
Baseline	27,302	6,899	20,438	(6,864)	(25%)	(5,381)	(1,483)
HOUSING REVENUE TOTAL	48,722	12,833	38,707	(10,015)	(21%)	(5,631)	(4,384)
CAPITAL PLAN TOTAL	259,059	65,473	201,822	(57,877)	(22%)	(6,456)	(51,421)



Q2 Capital Monitoring (Directorate)

	Revised Budget Q2	Actual Costs	Forecast at Q2	Variance Q2	Variance Q1	Change from Q1
	£'000	£'000	£'000	£'000	£0	£0
Children and Families	23,523	5,633	17,721	(5,802)	0	(5,802)
Adults, Housing & Health	8,581	1,808	7,766	(815)	0	(815)
Regeneration & Growth	125,889	29,271	93,520	(32,369)	0	(32,369)
Environment & Climate Change	46,127	15,360	37,257	(8,870)	(1,309)	(7,561)
Corp Strat, Commiss & Public Health	6,217	568	6,211	(6)	484	(490)
General Fund	210,337	52,640	162,475	(47,862)	(825)	(47,037)
HRA	48,722	12,833	38,707	(10,015)	(5,631)	(4,384)
TOTAL	259,059	65,473	201,182	(57,877)	(6,456)	(51,421)



Q2 Capital Monitoring – Funding Summary

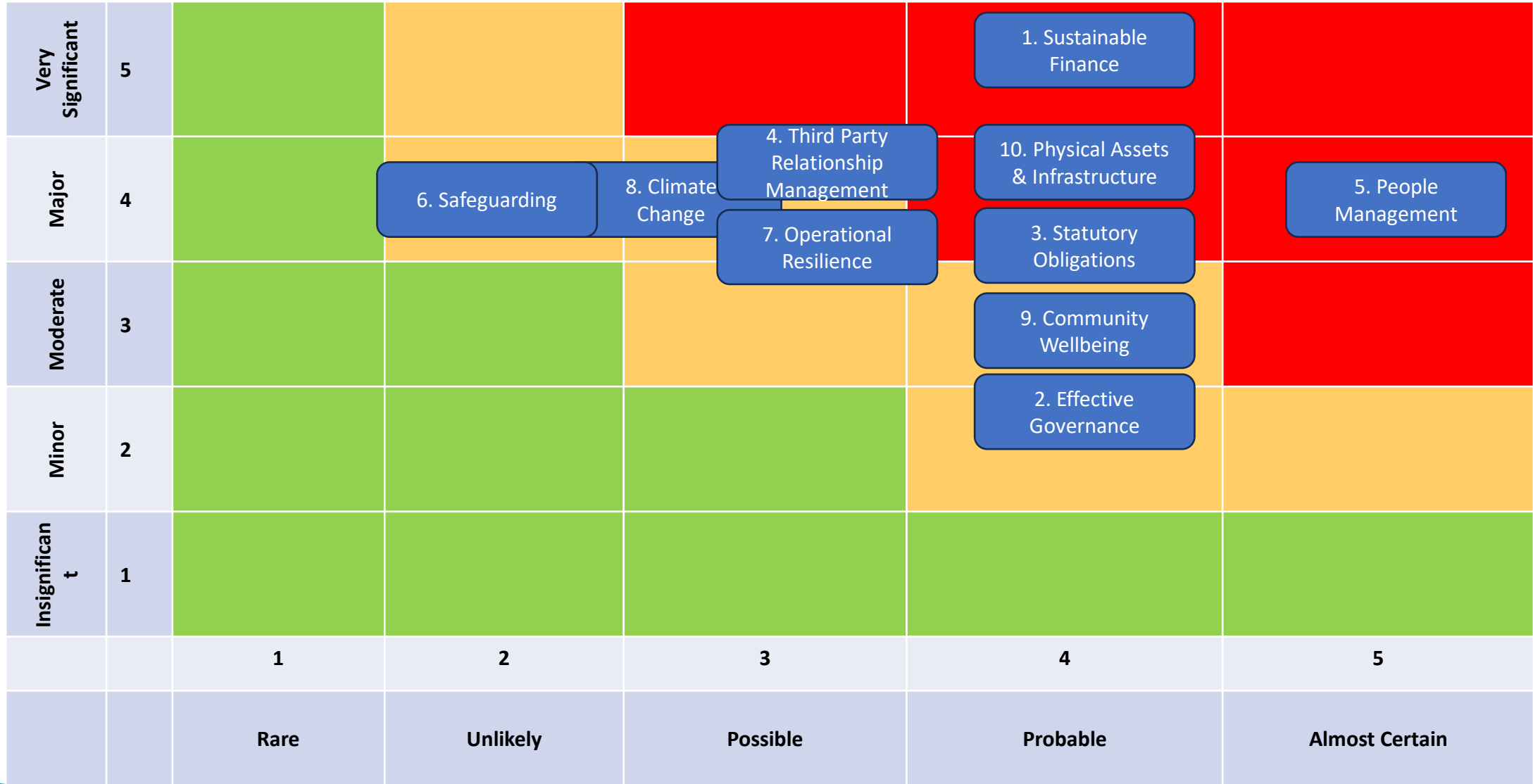
	Q2 Budget £'000	Q2 Forecast £'000
<u>General Fund</u>		
Capital Grants/Contributions	98,649	76,415
Earmarked Capital Receipts	7,023	5,023
Service Funded Prudential Borrowing	13,340	13,117
Revenue Contributions	348	150
Non-Earmarked Capital Receipts	4,000	4,000
Corporate Prudential Borrowing	86,977	63,770
GENERAL FUND FUNDING	210,337	162,475
<u>Housing Revenue Account</u>		
Capital Grants/Contributions	6,041	4,510
Earmarked Capital Receipts	4,728	4,360
Reserves / Revenue Contributions	21,685	13,225
Reserves - MRR	14,258	14,602
Corporate Prudential Borrowing	2,010	2,010
HRA FUNDING	48,722	38,707



Risk Register Quarter 2 2023/24



Risk Heat Map & Summary Q2 2023/24



Risk Heat Map & Summary Q2 2023/24

		Previous quarter	Current quarter	Drivers of change
KCR 1	Sustainable Finance	20 (4x5)	20 (4x5)	Increased risk of not delivering against the 23-24 agreed budget outturn position, despite enhanced monitoring and management focus. Greater assurance is required over the deliverability of some of the savings proposals for 24-25, both in isolation and as a cumulative package, acknowledging that initiatives identified still do not meet the required savings target.
KCR 2	Governance Frameworks	9 (3x3)	12 (4x3)	The Council needs to balance corporate control and strong oversight with a risk that this creates delays over implementation affecting the effectiveness of achieving the savings targets. The extent of public consultation activity that is required to support implementation of savings proposals is resource intensive and provides additional challenge.
KCR 3	Statutory Obligations	16 (4x4)	16 (4x4)	Close partnership working and strengthened relationships across the market has reduced the risk associated with service provider failure - whilst the risk still exists processes to ensure early visibility are in place. Demand continues to be high and meeting statutory deadlines for SEND assessments is challenging with associated financial and reputational risks
KCR 4	Third Party Management & Oversight	12 (3x4)	12 (3x4)	The external economic environment continues to present challenges to operators within the third sector with impacts on service provision on behalf of the Council, coupled with increased demand. Activity is underway to validate the control framework that exists across contract management within the council and highlight areas for improvement.
KCR 5	People Management	20 (5x4)	20 (5x4)	For the roles which the council chooses to recruit to the labour market pressure has eased somewhat however key specialised roles remain in high demand. Capacity issues challenge the ability of the organisation to deliver required outcomes particularly where they are dependent on key individuals.
KCR 6	Safeguarding	12 (3x4)	8 (2x4)	Safeguarding risks continue to be well controlled, with embedded processes and procedures in place to ensure vulnerable adults and young people are safe from harm. Reassessment of the adequacy and effectiveness of the controls in place across Adult Social Care has resulted in a reduction to this risk score.
KCR 7	Operational Resilience	12 (3x4)	12 (3x4)	Management of Health & Safety continue to be well controlled with a focus on maximising the benefits of the new council wide online reporting system both centrally and within operational areas. Work continues on an ongoing basis to ensure the Council's defences are operating effectively to identify, prevent and recover from any hostile cyber activity.
KCR 8	Climate Change	12 (3x4)	12 (3x4)	Progress continues to be made on the Environmental Sustainability Strategy and the prioritisation of actions agreed as part of the Climate Change Action Plan. The need to identify further budget savings is expected to have an impact on the extent to which climate adaptations and mitigations can be prioritised in the short term.
KCR 9	Community Wellbeing	12 (4x3)	12 (4x3)	Weekly monitoring continues to suggest that issues around violent extremism and community tension are well controlled. Continuing cost of living issues will impact on demand for services provided by the community sector and some council services. The ability of the council to provide additional support is constrained by its financial position.
KCR 10	Physical Assets & Infrastructure	12 (3x4)	16 (4x4)	There are still concerns about elements of fire safety in residential properties and ability to demonstrate sufficient progress. Emergence of concerns about the use of RAAC in all types of council property creates the need to undertake specialist investigation and depending on outcomes to potentially take action to mitigate, with associated costs.

Prudential & Treasury Management Indicators

Quarter 2 2023-24



Prudential Indicators

- The Council measures and manages its **capital expenditure, borrowing and commercial and service investments** with reference to the following indicators.
- It is now a requirement of the **CIPFA Prudential Code** that these are reported on a quarterly basis.
- **Information contained includes:**
 - Capital Expenditure
 - Capital Financing Requirement
 - Gross Debt and the Capital Financing Requirement
 - Debt and the Authorised Limiting and Operational Boundary
 - Net Income from Commercial and Service Investments to Net Revenue Stream
 - Proportion of Financing Costs to Net Revenue Stream



Prudential Indicators

Capital Expenditure

- The Council has undertaken and is planning capital expenditure as summarised in the table below.
- The main General Fund capital projects to date have included spend on Highways baseline schemes, West Yorkshire plus Transport Schemes and Huddersfield Town Centre Action Plans. HRA capital expenditure is recorded separately and to date includes supporting a Council House Building programme and Housing Growth. The Council also incurred £2 million of capital expenditure on investment relating to service loans relating to town centre regeneration.

	2022/23 £m actual	2023/24 £m forecast	2024/25 £m budget	2025/26 £m budget
General Fund	116.9	157.3	176.3	151.5
Housing Revenue Account	27.1	38.7	56.5	54.1
Capital investments	2.2	5.8	1.8	0.0
Total Capital expenditure	146.2	201.8	234.6	205.6



Prudential Indicators

Capital Financing Requirement

- The Council's cumulative outstanding amount of debt finance is measured by the Capital Financing Requirement (CFR). This increases with new debt-financed capital expenditure and reduces with MRP, loan repayments and capital receipts used to replace debt. The actual CFR is calculated on an annual basis.
- The effect from the change in the accounting for leases has not yet been reflected in the CFR.

	2022/23 £m actual	2023/24 £m forecast	2024/25 £m budget	2025/26 £m budget
General Fund	650.3	695.4	756.5	791.1
Housing Revenue Account	210.7	210.2	209.1	213.1
Capital investments	2.2	5.8	0.0	0.0
Total Capital Financing Requirement	863.2	911.4	965.6	1,004.2



Prudential Indicators

Gross Debt and the Capital Financing Requirement

- Statutory guidance is that debt should remain below the capital financing requirement, except in the short term. The Council has complied and expects to continue to comply with this requirement in the medium term as is shown below.

	2022/23 Actual £m	2023/24 forecast £m	2024/25 Budget £m	2025/26 Budget £m	Debt at 30.9.2023 £m
Debt (incl. PFI & leases)	695.5	797.5	748.0	788.4	731.9
Capital Financing Requirement	863.2	911.4	965.6	1,004.2	



Prudential Indicators

Debt and the Authorised Limit and Operational Boundary

- The Council is legally obliged to set an affordable borrowing limit (also termed the Authorised Limit for external debt) each year. In line with statutory guidance, a lower Operational Boundary is also set as a warning level should debt approach the limit.
- Since the operational boundary is a management tool for in-year monitoring it is not significant if the boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure. Total debt did not go above the operational boundary.

	Maximum debt Q2 2023/24	Debt at 30.9.23	2023/24 Authorised Limit	2023/24 Operational Boundary	Complied
Borrowing	650.2	650.2	865.5	845.5	Yes
PFI and Finance Leases	81.7	81.7	82.8	77.8	Yes
Total debt	731.9	731.9	948.3	923.3	



Prudential Indicators

Net Income from Commercial and Service Investments to Net Revenue Stream

- The Council's income from commercial and service investments as a proportion of its net revenue stream has been and is expected to be as indicated below.

	2022/23 actual £m	2023/24 forecast £m	2024/25 budget £m	2025/26 budget £m
Total net income from service and commercial investments	-1.3	-1.5	-1.8	-1.8
Proportion of net revenue stream	-0.4%	-0.4%	-0.5%	-0.5%



Prudential Indicators

Proportion of Financing Costs to Net Revenue Stream

- Although capital expenditure is not charged directly to the revenue budget, interest payable on loans and MRP are charged to revenue.
- The net annual charge is known as financing costs; this is compared to the net revenue stream, ie the amount funded from Council tax, Business rates and general government grants.

	2022/23 actual	2023/24 forecast	2024/25 budget	2025/26 budget
General Fund - Financing costs (£m)	21.4	28.9	44.9	49.3
General Fund – Proportion of net revenue stream (with reduced MRP)	6.6%	8.1%	13.1%	13.6%
General Fund – Proportion of net revenue stream	10.8%	11.9%	13.1%	13.6%
HRA – Financing costs (£m)	29.6	29.5	29.6	29.6
HRA - Proportion of net revenue stream	31.7%	31.1%	28.6%	28.5%



Treasury Management Indicators

- **Indicators include:**
 - Liability Benchmark
 - Maturity Structure of Borrowing
 - Long Term Treasury Management Investment
 - Interest Rate Exposures



Treasury Management Indicators

Liability Benchmark

- This new indicator compares the Council's actual existing borrowing against a liability benchmark that has been calculated to show the lowest risk level of borrowing. The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. It represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level of £30.0m required to manage day-to-day cash flow.
- Following on from the medium term forecast below, the long the long-term liability benchmark assumes capital expenditure funded by borrowing of £57 million in 2023-24, minimum revenue provision on new building capital expenditure based on a 50-year asset life and reduction in balance sheet resources of £67 million.

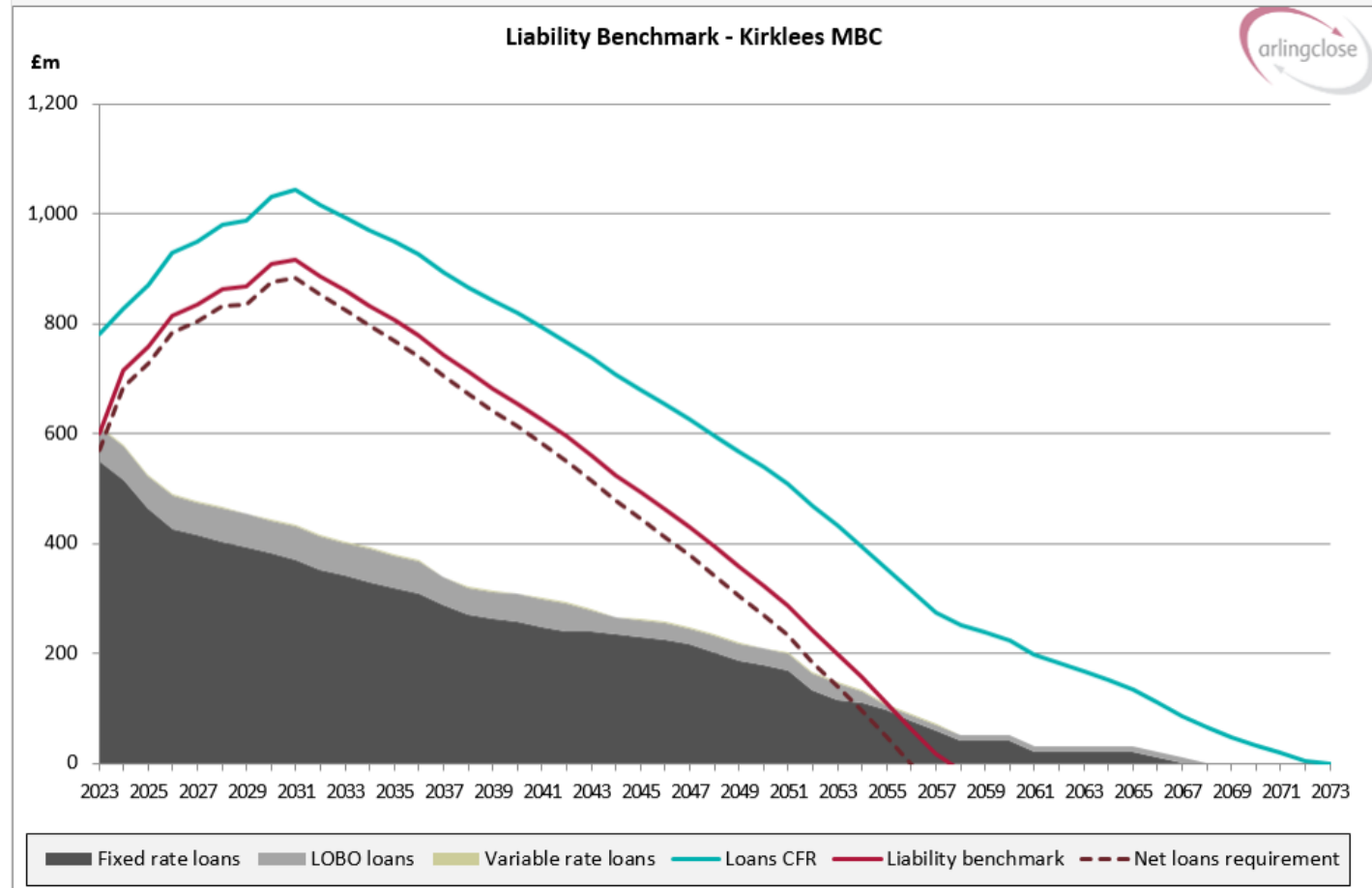
	31.03.23 actual £m	31.03.24 forecast £m	31.03.25 forecast £m	31.03.26 forecast £m
Loans CFR	781.5	833.6	883.5	947.5
Less: Balance sheet resources	210.6	143.8	143.8	143.8
Net loans requirement	570.9	689.8	739.7	803.7
Plus: Liquidity allowance	30.0	30.0	30.0	30.0
Liability benchmark	600.9	719.8	769.7	833.7
Existing borrowing	613.8	578.1	526.0	489.1



Treasury Management Indicators

Liability Benchmark

The total liability benchmark is shown in the chart, together with the maturity profile of the Council's existing borrowing. The red line is the liability benchmark reaching a peak in 2032 highlighting the gap between current borrowing identified in grey, which is reducing over time with repayments, and the additional borrowing required to fund the capital plan.



Treasury Management Indicators

Maturity Structure of Borrowing

- This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	Upper limit	Lower limit	30.9.23 actual	Complied
Under 12 months	20%	0%	23%	No
12 months and within 24 months	20%	0%	5%	Yes
24 months and within 5 years	60%	0%	8%	Yes
5 years and within 10 years	80%	0%	8%	Yes
10 years and above	100%	20%	55%	Yes

- Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment. LOBO options of £60 million have a potential repayment date during 2023-24 and have been included in the under 12 months line.



Treasury Management Indicators

Long term Treasury Management Investments

- The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The prudential limits on the long-term treasury management limits are:

	2023/24	2024/25	2025/26	No fixed date
Limit on principal invested beyond year end	n/a	n/a	n/a	n/a
Actual principal invested beyond year end	£10.0m	£10.0m	£10.0m	£10.0m
Complied	Yes	Yes	Yes	Yes

- Long-term investments with no fixed maturity date include strategic pooled funds, real estate investment trusts and directly held equity but exclude money market funds and bank accounts with no fixed maturity date as these are considered short-term.



Treasury Management Indicators

Interest Rate Exposures

Bank Rate rose by 1.25% from 4.25% on 1st April to 5.25 by 30th September.

For context, the changes in interest rates during the quarter were:

	31/3/23	30/9/23
Bank Rate	4.25%	5.25%
1-year PWLB certainty rate, maturity loans	4.78%	5.69%
5-year PWLB certainty rate, maturity loans	4.31%	5.22%
10-year PWLB certainty rate, maturity loans	4.33%	5.26%
20-year PWLB certainty rate, maturity loans	4.70%	5.64%
50-year PWLB certainty rate, maturity loans	4.41%	5.43%





Name of meeting: Cabinet

Date: 14th November 2023

Title of report: Withdrawal of Netherton and South Crosland Neighbourhood Plan Forum Designation

Purpose of report: To seek Cabinet approval for the withdrawal of the Netherton & South Crosland Neighbourhood Plan Forum Designation for the purposes of producing a Neighbourhood Development Plan.

<p>Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area compromising two or more electoral wards. Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Yes</p> <p>The withdrawal of the Neighbourhood Plan Forum designation affects one or more electoral wards (Crosland Moor and Netherton Ward).</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/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes</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>David Shepherd (Strategic Director – Growth and Regeneration, 31/10/2023)</p> <p>Isabel Brittain (Service Director – Finance, 27/10/2023)</p> <p>Julie Muscroft (Service Director – Legal, Governance and Commissioning, 01/11/2023)</p>
<p>Cabinet member portfolio</p>	<p>Cllr Graham Turner – 24th October 2023</p>

Electoral wards affected: Crosland Moor and Netherton Ward

Ward councillors consulted:

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

- Portfolio Holder briefing: Cllr Turner (24th October 2023)
- Cllr Kaushik, Cllr Lawson & Cllr Safdar were briefed via email (28th September 2023)

Public or private: Public

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

1. Summary

- 1.1 The purpose of the report is to seek Cabinet approval for the withdrawal of the Netherton and South Crosland Neighbourhood Plan Forum designation on the basis of non-compliance with statutory requirements in relation to the publicity of the forum and that the forum is no longer meeting to progress a neighbourhood plan.

2. Information Required to Take a Decision

- 2.1 There are two options set out in statutory regulations for the withdrawal of a neighbourhood plan forum designation:

Option 1: voluntary withdrawal of the designation –The Neighbourhood Planning (General) Regulations 2012, Regulation 12 states that *“where a neighbourhood forum gives notice to a local planning authority that it no longer wishes to be designated as the neighbourhood forum for a neighbourhood area, the local planning authority must withdraw the designation of the neighbourhood forum.”*

The chair of the Netherton and South Crosland Neighbourhood Forum informed the council in writing on 22nd September 2023 that the forum was not progressing with the neighbourhood plan and that the forum no longer met. Ward members were consulted and confirmed that they were not aware of any forum activity or an alternative group who wished to take on this role.

The forum designation could be removed on this basis. However, it was considered that there was a potential risk as no evidence has been provided by the Chair to demonstrate that the decision was formally voted on by the forum.

Option 2: withdrawal of the designation by the local authority – the Town and Country Planning Act 1990, Section 61F(9) states that: *A local planning authority may withdraw an organisation or body's designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting—*
(a) the conditions by reference to which it was designated, or
(b) any other criteria to which the authority were required to have regard in making the designation.

Netherton & South Crosland Neighbourhood Forum and Neighbourhood Area was designated by Cabinet at its meeting on 16th November 2021 subject to compliance with statutory requirements set out in section 61F(5) TCPA 1990 and Regulation 8 of the Neighbourhood Planning (General) Regulations 2012.

Regulation 8(d) states that *“contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10”*. Regulation 3 defines “contact details” as *“the name, address and telephone number of the person concerned”*.

Prior to the Cabinet meeting in November 2021, the chairperson requested that their contact details (address and telephone number) were redacted from the report due to personal reasons. As an interim measure, the council's contact details were set out in the Cabinet report with the assumption that alternative contact details for the forum would be provided to comply with statutory requirements. This did not occur; therefore, the Council was unable to proceed with Regulation 10 to publicise the neighbourhood forum. Therefore, the designation is in non-compliance with Regulation 8(d) of the Neighbourhood Planning (General) Regulations 2012.

Officers continued to seek contact details to enable compliance with statutory requirements and have offered to support the Forum with the development of the Plan. However, officers have been unable to resolve the issue with the forum. As with option 1, officers do not have a formal decision from the forum. However, non-compliance with statutory requirements and the Chair of Neighbourhood Plan Forum position, indicates that the issue is not likely to be resolved. In the light of this officers recommend to Cabinet that the neighbourhood forum designation is removed following the guidance set out in option 2.

- 2.2 There is a neighbourhood area designation associated with Netherpton and South Crosland. However, there appears to be no statutory basis to withdraw this under the Town and Country Planning Act 1990, the Neighbourhood Planning (General) Regulations 2012 or national planning policy guidance. Officers will seek further guidance from Locality (the national network to support local community organisations on neighbourhood planning) on this as both the removal of the forum designation and neighbourhood area would allow any future groups interested in progressing a neighbourhood plan to justify a new area based on the issues at that time.

3. Implications for the Council

Working with People

- 3.1 The council has a duty to provide support to those bodies preparing neighbourhood development plans and actively worked with the forum chair to understand the scope and requirement of a neighbourhood plan. This support was provided while trying to progress the publicity of the Neighbourhood Development Plan Forum and Neighbourhood Development Plan Area designations. Following a decision to work on a Community Action Plan, the council has provided support through joint working with the council's Active Citizens and Places Team.

Working with Partners

- 3.2 As above.

Place Based Working

- 3.3 Officers from the council's Planning Policy team attended community meetings to discuss neighbourhood planning and a community action plan. Additionally, the council's Active Citizens and Place team undertook a Place Standards engagement, 'Our Voice', which would have supported the Forum in the early evidence gathering stage of the neighbourhood plan process. This engagement is now being used to support the production of a Community Action Plan. This Community Action Plan outlines issues/concerns defined by the local community which are outside the remit of planning and therefore, a neighbourhood plan is not needed to progress actions.

Climate Change and Air Quality

- 3.4 The Council's Active Citizens and Place officers are liaising with the community on a Community Action Plan, which includes actions on exploring options with schools around their active travel plans, identifying and promoting cycling routes and recycling bins.

Improving outcomes for children

- 3.5 The Council's Active Citizens and Place officers are liaising with the community on a Community Action Plan, which includes actions on improvements to play areas and parks community gardening and looking at stay and play sessions in Netherton Community Centre.

3.6 Other

Integrated Impact Assessment (IIA)

An IIA took place when the Forum and Neighbourhood Area was first designated, and one is not needed for the withdrawal of the Forum designation, therefore, there are no implications in relation to an IIA.

Legal

Withdrawal of the forum designation will be implemented in accordance with section 61F(9) TCPA 1990.

Financial

There are no financial implications.

Human Resources

The process for withdrawal will be dealt with through existing staff resources.

Communications

There is a statutory requirement that the Council publicises the withdrawal of the Neighbourhood Forum designation.

4 Consultation

- 4.1 Subject to cabinet resolution to withdraw the forum designation, the council must publish a withdrawal statement as soon as possible, in accordance with the Neighbourhood Planning (General) Regulations 2012, regulation 12(2).

5 Engagement

- 5.1 The council has actively engaged with the Neighbourhood Plan Forum throughout the designation period, to progress the Neighbourhood Development Plan.
- 5.2 Ward members for Netherton and Crosland were consulted on the council's intention to withdraw the Neighbourhood Forum and updated once the chairperson formally told us that they no longer wished to progress a neighbourhood plan.

6 Next steps and timelines

- 6.1 Subject to Cabinet endorsement of the withdrawal of the Netherton & South Crosland Neighbourhood Plan Forum designation, under Neighbourhood Planning (General)

Regulations 2012, regulation 12, the council must publish a withdrawal statement on the council's website as soon as possible.

7 **Officer recommendations and reasons**

Officer Recommendation:

It is recommended that Cabinet:

- 1) Approve the **Withdrawal of the designation of the Netherton and South Crosland neighbourhood Forum** in accordance with the Town and Country Planning Act 1990, section 61F(9).

Reason: Non-compliance with the Neighbourhood Plan (General) Regulations 2012, Regulation 8 by not providing contact details that could be placed in the public domain to complete the publicity of the forum designation.

- 2) Authorise the publication of a withdrawal statement.

Reason: To comply with Neighbourhood Planning (General) Regulation 2012, regulation 12(2).

8. **Cabinet Portfolio Holder's recommendations**

Agree with officer recommendation.

9. **Contact officer**

Jacob Parker-Henry
Planning Policy Officer

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10. **Background Papers and History of Decisions**

Previous Reports:

[Microsoft Word - 2021_11_16 Netherton and South Crosland Neighbourhood Forum and Area applications.docx \(kirklees.gov.uk\)](#)

Previous Decisions:

- Cabinet Approval of Neighbourhood Plan Forum Designation and Neighbourhood Plan Area – 16th November 2021

11. **Service Director Responsible**

David Shepherd – Strategic Director for Growth & Regeneration

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