

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 9th February 2016**

Present: Councillor David Sheard (Chair)  
Councillor Steve Hall  
Councillor Erin Hill  
Councillor Viv Kendrick  
Councillor Peter McBride  
Councillor Shabir Pandor  
Councillor Cathy Scott  
Councillor Graham Turner

Apologies: Councillor Jean Calvert

In attendance:

Observers: Councillor Martyn Bolt

**205 Membership of the Committee**

Apologies were received from Councillor Jean Calvert.

**206 Minutes of previous meeting**

The Minutes of the meeting held on 17 November and 15 December 2015 were agreed as a correct record.

**207 Interests**

Councillor Cathy Scott declared a disclosable pecuniary interest in Agenda Item 10 - Leasehold Asset Transfer of Chickenley Community Centre, due to her being the Centre Manager and withdrew from the meeting during consideration of the item.

Councillor Steve Hall declared a disclosable pecuniary interest in Item 12 - Future Delivery of Housing Functions and Services (including repairs and maintenance) due to his wife working for KNH and took no part in the decision making process on the item.

Councillor Peter McBride declared an other interest in Agenda Item 19 - Provision of loan facility to a hotel development at the John Smith's Stadium site, Huddersfield, due to him being a Director at Kirklees Stadium Ltd and withdrew from the meeting during consideration of this item.

Councillors David Sheard, Erin Hill, Viv Kendrick, Shabir Pandor, Cathy Scott and Graham Turner declared other interests in Agenda Item 12 due to their Trade Union Membership.

**208 Admission of the Public**

Cabinet agreed that all items be considered in public with the exception of confidential information relating to the Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016/2017 and the Provision of loan facility to a hotel development at the John Smith's Stadium site, Huddersfield.

**209 Deputations/Petitions**

No deputations or petitions were received.

**210 Public Question Time**

No questions were asked.

**211 Member Question Time**

No Member questions were asked.

**212 Implications of School category changes for Land and Premises - an extension of delegation to Senior Officers to dispose of Council assets.**

Cabinet considered a report seeking the delegation of powers to the Assistant Director, Place and Assistant Director, Legal and Governance for them to be able to deal with the disposals of Council assets, when a school changes category or in order to regularise the position that has arisen as a result of historical or a new extension to certain types of schools. The report set out the range of categories of state funded and other types of schools and the implications in relation to land and buildings for each of these categories and, specifically, identified the circumstances where the Council was required to transfer ownership of buildings and/or land to a relevant school.

The report provided information on the proposed delegation of powers to the Assistant Director Place and Assistant Director, Legal and Governance.

**RESOLVED -**

(1) That the information received regarding the implications of school category changes for land and premises be noted.

(2) That approval be given to the delegation of powers to the Assistant Directors Place and Assistant Director Legal and Governance to deal with the disposal of Council assets either as a result of school expansion, historic or otherwise and also when a school changes category.

**213 Determination of Admission Arrangements for 2017/18**

Cabinet considered a report seeking the determination of School Admission arrangements for 2017/2018, both in relation to Kirklees Coordinated Admission schemes (including In-Year admissions) and admission arrangements for all Kirklees Community and Voluntary Controlled schools.

The report indicated that the Council is required by law to produce admission schemes to coordinate the admission of children to the first year of all schools in Kirklees and also sought approval for the Kirklees scheme for the coordination of the admission of rising 5 year olds and admission of first year of Junior, Middle and Secondary schools in 2017/18 (including In-Year admissions).

The considered report also advised that the Council was the admission authority for Kirklees Community and Voluntary Controlled schools and, following the annual consultation about arrangements for admission, the report sought authority to determine those admission arrangements for Kirklees Community and Voluntary Controlled schools for 2017/18 which had to be done by 28 February 2016, to comply with the School Admission Code.

The considered report provided information on the proposed admission arrangements in the above categories.

**RESOLVED -**

(1) That the Kirklees Coordinated Admission schemes for 2017/2018, including In-Year admissions, as set out at Appendix 2 of the considered report be approved.

(2) That the admission arrangements for Kirklees Community and Voluntary Controlled schools as detailed in Appendix 1 and including the recommended Pupil Admission Numbers (PAN's) for the schools where Governing Bodies requested a change to the PAN proposed by the Local Authority, as detailed in Appendix 1 to the considered report be approved.

**214**

**Leasehold Asset Transfer of Chickenley Community Centre**

Cabinet considered a report outlining a proposal to transfer the land and buildings on a long leasehold transfer, which currently make up Chickenley Community Centre at Princess Road, Chickenley, to the community location known as Chickenley Community Centre. The terms of the lease set out within the considered report included covenants to ensure that Chickenley Community Centre is a building that principally remained available for community use only.

The report indicated that the community asset transfer involved transferring land and buildings, from a statutory body to a community organisation at "less than best consideration" which was less than the full market value, in order to further local social, economic and/or environmental objectives.

The report indicated that the proposals were in line with the Council's Asset Management Policy which had been approved at Cabinet in October 2013.

**RESOLVED -**

(1) That officers be authorised to grant a 125 year full repair and insure leasehold of the building and land currently used for Chickenley Community Centre to the Community Association known as Chickenley Community Centre for no premium/nil consideration, subject to the lease containing covenants that restrict the use of the centre for community use, but with the flexibility that up to 30% of the floor space of the existing building on the centre can be used for commercial purposes.

(2) That it be noted that the Assistant Director Physical Resources and Procurement and Assistant Director Legal, Governance and Monitoring have delegated authority to negotiate and agree the terms of the lease that relate to the transfer of the Chickenley Community Centre.

**215 Transformation of Council Pre-school Daycare Services - Phase 5**

Cabinet considered a report providing an update on proposals for delivering the requirements of the Council's Medium Term Financial Plan for 2015-2018 within the Council's agreed Childcare Commissioning and Market Management Framework. The report specifically sought approval to proceed with a proposal at Little Jack's Day Care at Chickenley, Dewsbury.

The considered report provided information relating to the finances and demand for places at Little Jack's Nursery and, in line with the Council's Medium Term Financial Plan set out 4 options for consideration in relation to the future of the centre.

The considered report provided information on the benefits of the recommended option at Model C as set out at paragraph 2.13 to 2.16 of the considered report.

**RESOLVED** - That approval be given to the proposal as set out in model C to the considered report, which would result in the transfer of management of Little Jacks Nursery to Orchard Academy School.

**216 Future Delivery of Housing Functions and Services (including repairs and maintenance)**

Subsequent to a previous decision at Cabinet on 22 September 2015 regarding options for the future delivery of housing functions and services, to include repairs and maintenance, Cabinet considered a report providing a detailed analysis of an option to merge Kirklees Neighbourhood Housing (KNH) with Kirklees Building Services (KBS) as distinct from the continuation of the existing arrangements for both functions.

The considered report outlined the considerations for developing and determining the content and length of any new management agreement for the future delivery of housing functions and services in light of any merger, provided information on a high level deliverable implementation plan and timeline for a merger should this be agreed and sought approval to proceed with a merger of KNH and KBS.

Detailed information was contained within the considered report on the considerations that needed to be given in relation to the proposal to merge KBS and KNH, including how the proposal related to the Council in its journey to becoming New Council and the proposals linked to the Council's Strategic Priorities set out within the Kirklees Economic Strategy and the Joint Health and Wellbeing Strategy.

The report reminded Cabinet of the background to the proposal and set out a detailed option appraisal, including information on Governance, accountability and participation and a financial assessment of the proposals that were to be considered.

The report provided conclusions to the option appraisal which, on balance, recommended the option to merge KBS and KNH and the report then went on to set out the expectations of a merged organisation. Information was also contained within the report on the implications of the merger for the Council in relation to financial issues, including the Council's Medium Term Financial Plan and the Legal and Governance Implications of the proposal.

**RESOLVED -**

(1) That the Council's high level option appraisal included at paragraph 4.2 of the considered report be noted together with the appraisal commissioned by the Council from the Housing Quality Network set out at Appendix 1, together with all information in the considered report.

(2) That the recommended approach to transfer the Council's building maintenance DSO (Kirklees Building Services) to KNH Ltd, including staff as well as responsibility for operational repairs and maintenance services to Council Houses; other Council owned premises and work for some schools (proposed transfer) from or before 1 April 2017, be approved, subject to the satisfactory resolution of Legal, Financial, HR issues highlighted within the considered report.

(3) That the financial implications of the proposal shown at paragraph 4.2 and 7.1 of the considered report be noted together with the further work required by officers before it is possible to make the final decision in relation to the proposed transfer.

(4) That the legal framework set out at paragraph 7.2 of the considered report on the Council's legal power to enter into the proposed transfer arrangements and the further work required before it is possible to make a final decision in relation to the proposed transfer be noted.

(5) That the response to the statutory consultation exercise under Section 3 of the Local Government Act 1999 and Section 105 Housing Act 1985, together with the Council's response at Section 8 of the considered report and Appendix A be noted.

(6) That the proposed arrangements set out at paragraphs 6.9, 7.1.4 and 7.2.5 in relation to service level agreements between the Council and KNH be noted.

(7) That the HR implications at paragraph 7.3 of the considered report be noted and that approval be given to the transfer of all effected Council employees "in scope" and the provision of information and consultation as appropriate with Trade Unions.

(8) That the project management arrangements set out at paragraph 9.2 of the considered report, which would be responsible for ensuring the outstanding legal, financial, HR and organisational issues are addressed be noted.

(9) That authority be delegated to the Director of Place or authorised representatives to progress the matters, including amongst other things, those listed in the implementation plan, to effect the proposed transfer; in accordance with the Council's contract procedure rules, the award of a 20 year management agreement, covering housing management and building maintenance services; a new delivery plan; leases of relevant premises; appropriate valuations based on market rate; consents as considered appropriate; and any other ancillary documentation to effect the transfer and commencement of a new agreement from or before 1 April 2017 and that it be noted that if further risk are identified or there are any material changes to any issues that emerge, the report be brought back to Cabinet for further decision.

(10) That authority be delegated to the Assistant Director Legal, Governance and Monitoring to sign, seal (as appropriate), and enter into on behalf of the Council, any documentation (including, but not limited to) leases, a new 20 year management agreement, for housing management and building maintenance and repair services and other associated and or ancillary documentations to effect the transfer of services to KNH; and update the Councils constitution as required.

**217 West Yorkshire Transport Fund - Scheme Principles**

Cabinet considered a report providing information on a number of forthcoming sensitive issues which were likely to arise from the development of the Kirklees West Yorkshire Transport Fund Schemes and seeking approval of the key highway design principals associated with this initiative.

The considered report indicated that some of the key issues around how the Council improved and developed its main transport corridors to deal with traffic congestion problems where likely to be publically contentious and leading to Cabinet having to take difficult decisions. The considered report set out where the key issues may arise as well as proposed principles to help mitigate concerns arising from proposals under consideration.

The considered report provided information on the West Yorkshire Plus Transport Fund and specifically provided details on core projects and gateway schemes. The report recommended proposed principles relating to the design and implementation of schemes associated with the fund which was set out at paragraph 2.2 and went on to provide information on key considerations for each of the principles as set out below:-

- \* Strategic Needs v Local Concerns
- \* Creating Gateways to our main centres
- \* Land equitation/appropriation
- \* Use and management of road space
- \* Green streets/green corridors

That the report went on to set out the implications for the Council in adopting the design principles, including information on the financial implications.

**RESOLVED -**

(1) That approval be given to the following key highways design principals as a basis for the design and development of the Kirklees West Yorkshire Transport Fund schemes;

\* Strategic and local needs will need to be carefully considered but where there is a strong evidence need for measures in support of overall benefits, strategic priorities will take preference over local ones.

\* Gateways will be created on our main roads on approaches to all main towns and urban centres.

\* Where schemes require third party land acquisition for highway purposes, such land will be acquired using compulsive purchase order powers where agreement

cannot be reached by negotiation. Each case where a compulsive purchase order is considered necessary will be the subject of a further Cabinet report.

\* To improve the capacity and reliability of our existing transport corridors the use of management and road space will be considered and control measures proposed if congestion benefits will be achieved. Such measures to also consider potential mitigation measures for economic and environmental frontage activities.

\* The environmental and economic benefits of greening up our key transport corridors (green streets) is supported.

(2) That it be noted that the outcome of the application of these principals on all our Kirklees West Yorkshire Fund Schemes would be included in future individual project reports as they are developed and presented to Cabinet for consideration/approval.

**218 Creative Partners Investment Programme 2016**

Cabinet considered a report to seek approval of a delivery of a 1 year creative partners investment programme and the framework by which organisations would be selected onto the scheme. The report indicated that the framework options under consideration allowed for the extension of the current scheme for 1 final year, with the existing creative partners or to hold an open call for a 1 year programme of work. An analysis of both options was set out at paragraph 2.13 of the considered report and at Appendix 1 to the considered report.

**RESOLVED -**

(1) That option 2 set out at paragraph 2.11 of the considered report be approved in relation to the investment of the final £169,000 creative partner budget.

(2) That the Director of Community, Transformation and Change be delegated authority, after consultation with the Cabinet Portfolio Holder for resources and community safety, to approve which organisations are selected to the scheme based on the criteria set out at paragraphs 2.9 and 2.10 and how much each is awarded so that decisions can be made quickly, in order to help creative organisations with their financial planning.

**219 Place Directorate - Trade Waste Fees and Charges**

Cabinet considered a report seeking approval of a review of fees and charges for Trade Waste Services. The considered report set out information on the proposed increase in charges for all the services that were included within the schedule.

**RESOLVED -** That the fees and charges as set out within the considered report be approved with an effective implementation date of 1 April 2016.

**220 Dewsbury Market Hall Repairs**

Cabinet considered a report seeking approval to spend from the Market Capital budget, within the regeneration base line budget to replace external wooden fascia and aluminium angle strips around Dewsbury Market and to also repaint high level exterior areas of the building. Information was contained within the considered report of the work, which had an estimated cost of £97,098.

The report also set out recommended delegations to allow transfer of resources between projects, the addition of urgent projects to programmes on condition that the total cost of the programmes remains within the approved Capital allocations set by Council for the rest of the year 2015/2016 and to slip or delete projects during the course of the financial year to enable the effective management of the programmes concerned.

**RESOLVED -**

(1) That approval be given to the Capital Spend from the Market Capital Budget within the regeneration base line budget, as set out in the considered report, to complete the refurbishment works required at Dewsbury Market.

(2) That authority be delegated in accordance with Council Financial Procedure Rules to the Director of Economy, Skills and Environment to manage the implementation within the respective agreed total market capital budget as set out in section 2 of the considered report.

**221 Parks and Greenspace Refurbishment Programme 2016/17**

Cabinet considered a report seeking approval to the Streetscene - Park Capital Plan and the Section 106 expenditure programme for 2016/2017. The Appendix to the considered report provided information on the proposed schemes both in relation to the Parks Capital Plan, totalling £150,000 and the use of Section 106 monies totalling £101,500.

**RESOLVED -**

(1) That approval be given to the expenditure of £150,000 capital funding in order to upgrade and improve provision and the £101,500 Section 106 monies as outlined in the work programme and set out within the considered report, in relation to the Parks and Greenspace refurbishment programme for 2016/2017.

(2) That authority be delegated to the Head of Environment and Greenspace to authorise works.

**222 Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016/17 - 1 Year**

Cabinet were asked to give consideration to proposals for a 1 year Capital Investment Vehicle Replacement programme so as to allow a continuation of the previous replacement programme which had been approved at Cabinet in July 2014 and expired on 31 March 2016. The report also requested consideration of delegated authority to manage and implement the Capital Investment Vehicle Replacement programme within the agreed budget.

Prior to a decision being taken in relation to this item Cabinet considered confidential financial information in relating to the proposed Capital Investment Vehicle Replacement programme, which had been included in a confidential Appendix.

**RESOLVED -**

(1) That approval be given to the continued investment of £2.577m in the vehicle replacement programme for the financial year 2016/2017, as identified in the Capital Plan and set out in the considered report, subject to approval by Council on 17 February 2016.

(2) That approval be given to the officer delegation outlined at paragraphs 2.6 and 2.7 of the considered report, to manage the implementation of the vehicle replacement programme within the agreed budget and in accordance with Council Financial Procedure Rules 3.10 to 3.12, to the Director of Economy, Skills and the Environment.

**223 Provision of loan facility to a hotel development at the John Smith's Stadium site Huddersfield**

Cabinet considered a report setting out a proposal to provide secured loan facility to a scheme to develop a business class hotel at the John Smith's Stadium, Huddersfield. The considered report provided information on the proposed development of a hotel, set out its links to the overall HD1 development of the John Smith's Stadium and provided information on the proposal to create a joint venture special purposes vehicle, to carry out the development of the hotel in conjunction with an international hotel group, who would manage the facility post completion.

The considered report provided information on the request from the Kirklees Stadium Development Ltd company for the provision of a senior debt facility to the development of the hotel to a maximum of £9m over 25 years term. An assessment of the proposed loan was included within the considered report and an analysis of the advantages that the hotels scheme would bring to both the Huddersfield area, the Stadium and the investment potential for a wider HD1 development. Taking account of the assessment, it was recommended that Cabinet give authority to enter into detailed negotiations for a loan facility of up to £9m.

Detailed financial information in relation to the proposal was included in a private Appendix to the considered report and Cabinet gave consideration to this information prior to taking a decision on the proposed loan.

**RESOLVED -**

(1) That officers be authorised to enter into detailed negotiations on a loan agreement to provide up to £9m of secured senior debt funding, to the proposed hotel development at the John Smith's Stadium site, Huddersfield.

(2) That authority be delegated to the Director of Resources to agree the terms of the loan agreement and the Assistant Director (Legal, Governance and Monitoring) to enter into any documentation required to secure this and that the loan agreement be subject to appropriate due diligence on the business case and financial projections provided by Kirklees Stadium Ltd / Hotel Land Development Ltd in respect of the hotel proposal.

**224 Exclusion of the Public**

That acting under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that

it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

**225 Transport Services - 1 Year Capital Investment Vehicle Replacement Programme 2016 - 2017**

(Exempt information relating to financial or business affairs of any particular person. It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely affect overall value for money and compromise commercial confidentiality, which outweighs the public interest in disclosing the information)

Prior to taking a decision in relation to the 1 year Capital Investment Vehicle Replacement programme for 2016/2017, Cabinet considered an Appendix containing confidential financial information in relation to the proposal.

**226 Provision of loan facility to a hotel development at the John Smith's Stadium site Huddersfield**

(Exempt information relating to information provided by a third party. It is recommended that the exemption be provided because the information relates to an individual and includes commercially sensitive information about a third party who has an interest in investing in the commercial development at the John Smith's Stadium site, Huddersfield, which outweighs the public interest in providing the information for reasons of open Governance)

Prior to taking a decision on proposals for the provision of a loan facility to a hotel development at John Smith's Stadium site, Huddersfield, Cabinet gave consideration to commercially sensitive financial information in relation to the proposal.