

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 26th July 2016

Present: Councillor David Sheard (Chair)
Councillor Shabir Pandor
Councillor Naheed Mather
Councillor Musarrat Khan
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Masood Ahmed

Apologies: Councillor Peter McBride

Observers: Councillor Donna Bellamy

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor McBride.

2 Minutes of previous meetings

RESOLVED - That the Minutes of the meetings held on 9 May and 24 May 2016 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

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

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Member Question Time

No questions were asked.

8 Amendments to Parking Tariffs within Wellington Road Station, Wellington Road West and Railway Street Car Parks in Dewsbury

Cabinet gave consideration to a report which sought approval for amendments to parking tariffs at Wellington Road Station and Wellington Road West Car Parks, near Dewsbury Town Centre. The report advised that requests had been made by local businesses and members of the public to introduce a tariff for shorter car park visits, in addition to the two existing commuter tariffs. It was proposed (Option 1) that the existing tariffs of up to and over 5 hours remain, and that an additional option of 50p per hour also be introduced. An alternative (Option 2) would be that a charge of £1 for up to two hours be introduced, in addition to the existing tariffs. The report advised that the proposal would cost the Council £5,000 to implement, by way of amendment to the existing parking places order and changes to signage, and that if approved, would be operational from August/September 2016.

RESOLVED -

(1) That Option 1, as detailed in the report be approved, and that the car parking tariff for Wellington Road West and Wellington Road Station, Dewsbury, be amended to include a payment option of 50p per hour, in addition to the existing tariffs.

(2) That, pursuant to 1 above, the changes be advertised, the Parking Places Order be amended, and that the revised tariff be implemented as soon as is possible.

9 Regionalisation of Adoption Services

Cabinet received a report which set out information regarding adoption reform proposals contained within the Education and Adoption Act 2016, and the proposal for all local authorities to be part of a Regional Adoption Agency (RAA), or to have delegated their adoption functions to an RAA, by 2020. The report set out details of plans to develop a hub and spoke model of delivering adoption services in the region and explained that the intention was that the regional hub would fulfil some functions and that there would be three spokes of West Yorkshire, South Yorkshire and North and Humber, which would deliver adopter recruitment, assessment and adoption support at a local level. It explained that there were proposals for the five West Yorkshire Authorities to form a Regional Adoption Agency, to be hosted by Leeds City Council, and that agreement was sought in principle to implement the proposed model subject to the satisfactory resolution of matters as detailed at Paragraph 2.1 of the considered report.

Cabinet noted that one of the likely benefits of the regionalised approach would be the realisation of economies of scale and that the management of the Kirklees adoption responsibilities were likely to require fewer resources once the RAA was established. It was noted that a further update report would be submitted to Cabinet during December 2016.

RESOLVED -

(1) That approval be given to the formation of a Joint Committee, comprising the five West Yorkshire Councils, to include sub-regional adoption agency arrangements for West, South and North Yorkshire.

(2) That the Director of Children's Services be authorised to continue to work with the other participating Councils to progress the formation of the Hub and Spoke model for the regionalisation of adoption.

10 Update on the implications of the Supreme Court Ruling on Deprivation of Liberty Safeguards

Cabinet received a report which set out an update on the impact and risks of the 2014 Supreme Court judgement on Deprivation of Liberty Safeguards (DoLS), pursuant to the report previously considered on 30 June 2015. The report advised that, since the report was submitted, there had been more than double the number of applications anticipated in 2015/2016, totalling 1,752, in relation to persons living in care homes and hospitals. In addition, there were up to 100 people with a learning disability living in the community who could potentially be deprived of their liberty, and therefore subject to application to the Court of Protection for authorisation of a DoL. It was noted that work was currently taking place to identify the number of people with dementia living in the community who may require Court of Protection consideration.

The report provided an update on the impact and risks to the Council from the continued increase in the number of applications and details of the national response and local action taking place to deal with the consequential workload. It explained that the average cost of a DoL in a care home or hospital was £1,300, although a single non-complex case could incur up to £4,000 costs if it needed to be considered by the Court of Protection, and a complex case would cost considerably more.

Cabinet noted the cost implications of DoLs, which were set out at paragraph 4.1 of the report. Information regarding the DoLS process for people living in care homes was attached at Appendix 1 of the considered report, and Appendix 2 set out the process for those living in the community.

RESOLVED -

(1) That the update on the implications of the Supreme Court Ruling on Deprivation of Liberty Safeguards, and the contribution of DoLS activity to pressure on service provision be noted.

(2) That any overspend in this area be drawn down from reserves as a volume pressure, consistent with the approved principle of drawing down volume pressures from reserves in other areas.

11 Proposals to update the Council's RIPA Policy

Cabinet received a report which outlined the use of the Regulation of Investigatory Powers Act 2000, and sought approval for the adoption of an amended Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Guidance document. Cabinet was asked to give consideration to the RIPA Policy attached at Appendix 2 of the report, which was proposed to replace the RIPA Policy previously approved by Cabinet on 4 June 2013, and incorporated the amendments recommended by the Office of the Surveillance Commissioners and an update to the list of statutory instruments relevant to the policy.

The recommendations of the Office of Surveillance Commissioners were set out at paragraph 3 of the considered report.

RESOLVED -

(1) That the actions being taken to implement the recommendations of the Office of the Surveillance Commissioners be noted.

(2) That the adoption of the revised RIPA Policy and Guidance document, as detailed at Appendix 2 of the report, be approved.

(3) That authority be delegated to the Chief Executive to nominate officers who are to be Authorising Officers for the purposes of the RIPA regime, and to remove officers from the role of Authorising Officer.

12 Freehold Asset Transfer of Howden Clough Community Centre, Leeds Road, Birstall

Cabinet received a report which set out a proposal for a freehold transfer of the land and buildings which currently make up Howden Clough Community Centre, Leeds Road, Birstall, to the Howden Clough Community Association. The report set out the background to the Community Association's request and the Council's proposed response to transfer the asset at nil consideration but with restrictive covenants in place to ensure that the Centre remained available for community use only.

The report advised that the Community Association had submitted a robust application and business plan in line with the requirements of the Asset Transfer Policy which had been assessed based on five main areas of financing, community impact, risk, organisation strength and the asset.

Cabinet noted that the Centre was in an acceptable state of repair and that current building running costs were £4,750 due to the lease currently holding over and having a shared responsibility for repairs and maintenance. It was noted that the freehold transfer would result in a £4,750 revenue saving to the Council.

RESOLVED -

(1) That Officers be authorised to transfer the freehold of Howden Clough Community Centre to Howden Clough Community Association for nil consideration and to include covenants to ensure that the centre can be used for Community Use with an exception of up to 30% of commercial use in line with previous asset transfers.

(2) That it be noted that the Assistant Director – Place, and the Assistant Director – Legal, Governance and Monitoring, have delegated authority to negotiate and agree the terms and red line boundary of the freehold transfer that relate to the transfer of the Howden Clough Community Centre to Howden Clough Community Association.

13 Freehold Asset Transfer of Marsden Mechanics Hall, Peel Street, Marsden

(Under the provision of Council Procedure Rule 37, Cabinet received a representation from Fiona Russell, on behalf of Marsden Community Trust. Under the provision of Council Procedure Rule 36 (1), Cabinet received a representation from Councillor Bellamy.)

Cabinet received a report which set out a proposal for a freehold transfer of the land and buildings which currently make up Marsden Mechanics Building , Peel Street, Marsden, to Marsden Community Trust Ltd. The report set out the background to the Community Association's request and the Council's proposed response to transfer the building and courtyard at nil consideration but with restrictive covenants in place in order to protect community use.

The report advised that the Community Association had submitted a robust application and business plan in line with the requirements of the Asset Transfer Policy which had been assessed based on five main areas of financing, community impact, risk, organisation strength and the asset.

Cabinet noted that the Centre was in a reasonable state of repair and that current revenue running costs were £25,600 due to the Association holding a partial lease of the Hall which has meant that the Council is responsible for all repair, maintenance and general running costs of the building. It was noted that the freehold transfer would result in a £25,600 revenue saving to the Council.

RESOLVED -

(1) That Officers be authorised to transfer the freehold of Marsden Mechanics Building and Courtyard to Marsden Mechanics Trust for nil consideration, subject to (i) the requirement that there should be a formally agreed license of part of the building for use of the library and information centre and (ii) covenants to ensure that the centre can be used for Community Use with an exception of up to 30% of commercial use in line with previous asset transfers.

(2) That it be noted that the Assistant Director – Place, and the Assistant Director – Legal, Governance and Monitoring, have delegated authority to negotiate and agree

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the terms of the freehold transfer, including the red line boundary, that relate to the transfer of the Marsden Mechanics Building to Marsden community Trust.

(3) That the Marsden Mechanics Trust be invited to submit a business case requesting the asset transfer, at a future date, of the area currently occupied by the public toilets and that the business case should meet the needs of both the school and the building.