

Contact Officer: Andrea Woodside

## **KIRKLEES COUNCIL**

### **CABINET**

**Tuesday 8th March 2016**

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

Apologies: Councillor David Sheard (Chair)  
Councillor Jean Calvert

**227 Membership of the Committee**

Apologies for absence were received on behalf of Councillors Calvert and Sheard.

**228 Minutes of previous meetings held on 17 December 2015, 12 January 2016 and 2 February 2016**

**RESOLVED** - That the Minutes of the meetings held on 17 December 2015, 12 January 2016 and 2 February 2016 be approved as a correct record.

**229 Interests**

No interests were declared.

**230 Admission of the Public**

It was noted that Agenda Items 25, 26 and 27 would be considered in private session (Minute No.'s 252, 253 and 254 refers).

**231 Deputations/Petitions**

Cabinet received a deputation from Dr G Morley in relation to the proposed sports provision at Spenborough pool, and the proposals for the development of a sports hall at the Whitcliffe Mount site.

**232 Public Question Time**

No questions were asked.

**233 Member Question Time**

(i) Councillor Bolt asked a question in relation to road congestion and asked for an update on proposals to improve traffic flows in the area, specifically regarding the A62.

(ii) Councillor Bolt asked a question from in relation to traffic incidents on the B6118 and asked for an update on the action that was being taken.

(iii) Councillor Bolt asked a question in relation to the Flood Risk Management Strategy and sought clarification as to when the Strategy would be updated, making reference to climate change and flooding issues in the Mirfield area.

(iv) Cabinet received a question from Councillor J Taylor in relation to the use of Council resources by Ward Councillors.

**234 Regional Devolution Update**

**RESOLVED** - That an update on Regional Devolution be submitted to the meeting of Council on 23 March 2016.

**235 Inclusion and Diversity in Kirklees - Work on a new policy statement for 2016/17**

(Under the provisions of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Pattison)

Cabinet received a report which set out details of the work undertaken to draft a new Policy Statement on 'Inclusion and Diversity for Kirklees 2016/2017', prior to its submission to Council on 23 March 2016.

Cabinet noted the work of the Task and Finish Group, which had been established to review and update the Policy Statement on Inclusion and Diversity. A copy of the revised Policy Statement, along with a diagram illustrating the key components of the new statement, were appended to the considered report.

Cabinet noted the content of the revised statement and endorsed its submission to the meeting of Council on 23 March with a recommendation of approval.

**RESOLVED** - That the report be noted and submitted to the meeting of Council on 23 March 2016 with a recommendation that the Inclusion and Diversity Policy Statement be adopted.

**236 Tackling Poverty Strategy Refresh**

Cabinet received a report which set out details of the Tackling Poverty Strategy Refresh prior to its submission to Council. The document set out details of the New Council approach to providing practical help for those suffering from the effects of poverty within the community.

The report advised that, since the previous strategy had been developed, there had been a shift in the nature of poverty and changes in the pattern of poverty. In addition, the policy environment in which the strategy operates had also changed

and so the Refresh Strategy aimed to focus on building self-reliance and helping people to avoid crisis situations.

Cabinet endorsed the content of the document, which was appended to the report, and agreed that it be submitted to Council with a recommendation of approval.

**RESOLVED** - That the Tackling Poverty in Kirklees strategy and Action Plan 2016-2018 be noted and submitted to the meeting of Council on 23 March 2016 with a recommendation that the strategy be adopted.

**237 Charging Locala for the use of Council Resources**

Cabinet gave consideration to a report which sought approval to charge Locala Community Partnerships CIC for providing accommodation and the use of the Council's IT system.

The report advised that, if Cabinet supported the arrangement as outlined within the considered report, the Council would enter into the appropriate legal documentation with a view to commencing providing the service from April 2016. It was proposed that a data processing agreement between Locala as the data controller and the Council, as the data processor, would be agreed with Locala and Legal Services, on behalf of the Council.

**RESOLVED -**

(1) That the proposals as detailed in the report be endorsed.

(2) That authority be delegated to the Director of Commissioning, Public Health and Adult Social Care, and the Assistant Director (Legal, Governance and Monitoring) to (i) enter into negotiations with Locala to finalise the proposed data processing agreement; and (ii) keep the agreement under review and to negotiate and agree any subsequent variations to the terms of the agreement with Locala as and when is necessary.

(3) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to (i) execute the final form of the data processing agreement on behalf of the Council, as agreed by the Director for Commissioning, Public Health and Adult Social Care and the Assistant Director (Legal, Governance and Monitoring); and (ii) to enter into any future variations to the terms of the agreement on behalf of the Council, as agreed by the Director for Commissioning, Public Health and Adult Social Care and the Assistant Director (Legal, Governance and Monitoring).

**238 Potential implications of the Government's Housing and Planning Bill on the preparation of the Council's Local Plan and Neighbourhood Planning**

Cabinet received a report which set out the implications that the Housing and Planning Bill and other associated consultations being carried out by the Department of Communities and Local Government may have upon the Local Plan.

The report set out a summary of issues of direct relevance in regard to Local Plans and Planning Policy Matters. An appendix to the report set out each of the main provisions of the Housing and Planning Bill, together with the relevant elements of the consultations that had been undertaken, and a summary of issues and risks.

**RESOLVED** - That the detail of the potential implications of the Government's Housing and Planning Bill on the preparation of the Council's Local Plan and Neighbourhood Planning be noted.

**239 Kirkburton Parish Council Neighbourhood Area Application for Kirkheaton**  
(Under the provisions of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Bolt)

Cabinet received a report which set out the comments received in response to the 6 week publicity period on Kirkburton Parish Council's application for a Neighbourhood Planning Area. The report also set out details of the publicity process and the implications of approving the application, which was attached at Appendix 1 of the report.

The report advised that, subject to approval, the Council would advertise the decision and meet with Kirkburton Parish Council (or its Steering Group) to form a working partnership and determine the level of officer support to be provided through a service level agreement in accordance with Neighbourhood Planning Guidance Note 4.

Cabinet noted that 'Kirkheaton Futures' would be responsible for carrying out consultation and engagement on their proposals within the Neighbourhood Plan area, and developing their Neighbourhood Plan.

**RESOLVED** - That the Kirkburton Parish Council Neighbourhood Area Application, as attached at Appendix 1 of the report, be approved.

**240 Implications arising from the Education Funding Agency proposals for the Mount Pleasant Primary School site**

Cabinet received a report which provided an update on the current position regarding the proposed new build school for Mount Pleasant Primary, and the associated decant of the school into temporary accommodation. The report sought approval in regard to revised proposals that had been received from the Education Funding Agency, and explained the implications that would arise from them, as detailed in paragraph 2B of the report.

Cabinet noted that a further report would be submitted during the autumn which would outline the final revenue impact of the revised proposals following the financial close between the EFA and Kier Construction in July 2016. The remaining provision within the reserves for the original decant proposals would then be reviewed as part of the Council's 2017/2018 budget preparation.

**RESOLVED** -

(1) That approval be given to the discontinuation of the off-site decant of Mount Pleasant Primary to the Yews Hill Road site.

(2) That authority be delegated to the Director of Economy , Skills and the Environment authority to negotiate and agree with the Education Funding

Agency/Kier as to a revised delivery programme for Mount Pleasant Primary that involves an on-site decant.

(3) That the past and potential future calls on the previously allocated revenue budget for this project, as outlined in paragraphs 2.23 to 2.26, be noted.

(4) That approval be given to a capital budget of up to 425k to be funded from Section 106 contributions/Schools' Basic Need grant to enable officers to negotiate and agree essential capital improvements to the current EFA project.

(5) That authority be delegated to the Director of Economy, Skills and Environment, and the Director for Children and Young People, to negotiate and agree with the EFA and the school the required revenue and capital contributions arising from recommendations (2), (3) and (4) above.

(6) That the Director of Resources be authorised to issue a Section 151 letter in relation to any funds payable to the EFA as a result of the recommendations as set out above.

(7) That it be noted that a further report will be submitted to Cabinet during autumn 2016 outlining the final revenue impact of the revised proposal on the Council.

**241 Waste and Street Cleansing Policy Review**

(Under the provisions of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Bolt)

Cabinet received a report which requested that approval be given to the implementation of operational and policy changes related to waste management as detailed in the report.

The report explained that the proposals would allow the Council to meet Medium Term Financial Plan Service Budget Targets, as well as creating a Policy Framework that would allow some measure of control on waste arisings to mitigate budget pressure both now and in the future. The total of the savings would be in excess of £1m per annum.

**RESOLVED** - That approval be given to support the operational changes as set out at Policies W7b, W10, W11, W15, W16, W19 and W21 as detailed within the report.

**242 Future provision of Seasonal Plants**

(Under the provisions of Council Procedure Rule 36(1) Cabinet received representations from Councillors J Taylor and A Pinnock)

Cabinet received a report which provided an update on the market testing and best value exercise that had been undertaken on the supply of seasonal plants to parks and green space requirements. The report also sought approval to outsource the supply of seasonal bedding and hanging baskets in the future.

Cabinet noted that a procurement process had been carried out in respect of the provision of (a) hanging baskets and (b) annual bedding plants and identified a

potential annual saving of £169,000. The report advised that, if the activity was outsourced there would be a saving to the Council of the cost of supply, and that the existing provision nursery would be closed as plants would be supplied directly to depots.

**RESOLVED -**

(1) That the proposal to outsource the supply of seasonal bedding and hanging baskets be approved and implemented with effect from August 2016.

(2) That Officers be requested to identify other supply methods for office planters if Council services consider them suitable to provide future provision.

(3) That Officers be requested to ensure that any available over capacity/supply is available for public sale.

**243 Corporate Performance Report - Quarter 3 2015/16**

Cabinet received the Quarter 3 Corporate Performance report for 2015/2016, which provided an overview of the Council's performance at the end of Quarter 3. It was noted that this was supported by reports on progress against outcomes in the Joint Health and Wellbeing Strategy and Kirklees Economic Strategy. Key points arising were highlighted in paragraph 2 of the report.

**RESOLVED -** That the 2015/2016, Quarter 3, Corporate Performance report be received and noted.

**244 Corporate Plan 2016-17**

Cabinet received the Corporate Plan 2016/2017, prior to its submission to Council. Cabinet noted that the plan formed part of the Council's Budget and Policy Framework and, alongside the Corporate Budget, established a structure that linked the Council's vision and the Council's activities and Performance Management Framework.

Cabinet noted that the Corporate Plan reflected upon the progress that had been made in the last year, including examples of where changes had been made and what was expected to be achieved in the next year.

**RESOLVED -**

(1) That the report be endorsed and submitted to the meeting of Council on 23 March 2016 which a recommendation of approval.

(2) That Council be recommended to delegate authority to the Chief Executive to make minor changes to the Corporate Plan 2016/2017 for publication purposes.

**245 Highways Capital Plan 2016/17**

(Under the provisions of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Bolt)

Cabinet received a report which set out the detailed Highways Capital Plan for 2016/2017, and associated business cases.

It was noted that, on 17 February 2016, Council had considered the draft 5 year Capital Investment Plan which had included an allocation of £13.683m for Highways Services in 2016/2017. Appendix 1 to the report set out individual scheme detail to the approved base line programme. The business cases for each programme area was set out at Appendix 2.

The report advised that Council Capital Investment in the 2016/2017 Highways Capital Plan amounted to £4.898m, funded through prudential borrowing. The average revenue cost of financing this level of borrowing is 6.7% per annum, equating to £328,000 per annum. In addition to the Highways Capital Plan, a number of major transport improvement schemes were being developed for implementation in future years as part of the £1billion West Yorkshire Plus Transport Fund.

**RESOLVED -**

(1) That approval be given to the detailed Capital Plan in the sum of £13.683m, as detailed in Appendix 1 of the report.

(2) That authority be delegated, in accordance with Council Financial Procedure Rules 3.12 and 3.13, to the Director of Place to manage the Highways Capital Plan.

(3) That authority be delegated in accordance with Council Financial Procedure Rules 3.14 to 3.16, to the Director of Place to exercise virement within the Highways Capital Plan.

**246 Capital Investment Plan 2015/16 - 2019/20, Quarter 3 Capital Monitoring 2015/16**

Cabinet received a report which set out the Quarter 3 Capital Monitoring report for 2015/2016. It advised that, at the end of Quarter 3, actual expenditure was to £48.7m which represented 42.4% of budget. The projected year end expenditure stood at £83.4m, against a current budget allocation of £114.9m. This variance of minus £31.5m represented 27.4% of the total budget and related to slippage rather than anticipated underspend.

Appendix 1 to the report set out details of total budget, actual spend to date, total projected spending and any subsequent variances. Appendix 2 set out an explanation of major variances from the Capital Plan.

**RESOLVED -** That the Quarter 3 (2015-2016) Capital Monitoring report, and Prudential Indicator information, as detailed in the report, be received and noted.

**247 Corporate Revenue Financial Monitoring Report, Quarter 3, 2015-16**

Cabinet received the third in a quarterly cycle of consolidated revenue budget monitoring statements. The report and accompanying appendices, represented an overall forecast revenue outturn for 2015-2016 at Quarter 3, including detail on emerging developments and risks.

The report also set out a summary update on Council reserves at Appendix A.

**RESOLVED** - That the Quarter 3 (2015-2016) Corporate Revenue Monitoring report, be received and noted.

**248 Pioneer House and land at Bradford Road, Dewsbury**

(Under the provisions of Council Procedure Rule 37, Cabinet received a representation from Mr Oxley)

Cabinet gave consideration to a report which sought approval for support to Kirklees College in creating a new education facility in Dewsbury incorporating Council owned properties at Pioneer House and land at Bradford Road, Dewsbury.

The report advised that the project would rationalise the College's existing campus with a reduction of floor space by 52%. The relocation would enable the College's existing site to be redeveloped for residential use and the new facility would enhance education provision in North Kirklees. The relocation would enable a consolidation of 1,600 day time students at the Bradford Road site, and a further 1,000 at Pioneer House. The target opening date of the Dewsbury Learning Village would be September 2017.

(Cabinet gave consideration to exempt information at Agenda Item 25 (Minute No. 252 refers) prior to the determination of this item).

**RESOLVED -**

(1) That the Council's commitment to work with Kirklees College to bring Pioneer House back into use as a new education facility be endorsed.

(2) That it be agreed that, while the Dewsbury Learning Village is being progressed, it will not take forward any of the offers received for the disposal of the land at Bradford Road.

(3) That further reports setting out the detailed terms of any disposal of Pioneer House and the land at Bradford Road be submitted to a future Cabinet meeting for consideration before a final decision is taken on its future use.

**249 Dewsbury Townscape Heritage Initiative (THI) - Grant Applications: Northgate House, 38 Northgate/47 Foundry Street & 13-17 Corporation Street**

Cabinet gave consideration to a report which sought approval for the use of 3 Dewsbury Townscape Heritage Initiative Grants towards improving properties at Northgate House, 38 Northgate/27 Foundry Street and 13-17 Corporation Street. It was noted that all properties were part of the Heritage Lottery Funding/Council funded Townscape Heritage Initiative programme, which covered part of Dewsbury Town Centre.

The report advised that the project would comprise of external improvements to the 3 properties including (i) replacing existing modern shopfronts with traditional shopfronts, (ii) external decoration, (iii) external repairs including replacement of defective gutters and foul pipes, (iv) replacement/refurbishment of upper floor windows, (v) structural repairs and (vi) reinstatement of architectural features and restoration of stonework.



An outline of the grant applications was set out at Appendix 1 to the report. Appendix 2, which was considered in exempt session, outlined financial aspects of each grant application.

(Cabinet gave consideration to exempt information at Agenda Item 26 (Minute No. 253 refers prior to the determination of this item)

**RESOLVED -**

(1) That approval be given to the award of Townscape Heritage Initiative grants (as detailed in Appendix 2 of the report) for; Northgate House, 38 Northgate/47 Foundry Street and 13-17 Corporation Street.

(2) That authority be delegated to (i) the Assistant Director for Place to authorise actual payment of the grants, upon receipt of a completed application form and all necessary supporting information and (ii) the Assistant Director (Legal, Governance and Monitoring) to enter into and seal all grant agreements legal charges and ancillary documents relating to the grants.

**250      2015/16 and 2016/17 Council Capital Plan - Proposed allocation of 2016/17 capital funding from the Directorate for Children and Young People (DCYP) baseline sections of the Capital Plan along with details of proposed amendments to the 2015/16 approved programme of works**

Cabinet received a report which identified potential projects to be funded from the baseline sections of the Capital Plan, which was approved by Council on 17 February 2016. Cabinet were asked to consider and approve the Condition Programme, along with named projects to be delivered in 2016/2017, and to authorise delegated powers.

The report also provided an update regarding the delivery of the 2015/2016 Condition and New Pupil Place Programmes.

(Cabinet gave consideration to exempt information at Agenda Item 27 (Minute No. 254 refers) prior to the determination of this item)

**RESOLVED -**

(1) That approval be given to the business case as attached at Appendix A of the report.

(2) That approval be given to the detailed list of proposed works in schools for 2016/2017 as attached at Appendix B.

(3) That authority be delegated to the Director of Economy, Skills and the Environment to enable the programme to be managed and the identified works contained within the respective agreed total programme budgets to be implemented.

**251      Exclusion of the Public**

**RESOLVED -** That acting under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for 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, as specifically stated in the undermentioned Minutes.

**252 Pioneer House and land at Bradford Road, Dewsbury**

(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). 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 could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in council decision-making.)

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 21 (Minute No. 248 refers).

**253 Dewsbury Townscape Heritage Initiative (THI) - Grant Applications: Northgate House, 38 Northgate/47 Foundry Street & 13-17 Corporation Street**

(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as it contains information that relates to the financial or business affairs of persons (or the Authority holding that information), specifically information relating to the applicant's financial status and contractors' tender prices. It is considered that disclosure of the information would adversely affect the companies concerned. The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 22 (Minute No. 249 refers).

**254 2015/16 and 2016/17 Council Capital Plan - Proposed allocation of 2016/17 capital funding from the Directorate for Children and Young People (DCYP) baseline sections of the Capital Plan along with details of proposed amendments to the 2015/16 approved programme of works**

(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). 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 could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in council decision-making.)

## **Cabinet - 8 March 2016**

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 23 (Minute No. 250 refers).