

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 23rd August 2016

Present: Councillor David Sheard (Chair)
Councillor Shabir Pandor
Councillor Peter McBride
Councillor Naheed Mather
Councillor Erin Hill
Councillor Masood Ahmed
Councillor Graham Turner

Apologies: Councillor Musarrat Khan
Councillor Viv Kendrick

In attendance:

Observers: Councillor Mohan Sokhal

14 Membership of the Committee

Apologies for absence were received on behalf of Councillors Kendrick and Khan.

15 Minutes of previous meeting

RESOLVED - That the Minutes of the meetings held on 26 July 2016 be approved as a correct record.

16 Interests

Councillor Ahmed declared an 'other' interest in Agenda Item 11 on the grounds that he has a family member who is a KNH tenant. (Minute No. 24 refers)

17 Admission of the Public

It was noted that Agenda Item 18 would be considered in private session. (Minute No. 31 refers)

18 Deputations/Petitions

Cabinet received deputations from (a) Graham Paisley (Unison) and Sarah Simmonds in relation to Agenda Item 13 and (b) Graham Paisley (Unison) in relation to Agenda Item 14. (Minute Nos 26 and 27 refers)

19 Public Question Time

No questions were asked.

20 Member Question Time

No questions were asked.

21 Sustainable communities - A draft policy statement from the Policy Committee in 2015/16

Cabinet received a report which provided an update on the work undertaken to date in the drafting of a policy on 'Sustainable Communities', following the decision of Policy Committee on 14 April 2016.

The report advised that the Policy Committee had reviewed the Council's current Policy Framework and identified several areas to review during 2015/2016. At the meeting of 23 September 2015, a decision had been taken to create a policy statement on 'sustainable communities', which did not form part of the Policy Framework, and established a 'task and finish' group. The work that had been undertaken to date on the draft policy statement was appended to the report. Cabinet noted that the intention of the policy statement was to ensure that sustaining and improving the sustainability of communities becomes one of the criteria on which to base success and would seek to increase community resilience, support communities to do more for themselves, promote safe and cohesive communities, align social and economic aims, and develop ways of assessing and measuring impacts.

RESOLVED -

(1) That the work undertaken by the Policy Committee in 2015/2016 and the draft policy statement on 'sustainable communities' be received and noted at this stage, rather than approved and released for wider consultation.

(2) That the work on the draft policy statement be referred to the Chief Executive and the appropriate Director(s) for further consideration of the implications, in order that a fuller report can be submitted to a future meeting of Cabinet.

22 Highways Capital Plan 2016/17

Cabinet gave consideration to a report which sought approval of the detailed Highways Capital Plan 2016/2017. Attached at Appendix 1 to the considered report, the plan added individual scheme details to the approved summary programme for 2016/2017, as set out in Appendix H of the report considered by Council on 29 June 2016. Since the meeting of Council, a further £405,000 had been added to the capital plan, comprising of a Department for Transport specific grant from the pothole Action Fund and virement of Council funding for highways schemes approved by Huddersfield District Committee. The revised Capital Plan total was now £16, 721m.

RESOLVED -

(1) That approval be given to the detailed capital Plan in the sum of £16.721m, as detailed in Appendix 1 of the considered report.

(2) That authority be delegated in accordance with Council Financial Procedure Rule 3.12, to the Director of Economy, Skills and the Environment, to manage the Highways Capital Plan, as detailed in paragraph 2.9 of the considered report.

23 Local Development Scheme

Cabinet received a report which sought approval of a revised version of the Council's Local Development Scheme (LDS) for the Local Plan. The report advised that an LDS was required under Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. Cabinet noted that the current LDS had been revised to reflect the most up to date information re timescales and specific information regarding the documents that would be submitted to the Secretary of State. The report advised that, subject to approval, the LDS would be published on the Council's website and would form part of the technical documents in the Local Plan evidence base.

RESOLVED - That the revised Local Development Scheme for the Local Plan, as appended to the considered report, be approved.

24 Proposed Changes to the Current Payment period for Kirklees Council Housing Tenancies

Cabinet gave consideration to a report which sought approval to vary the Council's secure tenancy agreement in order to replace the current weekly payment (debit) period with a monthly arrangement with effect from 1 December 2016. The report explained that the alignment between income and rental periods was required in order to allow tenants to budget effectively for rent due in accordance with their income cycle, and helping KNH to maximise the collection of rental income. The introduction of Universal Credit would also mean that the majority of Council tenants would receive benefits on a calendar month basis.

The report explained that the cost of implementing the changes would total £53,010. The timescale of the implementation plan, as set out at Appendix A of the report, explained that a consultation period with tenants would take place during September and October, and that a legal notice would be served to tenants at the end of October.

RESOLVED –

(1) That approval be given to serving a Preliminary Notice under section 103 of the Housing Act 1985, informing tenants of proposals to vary the Council's tenancy agreement to require tenants to pay rent monthly, and that such rent be due at the end of each monthly period.

(2) That the decision regarding whether the Council should proceed to implement the proposals to vary the Council's secure tenancy to require tenants to pay rent monthly, and that such rent be due at the end of each monthly period, be delegated to the appropriate Director, in consultation with the Cabinet Member for Housing and Enforcement Management, following evaluation of the consultation received in response to the Preliminary Notice.

(3) That, if implemented, the proposed introduction of a monthly debit period for housing tenancies be effective from 1 December 2016.

25 District Committee New Homes Bonus Funding

Cabinet received a report which requested that approval be given to an amendment to the 2016/2017 New Homes Bonus devolved to District Committees. The report advised that Cabinet had previously approved a set of criteria and principles for District Committee budgets for 2016/2017 which had included criteria for the New Homes Bonus budget devolved to District Committees. Pursuant to a discussion at Overview and Scrutiny Management Committee, it was recognised that a flexible approach was needed in order to support both New Council and local priorities. It was therefore proposed that District Committees be given greater flexibility to spend the New Homes Bonus budget and that 10% of the budget now be subject to the following criteria; (i) awards should not be made to individuals (ii) wider community benefits must be demonstrated and (iii) schemes must adhere to the Council's Financial Procedure Rules. The remaining 90% of the 2016/2017 budget would be subject to the criteria as approved by Cabinet on 24 March 2016. The 10% of budget would equate to a total of £92,600 across all four District Committees.

RESOLVED - That the amendment to the District Committee New Homes Bonus Funding criteria, as detailed in paragraph 2.3 of the considered report, be approved.

26 Transformation of Council Pre-school Daycare Services - Phase 6

Cabinet gave consideration to a report which set out proposals for the delivery of the requirements of the Medium Term Financial Plan, and future options in regards to Tiddlywinks Nursery, Deighton. The report explained that Tiddlywinks Nursery continued to be the only remaining Local Authority managed nursery without an

agreed long term solution and provided the context of statutory childcare sufficiency duties and the current childcare sufficiency position in the Ashbrow area.

The report set out four options (Models A to D) for consideration by Cabinet in determining the future of Tiddlywinks Nursery. These were; (a) No change to current operation (b) delivery of a sustainable model managed by the host school which removes the requirement of future subsidies (c) transfer the service to an external party and (d) closure of the provision. Key considerations associated with the proposals were set out at Appendix C of the considered report.

The report proposed that Cabinet supported Model D, which would result in the closure of the service, and which would allow the Council to meet Medium Term Financial Plan savings, Council priorities and statutory duties.

RESOLVED –

(1) That approval be given to the proposal as set out at Model D in the considered report, resulting in the closure of the service and achieving Medium Term Financial Plan savings, Council priorities and statutory duties.

(2) That, pursuant to (1) above, support be provided to the children, families and staff effected as set out in paragraph 8 of the considered report.

27 Request for approval to engage and consult on the proposals for the future service offer for the Young People’s Activity Team (YPAT) in Kirklees.

Cabinet received a report which set out the need to achieve savings of £584k from the Young People’s Activity Team (YPAT) budget and sought approval to carry out engagement and public consultation with current users and stakeholders of the YPAT to redesign future service provision. The report explained that the redesigned provision would need to demonstrate value for money, better meet individual and family needs, focus on developing life skills and maximising independence, provide better co-ordinated and joined up working with partners, the voluntary sector and communities, and provide a clear service offer to all age groups with defined and robust criteria, policies, pathways and processes.

The report explained that the YPAT provided sessional leisure and recreational activities for children and young people aged 5 to 18 years, and is currently accessed by 180 disabled children and young people, and 18 disabled adults, with each session lasting between 2.5 and 7 hours. The unit cost of the sessions currently ranged between £57 to £161 per child per session and the team employed 23 staff on substantive contracts, and 61 on a casual basis.

Cabinet noted the timeline as detailed within the report, which proposed to commence consultation at the end of August 2016, with a further report submitted to Cabinet in January 2017.

RESOLVED - That approval be given to the commencement of a consultation and engagement exercise with current users of the Young People’s Activity Team, and

their parents/carers, staff and key stakeholders, in order to reduce and redesign the future service offer.

28 Corporate Revenue and Capital Financial Monitoring Report, Quarter 1, 2016-17

Cabinet received the Corporate Revenue and Capital Financial Monitoring Report, Quarter 1, 2016-2017, which set out information on the Council's 2016-2017 forecast financial outturn position for General Fund revenue, Housing Revenue Account and Capital Plan at Quarter 1. The report explained that the Council's General Fund (net) revenue budget for 2016-2017 was set at £310.8m, and that the forecast net revenue spend was £317.0m in 2016-2017, resulting in an overspend of £6.2m, which equated to 2% against budget. It advised that this projected overspend, if not corrected, would be a further draw on the forecast remaining £29m reserves to support the Medium Term Financial Plan from 2017 onwards.

The report indicated that the Council's updated budget plan would include consideration of the Government's offer for a multi-year financial settlement, subject to the publication of an efficient strategy, by 14 October 2016.

RESOLVED –

(1) That, in regards to the General fund Revenue, (i) approval be given to proposals for £2.9m earmarked (risk) reserves drawdown to resource additional children's services development costs in 2016-2017 (ii) the forecast £6.2m forecast revenue overspend position for 2016-2017 (as set out in Appendix A, Section 1) net of the reserves drawdown in (i), be noted (iii) the forecast outturn position on collection fund and forecast movements in reserves and balances in-year be noted (iv) consideration be given to officer proposals to bring the forecast £6.2m overspend at least in line with budgets by current year end, and other actions to build up available reserves to support the Medium term Financial Plan from 2017 onwards, and (v) officers be instructed to submit a report to Cabinet as part of the Medium Term Financial Plan update, with in-year and long term mitigating actions to bring spend back in line with available resources.

(2) That, in regards to the Housing Revenue Account, (i) the forecast revenue outturn position for 2016-2017 (as set out in Appendix A, Section 1), be noted, and (ii) the forecast HRA reserves position at year end (as set out in Appendix B), be noted.

(3) That the Council forecast capital outturn position for 2016-2017 be noted.

29 Corporate Performance Management Report, Quarter 1, 2016-17

Cabinet received a report which provided an overview of the Council's Corporate Performance at the end of Quarter 1, 2015/2016. The report also included updates on progress against outcomes on the Joint Health and Wellbeing Strategy and Kirklees Economic Strategy.

RESOLVED -

(1) That the Quarter 1 2016-2017 Corporate Performance Report be received and noted.

(2) That the Risk Matrix at Quarter 1 be amended to incorporate (i) reputational risks associated with the current operational difficulties in Children's Services (Family Support and Child Protection) and (ii) reputational and operational risks associated with not having an approved Local Plan in place.

30 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.

31 Review of Kirklees College Review of Short Term Loan Facility

(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. It is considered that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and third party organisations concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

Cabinet gave consideration to a report which sought to make a variation to the existing terms of the Short Term Loan facility available to Kirklees College to give the college additional cashflow flexibility to assist with progressing the Dewsbury Education Village scheme.

RESOLVED -

(1) That approval be given to the extension of the availability of the short term loan facility to Kirklees College for a maximum of £6m until 31 December 2018 to assist in the development of the Dewsbury Education Village Project.

(2) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) to negotiate and agree the terms of a variation to the existing College Loan Agreement to facilitate the extension.