

Contact Officer: Andrea Woodside

## **KIRKLEES COUNCIL**

### **CABINET**

**Tuesday 20th September 2016**

Present: Councillor David Sheard (Chair)  
Councillor Shabir Pandor  
Councillor Peter McBride  
Councillor Naheed Mather  
Councillor Musarrat Khan  
Councillor Viv Kendrick  
Councillor Masood Ahmed  
Councillor Graham Turner

Apologies: Councillor Erin Hill

Observers: Councillor Donna Bellamy  
Councillor Amanda Stubleby  
Councillor Linda Wilkinson

#### **43 Membership of the Committee**

Apologies for absence were received on behalf of Councillor Hill.

#### **44 Interests**

Councillor McBride declared a prejudicial interest in Agenda Items 14 and 18 on the grounds that he is a Board Member of Kirklees Stadium Development Limited, and left the meeting during the consideration of these matters. (Minute Nos 56 and 60 refer).

#### **45 Admission of the Public**

It was noted that Agenda Items 16, 17 and 18 would be considered in private session. (Minutes Nos 58,59 and 60 refer).

#### **46 Deputations/Petitions**

No deputations or petitions were received.

**47 Public Question Time**

No questions were asked.

**48 Member Question Time**

Councillor Wilkinson made reference to a question that she had asked at Council on 14 October 2016 in regard to a ward resident being denied the opportunity to dispose waste at Vine Street tip due to the size of his trailer. She advised that, pursuant to the meeting, she had looked at the policies of neighbouring Local Authorities, and found them not to be in line with that of Kirklees, which was contrary to the response that she had received from the Cabinet Member.

Councillor Mather replied thereto.

**49 A better service for children & young people – proposals for consultation**

Cabinet gave consideration to a report which set out details on a proposed future model of early help services, including the proposed closure of designated children's centres and youth centre buildings, and to seek to authority to commence formal consultation on the proposed changes. The report set out the contextual position in relation to the current and proposed future 'early help offer' delivered by the Council and Cabinet noted that it was in response to the need to reshape the current service offer of the early Intervention and Targeted Support Service and Integrated Youth Support Service into an Integrated Early Help Offer.

The report outlined the current offer and proposals to seek approval to carry out consultation with current service users, staff and key stakeholders, in order to redesign the future service offer that will form part of the new Kirklees Early Help Offer. It also proposed specific reductions in the current service in order to meet the savings as already agreed in the MTFP and to reduce demand for high cost social care interventions.

The reports explained that, subject to approval, officers would undertake a formal consultation process between 27 September 2016, and 22 November 2016. The findings of the consultation would then be submitted to the meeting of Cabinet on 17 January 2016.

**RESOLVED -**

(1) That the proposals for consultation regarding the proposed future model of early help services be approved.

(2) That officers be authorised to commence the consultation exercise, as detailed within the report, with current users of the Early Intervention and Targeted Support Service, and Integrated Youth Support Service.

**50 Request for approval to consult on the implementation of a revised Adult Social Care Charging Policy**

Item deferred.

**RESOLVED** – That the consideration of the report be deferred to a future Cabinet meeting.

**51 184 Wakefield Road, Moldgreen - Proposed Compulsory Purchase Order**

Cabinet gave consideration to a report which sought authority to make a Compulsory Purchase Order for 184 Wakefield Road, Moldgreen, in order to enable it to be demolished as part of a project to demolish seven properties on Wakefield Road (No.s 172 to 184). The report advised that all seven properties were vacant, and that No. 184 was derelict. The Council had attempted to acquire the property by negotiation over a period of six months, but the owner had failed to respond to the Council's approaches to acquire the property, and it was therefore necessary to instigate a Compulsory Purchase Order. Cabinet noted that planning approval for the demolition of the properties had been granted.

The report advised that a budget of £205,000 to cover the demolition works and acquisition of the property had previously been approved and would be funded from the Council's Capital Allowance budget.

**RESOLVED -**

(1) That the Assistant Director (Legal, Governance and Monitoring), be authorised to proceed with the making of a Compulsory Purchase Order for the land shown on 16-0334 under Section 226(1)(a) of the Town and Country Planning Act 1990 and all other enabling powers and submit the order to the Secretary of State for confirmation. The Order shall be called the Kirklees Council (184 Wakefield Road, Moldgreen, Huddersfield) Compulsory Purchase Order 2016.

(2) That it be confirmed that, having considered Article 1 of the First Protocol to the Convention on Human Rights, it is in the interest of the community to make the Compulsory Purchase Order and that interference with Convention rights is considered to be necessary and justified.

(3) That the Assistant Director (Legal, Governance and Monitoring) be authorised to confirm the Order, if there are no objections and if directed by the confirming authority, in accordance with Section 14a of the Acquisition of Land Act 1981.

(4) That the Assistant Director (Place) be authorised to continue negotiations to attempt to acquire the property by agreement and that authority be given to make a discretionary loss payment in accordance with Section 33J of the Land Compensation Act 1973, if appropriate.

**52 Expanded Formal Pre-application Service & Development Management Officer Member Communication Protocol**

Cabinet received a report which set out details of two initiatives to improve the efficiency, speed and outcomes of planning proposals. The initiatives were (a) to introduce an expanded formal pre-application service and (b) to introduce a new Development Management Officer/Member Communication Protocol. Fuller details on the proposals were set out at paragraph 2 of the considered report, and within the appendix. Cabinet noted that the intended consequences of the initiatives were to set out the standards service that could be expected to prospective applicants, and to improve the quality of developments and decision making.

**RESOLVED** - That the proposed changes to Planning Services engagement with service users, and Elected Members, as detailed within the report, be approved.

**53 Freehold Asset Transfer of Holmfirth Civic Hall, Huddersfield Road**

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

Cabinet gave consideration to a proposal to transfer the land and buildings which currently make up Holmfirth Civic Hall, to Holme Valley Parish Council, on a freehold transfer. The report advised that the Civic Hall was a well-used community facility in Holmfirth which provided a meeting and event space and that it was currently managed by the Council. The Parish Council had submitted plans to seek an asset transfer of the building and surrounding land. The report advised that the conditions of such a transfer would include covenants to ensure that Holmfirth Civic Hall would principally remain available for community use only. The considered report provided details to the background to the request, and the proposal to transfer the asset at nil consideration, but with restrictive covenants in place to protect community use.

**RESOLVED** -

(1) That approval be given to transfer the freehold of Holmfirth Civic Hall from the Council to Holme Valley Parish Council for nil consideration, and to include covenants to ensure that the Civic Hall 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 Holmfirth Civic Hall to Holme Valley Parish Council.

(3) That officers be authorised to give three months' notice of termination of Holme Valley Parish Council's tenancy at Holmfirth Council Offices from the date of legal completion of the transfer.

(4) That, in the event that the transfer is not actioned within 6 months, the reasons for delay be reviewed at Assets Committee, and that further appropriate action be determined.

**54 Abandoned Waste Management Site, the Scotland Yard, Lockwood, Huddersfield**

Cabinet received a report which provided an update on the consequences of the abandonment of the waste site, followed by a deep fire, at Scotland Yard, Queens Mill Road, Lockwood. The report advised that the incident had resulted in the Council incurring significant costs in restoring the site to a safe and legal position and asked that Cabinet note the actions taken to date to mitigate the risks and liabilities as set out within the content of the report, and exempt appendix. The report advised that the costs arising from addressing the requirements of the site would be funded from the Council's Risk Reserve.

Cabinet noted that the next steps of the process would be to clear the waste from the land and develop a communication plan to ensure that local residents and businesses that were currently experiencing smoke, odour nuisance and pest problems, were informed of the progress on site. The report indicated that Environmental Health would continue to monitor the situation and advise on mitigation measures to minimise the impact of the nuisance.

Cabinet highlighted their concerns regarding the powers of the Environment Agency in dealing with such instances and considered that it was important to support lobbying of the Government to empower the Environment Agency to be able to prevent any such similar instances occurring.

(Cabinet gave consideration to exempt information at Agenda Item 16 (Minute No. 58 refers) prior to its determination of this item).

**RESOLVED -**

(1) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring), to take all reasonable and necessary steps as detailed in the considered reports in order to ensure the safe removal of waste from the land and to negotiate and/or enter into suitable arrangements to do this using existing call off contracts, where appropriate, and in accordance with Council Contract and Procedure Rules.

(2) That approval be given to spending up to the values as set out in the report for clearance of the land before a further Cabinet approval is required.

(3) That the risks involved in the project, and the associated potential cost and time implications, be noted.

(4) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) to take appropriate action(s) to recover the costs of clearance of the land from appropriate responsible parties, and that officers be asked to fully investigate the options of recovering the cost to the Council of the site clean-up.

**55 Leeds City Region - support for strategic housing sites, jobs and skills growth**

Cabinet gave consideration to a report which sought authority to enter into arrangements to draw down Local Enterprise Partnership (LEP) funding to unlock housing sites within Kirklees and pursue the necessary steps to bring forward an identified site using LEP funding. The report outlined the support received from the Leeds City Region Local Enterprise Partnership through the Local Growth Fund to support development and bring forward strategic or challenging housing sites, which would assist the Council in meeting objectives of Economic, Joint Health and Wellbeing Strategies, particularly in relation to new housing and growth.

The report advised of proposals to use external funding provided by the LEP to support the development of challenging housing sites and to utilise the funding as detailed within the exempt appendix, which identifies a specific site. Cabinet were asked to endorse actions which would enable the Council to draw down and use external LEP Local Growth funding to secure housing development on this site, and others in the future. Cabinet noted that the initiative would help the Council to co-ordinate and drive the pace of development and investment, and build a more economically resilient Kirklees.

(Cabinet gave consideration to exempt information at Agenda Item 17 (Minute No. 59 refers) prior to its determination of this item).

**RESOLVED -**

(1) That the role of the Leeds City Region Local Enterprise Partnership and Local Growth Fund in helping to bring forward strategic or challenging housing sites for delivery, and helping to meet the Council's Economic, Joint Health and Wellbeing objectives, be noted.

(2) That the approach to the development of strategic housing sites, as detailed within the considered reports, be approved.

(3) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) to (i) conclude the legal arrangements or agreements necessary to enable the Local Enterprise Partnership offer of funding to be drawn down and utilised, to enable development to deliver housing and other infrastructure for growth in Kirklees (ii) progress appropriate negotiations with third parties to enable the development of housing and infrastructure and (iii) negotiate to purchase and assemble land where applicable to enable development sites to be brought forward.

(4) That it be noted that a further report will be submitted to Cabinet to outline the support of the HCA and Local Enterprise Partnership in the North Kirklees Growth Zone.

**56 Provision of loan facility to Kirklees Stadium Development Ltd (KSDL) for investment purposes**

Cabinet received a report which set out a proposal from Kirklees Stadium Development Limited (KSDL) for the Council to provide secured debt funding to KSDL which would allow KSDL to take a majority equity stake in the outdoor Snow Sports Centre within the HD One Development. It advised that, if approved, officers would be authorised to carry out appropriate due diligence on the proposal and detailed negotiation on the documentation. Cabinet noted that the funding the loan advance, would be from the Risks and Pressures budget, within the approved Capital Plan.

(Cabinet gave consideration to exempt information at Agenda Item 18 (Minute No. 60 refers) prior to its determination of this item).

**RESOLVED -**

(1) That approval be given to an offer of secured debt to Kirklees Stadium Development Limited (KSDL) to allow KSDL to invest to acquire a majority equity stake in the Snow Sports Centre Special Purpose Vehicle that will develop such a facility at the John Smith's stadium site, Huddersfield.

(2) That the Assistant Director (Place), Assistant Director (Legal, Governance and Monitoring) and Assistant Director (Financial Management, Risk, IT and Performance) be authorised to enter into detailed due diligence on the documentation required to progress (1) above, and to progress negotiations on a loan to provide secured debt.

(3) That authority be delegated to the Chief Executive, in consultation with the relevant Cabinet Member, to agree the final terms of the loan with KSDL and give consent on behalf of the Council to the terms by which KSDL makes its equity investment into the Special Purpose Vehicle for the Snow Sports Centre.

(4) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to enter into any documentation required in connection with the loan to KSDL.

**57 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 Minute.

**58 Abandoned Waste Management Site, the Scotland Yard, Lockwood, Huddersfield**

(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 (i) information relating to any individual (ii) information which is likely to reveal the identity of an individual and (iii) 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, could compromise the commercial confidentiality of organisations and may disclose the contractual terms and impact on potential legal action to be taken in relation to activities that have taken place on the site, 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 received exempt information regarding the consequences of the abandonment of the waste site prior to the determination of Agenda Item 12 (Minute No. 54 refers).

**RESOLVED** - Cabinet gave consideration to exempt information prior to the determination of Agenda Item 12.

**59 Leeds City Region - support for strategic housing sites, jobs and skills growth**

(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 compromise the commercial confidentiality of negotiations with third parties, 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 received exempt information regarding LEP Local Growth funding prior to the determination of Agenda Item 13 (Minute No. 55 refers).

**RESOLVED** - Cabinet gave consideration to exempt information prior to the determination of Agenda Item 13.

**60 Provision of loan facility to Kirklees Stadium Development Ltd (KSDL) for investment purposes**

(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 an individual, and contains commercially sensitive information about a third party. The public interest in maintaining confidentiality on the information, which, if made public would contravene data protection legislation and outweighs the public interest in disclosing the information for reasons of open governance).

Cabinet received exempt information regarding the provision of a loan facility prior to the determination of Agenda Item 14 (Minute No. 56 refers).

**RESOLVED** - Cabinet gave consideration to exempt information prior to the determination of Agenda Item 14.