

Contact Officer: Andrea Woodside

## **KIRKLEES COUNCIL**

### **CABINET**

**Tuesday 19th September 2017**

Present: Councillor David Sheard (Chair)  
Councillor Shabir Pandor  
Councillor Peter McBride  
Councillor Musarrat Khan  
Councillor Erin Hill  
Councillor Masood Ahmed  
Councillor Graham Turner  
Councillor Cathy Scott

Apologies: Councillor Naheed Mather

Observers: Councillor Mussarat Pervaiz  
Councillor Mahmood Akhtar  
Councillor Gulfam Asif  
Councillor Fazila Fadia  
Councillor Manisha Roma Kaushik  
Councillor Darren O'Donovan  
Councillor Mohammad Sarwar  
Councillor Mohan Sokhal  
Councillor Rob Walker

#### **318 Membership of the Committee**

Apologies for absence were received on behalf of Councillor Mather.

#### **319 Interests**

No interests were declared.

#### **320 Admission of the Public**

It was noted that Agenda Item 14 would be considered in private session.

#### **321 Deputations/Petitions**

Cabinet received (i) a petition and deputations in relation to Agenda Item 9, at the consideration of that agenda item and (ii) a deputation in relation to Agenda Item 10 at the consideration of that agenda item. (Minute No's 326 and 327 refer)

**322 Public Question Time**

Cabinet received public questions in regards to Agenda Item 9 (minute no 326 refers) to which the Leader of the Council responded.

**323 Member Question Time**

No questions were asked.

**324 Council Budget Update Report 2018-22**

Cabinet received a report which set out an update on the Council's Medium Term Financial Plan, prior to its submission to Cabinet on 11 October 2017. The report highlighted that Council was the second lowest funded Metropolitan Authority, in accordance with spend per head of population, and was facing continuing and increasing service pressures, particularly in Children and Adult Services. The report advised that, based upon Quarter 1 financial monitoring (2017/18), the Council was forecast to deliver approximately £49m of planned savings (£54m) requirement in year, equating to 90% and indicating good overall progress against existing plans. Cabinet noted that the specific saving requirement for 2018-2019 was £28m, with a further £16m in 2019-2020 and £5m in 2020-2021.

The key assumptions underpinning the updated Medium Term Financial Plan general fund, specifically relating to Business Rates Retention Scheme, Council Tax, unringfenced grants and the Better Care Fund, were explained within the report. The report also provided detail on the current year financial performance, general fund reserves, the flexible capital receipts strategy, the housing revenue account, and capital.

Cabinet noted that the updated budget plans set out within the report provided the budget planning framework for proposals to be submitted for the remainder of the current budget round in order to deliver a sustainable and balanced overall multi year budget over 2018-2022.

**RESOLVED**

- 1) That the updated General Fund Revenue, Housing Revenue Account and Capital Budget Plans rolled forward into the Medium Term Financial Plan update over the 2018-2022 period be noted.
- 2) That the underlying cost and funding assumptions underpinning the updated plans at this stage, be noted.
- 3) That approval be given to the budget planning framework, as set out in the considered report.
- 4) That approval be given to the flexible capital receipts strategy, as set out in the considered report.
- 5) That approval be given to the corporate budget timetable and approach, as set out in the considered report.

- 6) That approval be given to the budget consultation approach and timetable, as set out in the considered report.
- 7) That the report be submitted to the meeting of Council on 11 October 2017 for consideration.

**325 Dog issues - Joint Working Protocols with West Yorkshire Police and Kirklees Prosecution Strategy**

Cabinet received a report which sought approval of (i) Responsibility Protocol for Dog Offences between West Yorkshire Police and Kirklees Council, and (ii) Kirklees Prosecution Policy (Dog Offences). The report advised that the protocols provided clarity and an operational agreement between West Yorkshire Police and the Council as to who would take responsibility and pursue sanctions or prosecutions for dog related offences.

The Responsibility Protocol, which was attached at Appendix 1 of the considered report, set out detail of the legislation, reporting pathways and definition of responsibility between the Council and West Yorkshire Police. Cabinet noted that the purpose of the protocol was to reduce operational duplication and provide clarity as to responsibility.

The Kirklees Prosecution Policy, which was attached at Appendix 2, supported the Responsibility Protocol by detailing the Council's response to dangerous dog offences.

Cabinet noted that, subject to approval, the formal adoption process with West Yorkshire Police for the dog offences would be completed, and the strategy on dog offence prosecutions would be adopted.

**RESOLVED**

That approval be given to the adoption of (i) Responsibility Protocol for Dog Offences between West Yorkshire Police and Kirklees Council and (ii) Kirklees Prosecution Policy.

**326 Bereavement Services – Fees and Charges**

(Under the provision of Council Procedure Rule 37, Cabinet received deputations on this agenda item from Khalid Khan and Ayzaz Khaliq (on behalf of Huddersfield Muslim Burial Council), Soyeb Yusuf (on behalf of North Kirklees Muslim Burial Council), Hasan Badat (on behalf of Snowden Mosque and PKWA), Aziz Daji (on behalf of Indian Muslim Welfare Society) and Paula Sheriff MP, and also received a petition.)

Cabinet received a report which sought approval to introduce an updated business model and charging strategy for Bereavement Services, to be reflective and responsive of changing market demands and trends. The report explained that Bereavement Services provided a variety of burial and cremation services, and

memorial items, across Kirklees, and a schedule of existing services was appended at Appendix 1 of the considered report. It advised that the service currently provided approximately 500 burials, 120 internments (burials) of cremated remains (ashes) and 3000 cremations each year.

The report set out details of a proposal to introduce a charging model to cover a five year period which aimed to achieve (i) long term adjustments in pricing to allow the Council to stabilise the market, and retain its market share (ii) benchmarking against competitors and maintaining competitiveness (iii) a gradual increase of the new charges to enable emerging trends and changing market demands to be responded to (iv) funeral choices for residents based on a transparent charging schedule offering scope for personal, cultural and price preferences and (v) the removal of funeral for persons under the age of 18 years. It advised that the introduction of a five year commercial model would ensure that pricing for cremations remained competitive within the market, generating a surplus and managing service demand effectively, and recovering the costs of burials.

Cabinet noted that the impact of the revised service delivery model would be (i) that there would be no charge for a cremation or burial of a child or young person up to the age of 18 (at the time of death) (ii) that fees and charges remain competitive within the region (iii) that customers pay a price that is reflective of the cost of providing the service (iv) that when an 'out of standard hours' burial request is made, a levy of £477 be introduced, reflecting the cost of providing this additional service (v) that where there is demand for a specific timeslot a premium be applied, and that Friday afternoon burials initially attract a premium of £99 (vi) that charges for non-residents of Kirklees be higher and (vii) that charges be introduced for accompanied visits to select a grave.

## **RESOLVED**

- 1) That the considered report be accepted in principle, and noted.
- 2) That approval be given to the implementation of the proposal to cease charges for the cremation or burial of a person under the age of 18 years old.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to make arrangements for an engagement exercise on the proposed changes to fees and charges to be undertaken with affected community groups prior to the submission of a further report to a future meeting of Cabinet meeting.
- 4) That, pursuant to (3) above, any members of the public who wish to be informed of the engagement exercise be asked to register their interest with their local Ward Councillor/s.

### **327 Huddersfield Town Centre Access and Connectivity Project Impact Assessment Report**

(Under the provision of Council Procedure Rule 37, Cabinet received a deputation on this agenda item from Alisa Devlin (on behalf of Huddersfield Town Centre Action Group).)

Cabinet received a report which set out a summary of the Connectivity Project Impact Assessment Report, prior to the consideration of the report by the Town Centre Working Party. The report set out the evidence and indicators that had been considered to provide an evaluation of the impact of the 'Huddersfield Town Centre Access and Connectivity Project', against its original aims, and an overview of the changes that had occurred in the town centre since the delivery of the access and connectivity project in 2015/2016, which had included the introduction of bus gate enforcement cameras on five main streets.

The report provided a summary of business operations, car park income, bus journey times, traffic flow in bus gate areas, retail/commercial occupancy rates, footfall and air quality.

Cabinet noted the content of the report, prior to its submission to the meeting of the Town Centre Working Party on 20 September 2017.

**RESOLVED**

That the report be noted and submitted to the meeting of the Town Centre Working Party on 20 September 2017 for consideration.

**328 Specialist Provision for Kirklees Children with Communication and Interactive Needs.**

Cabinet received a report which advised on the outcome of the statutory processes on proposals to (i) create 12 new additional transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs and (ii) decommission 12 transitional places for children with speech, language and communication needs at Ashbrow School.

The report explained that the Council propose to make a prescribed alteration to Ashbrow School and that the information contained within the report advised on both the outcome of the statutory processes for the proposal and the conclusions and recommendations of the School Organisation Advisory Group.

Cabinet noted that the non-statutory consultation had been carried out from 24 April to 22 May 2017, following which Cabinet agreed to proceed with the statutory proposals. The considered report summarised the views of stakeholders for full consideration, giving due regard to the factors for decision making derived from guidance issued by the DfE. The report indicated that, subject to approval, implementation was scheduled for 1 October 2017.

**RESOLVED**

- 1) That the advice of Kirklees School Organisation Advisory Group that (i) the proposals for Ashbrow School to discontinue the provision of 12 transitional places for children with speech language and communication needs are valid and (ii) that the required statutory processes have been carried out, be noted.

- 2) That it be agreed that the decision regarding the proposals will be taken within the statutory time period.
- 3) That the outcomes and recommendations of the School Organisation Advisory Group from the meeting of 21 August 2017, and associated recommendations, noted.
- 4) That the human resource and financial implication of the approval of the proposals be noted.
- 5) That it be confirmed that, in meeting the obligations of the Equality Act 2010 and the Public Sector Equality Duty 2011, full regard has been given to the Equalities Impact Assessment throughout the statutory process for the proposal including the decision regarding approval.
- 6) That approval be given to the discontinuation of the provision of twelve transitional places for children with speech and language and communication needs at Ashbrow School.
- 7) That approval be given to the creation of twelve new transitional places at Windmill Church of England Voluntary Controlled Primary School for children with complex communication and interaction needs from 1 October 2017.

### **329 Ashbrow Housing Site – Contract and Land Disposal**

Cabinet gave consideration to a report which sought authority for the Council to enter into a contract with a development partner for the Ashbrow Housing site, and to dispose of the land to that partner. The report advised that the site was a key site for housing delivery as part of the Council's programme of work to address the growing housing crisis in Kirklees and that Cabinet had given approval in February 2017 for progress to be made with the scheme and for a preferred development partner to be appointed. The report confirmed that the Council would be entering into a legal contract with the development partner and sought authority to dispose of the land, specifically, to dispose of the land at less than best consideration and delegate authority to complete the disposal, and approve the use of the capital receipt from the disposal of land to subsidise the provision of additional affordable homes.

Cabinet noted that the preferred bidder's proposal was for a scheme of 159 new homes, comprising an extra care scheme, market and affordable homes, and details of the proposal were set out in the exempt information at Agenda Item 14. The report advised that the scheme would provide a mix of two and three bedroom houses, and one and two bedroom flats, and that it would provide a high quality layout with an area of public open space within the development.

(Cabinet gave consideration to Agenda Item 14 (Minute No. 331 refers) prior to the determination of this item).

#### **RESOLVED**

- 1) That approval be given to dispose of the land at less than best consideration to the preferred bidder, as detailed in the considered report.
- 2) That approval be given to the use of the capital receipt from the disposal of the land to subsidise the provision of additional affordable homes.

- 3) That the opportunity for Homes and Communities Agency funding, as set out in paragraph 3.3.5 of the considered report, be noted and that approval be given for officers to pursue this funding opportunity.
- 4) That the previous decision of Cabinet (dated 7 February 2017) to delegate authority to the Assistant Director (Legal, Governance and Monitoring), now Service Director (Legal, Governance and Commissioning), to finalise and enter into all appropriate contracts, deeds and documents in relation to the appointment of a preferred bidder, in consultation with the Assistant Director (Place), now Service Director (Economy, Regeneration and Culture) and the Service Director (Commercial, Regulatory and Operational Services), be noted and re-confirmed.

**330 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 during consideration of the following item of business, on the grounds it involves the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

**331 Ashbrow Housing Site - contract and land disposal**

(Exempt information relating to relating to Paragraph 3 of 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 regarding the financial or business affairs of any person including the Council. It is not in the public interest to disclose the exempt information as disclosure could adversely affect overall value for money and compromise the confidentiality of the bidders and the Council. The public interest in maintaining the exemption outweighs the public interest in disclosure of the information in terms of accountability, transparency in spending public money and openness in Council decision making.)

Cabinet received exempt information in relation to Agenda Item 12 (Minute No. 329 refers). Cabinet gave consideration to the exempt information prior to the consideration of Agenda Item 12.