

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 19th December 2017

Present: Councillor David Sheard (Chair)
Councillor Shabir Pandor
Councillor Peter McBride
Councillor Naheed Mather
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Graham Turner
Councillor Cathy Scott

Apologies: Councillor Musarrat Khan
Councillor Masood Ahmed

378 Membership of the Committee

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

379 Interests

There were no declarations of interest.

380 Admission of the Public

It was noted that all agenda items would be considered in public session.

381 Deputations/Petitions

No deputations or petitions were received.

382 Public Question Time

No questions were asked.

383 Member Question Time

No questions were asked.

384 Quarter (2) Corporate Performance Report

Cabinet received a report which provided an overview of the Council's corporate performance at the end of Quarter 2, 2017/2018, focussing on key strategic issues in relation to the themes of (i) Ambitious Kirklees (ii) Inclusive Kirklees and (iii) Resilient Kirklees, and being aligned to the Corporate Plan 2017/18.

It was noted that the performance report was based upon an agreed set of headline actions and performance measures which were considered to be strategic and also significant in terms of their contribution to the three delivery themes. Overall, the report reflected 38 actions and 65 measures, of which 54% were assessed as being on track.

Paragraph 2 of the considered report highlighted a number of key issues for note, which included matters relating to compliance, housing needs for vulnerable people, and caseload management for children's safeguarding and adult social care.

The appendix to the considered report illustrated the progress that had been made in relation to the three delivery themes.

RESOLVED – That the quarter 2 2017/18 Corporate Performance Report be noted.

385 Local Development Scheme 2018

Cabinet gave consideration to a report which sought approval to update the Council's Local Development Scheme (LDS), as approved by Cabinet on 23 August 2016.

The report advised that the LDS was the timetable for producing planning documents that would make up the Local Plan as required under Section 15 of the Planning and Compulsory Purchase Act 20014 (as amended by the Localism Act 2011). It was noted that, following the first stage of the Local Plan Examination in Public, the Planning Inspector had requested that the Council update the LDS to make specific reference to its intention to produce Area Action Plans for Huddersfield and Dewsbury town centres. The revised version also noted the Council's ongoing statutory commitments to supporting Neighbourhood Plans and to annual monitoring of evidence for key land uses which may inform planning decisions.

Cabinet noted that the main implication in agreeing to the revised scheme was ensuring that support for existing project management and sufficient resources were made available for the Local Plan programme and new planning policy documents, as far as is reasonable and practical within overall budget constraints.

The report advised that, subject to approval, the LDS would be available on the Council's website and would form part of the technical documents in the Local Plan Examination Library for consideration by the Planning Inspector as part of the Examination in Public. The revised document was attached as an appendix to the considered report.

RESOLVED - That the revised Local Development Scheme be approved.

386 West Yorkshire plus Transport Fund Scheme Update

Cabinet received a report which provided an update on progress of Kirklees schemes within the West Yorkshire plus Transport Fund programme.

The report introduced the agreed assurance process for schemes which was administered by the West Yorkshire Combined Authority Portfolio Management Office. The Assurance Process was attached at Appendix 1 of the report.

Paragraph 2 of the report set out scheme updates in regards to (i) Halifax – Huddersfield A629 corridor – Phase 5 (ii) A62 to Cooper Bridge (iii) A62 Leeds Smart Corridor Phase 1 – Huddersfield (Corridor Improvement Package) (iv) Holmfirth Town Access Plan (Corridor Improvement Package) (v) Huddersfield

Southern Gateways (Corridor Improvement) (vi) Mirfield to Dewsbury to Leeds and (vii) North Kirklees Orbital Route.

The report also provided an update on scheme governance, including the role of the Council within the decision making processes.

RESOLVED - That the content of the report be noted, in particular (i) the progress made on scheme development to date and the upcoming programme milestones (ii) the intention and reasons for employing a 'twin track' approach to land assembly, that any decisions regarding compulsory purchase would only be used as a last resort to secure the assembly of all the land needed for the implementation of a scheme, and that if a compulsory purchase is required a scheme specific report will be submitted to Cabinet prior to commencing any statutory processes (iii) the intention to write to all affected owners and occupiers of property/land in relation to the Halifax-Huddersfield A629 corridor Phase 5 scheme in order commence land negotiations (iv) in regards to Longroyd Bridge, the requirement to demolish no.s 1-7 Longroyd Lane subject to key stakeholder engagement which would include Historic England and putting in place the necessary consents and (v) the development of a consultation strategy and launch of an information website.

387 Proposals to Update the Council's RIPA Policy

Cabinet received a report which advised of the use of the Regulation of Investigatory Powers Act 2000 by the Council and sought approval for the adoption of an amended Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Guidance document.

The report advised that, in November 2016, the Investigatory Powers Bill received Royal Assent and would now be known as the Investigatory Powers Act 2016, providing a new framework to govern the use and oversight of investigatory powers by law enforcement and the security and intelligence agencies. It was noted that the relevant provisions were subject to consultation, which would cover the amendments proposed to the communications data regime and the draft communications data code of practice.

Cabinet were advised that the Council had been inspected by the Office of the Surveillance Commissioners on 17 July 2016 in relation to its use of directed surveillance and of covert human intelligence resources, and advised of two outstanding recommendations regarding establishing a RIPA training programme and raising RIPA awareness.

Cabinet noted that the draft RIPA Policy as attached at Appendix 1 of the considered report was intended to replace the RIPA Policy approved by Cabinet on 26 July 2016, and also included an amended schedule of officers with RIPA responsibility, amendments to RIPA roles, updated legislation and codes of practice.

RESOLVED -

- (1) That the actions being taken to implement the recommendations of the Office of the Surveillance Commissioners be noted.
- (2) That approval be given to the adoption of the revised RIPA Policy and Guidance document as set out at Appendix 1 of the considered report.

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- (3) That Cabinet shall continue to exercise executive powers relating to RIPA, receive annual reports regarding its operation and consider any policy changes that may be required.
- (4) That it be requested that Corporate Governance and Audit Committee receive regular updates and monitor the Council's use of RIPA.
- (5) That, pursuant to (4) above, the terms of reference of Corporate Governance and Audit Committee be amended to reflect that the Committee will receive regular updates on RIPA, and monitor its use.
- (6) That it be noted that a further authorising officer will be required to be nominated and named within the RIPA Policy.
- (7) That authority be delegated to the Senior Responsible Officer to appoint a further authorising officer, arrange appropriate training, and add their name to the policy once training is completed.