

Contact Officer: Steve Copley

KIRKLEES COUNCIL

CABINET

Tuesday 20th March 2018

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
Councillor Cathy Scott

Observers: Councillor John Lawson
Councillor Nicola Turner

Apologies: Councillor Erin Hill (Currently on Maternity Leave)

442 Membership of the Committee

Apologies for absence noted on behalf of Cllr Hill who is currently granted leave of absence.

443 Minutes of previous meeting

The Minutes of the meeting held on 20 February 2018 were approved as a correct record.

444 Interests

Cllr Peter McBride declared an interest in item 14, as he is a member of the KSDL Board (see Minute No. 455 below).

445 Admission of the Public

Cabinet agreed to consider items 1-15 in public session. Items 17 and 18 were considered in private.

446 Deputations/Petitions

No deputations or petitions were received.

447 Public Question Time

No questions were submitted.

448 Member Question Time

No questions were submitted.

449 Recommendations from the Special Educational Needs and/or Disability (SEND) High Needs Strategic Review - Specialist Provision Capital Fund

Cabinet considered a report, an addendum to a previous report entitled "Summary of Findings from the Special Educational Needs and/or Disability (SEND) High Needs Strategic Review", which sought approval for a series of specific recommendations on how the Department for Education's (DfE) £1m Specialist Provision Capital Fund allocation to Kirklees should be used to develop local provision for children and young people with special educational needs and disability (SEND).

Cabinet noted that the purpose of today's report was to allocate a specific capital grant allocation, acknowledging that it is not intended to, nor would it be able to, address overall need in the area.

The specific projects and recommendations in today's reported focused on (i) Ravenshall School (Approx. £400k), (ii) Newsome High School (Approx. £300k) and Honley High School (Approx. £300k)

RESOLVED - That the recommendations within the report for the allocation of the £1million of capital funds to the projects involving Ravenshall School, Newsome High School and Honley High School, be approved.

450 2018/2019 Road Surfacing Programme (large schemes)

Cabinet considered a report which sought approval for a series of proposals to undertake road resurfacing works as part of the Highways Capital Plan for 2018/19.

Details on each of the proposed schemes were set out in the report and its appendices.

RESOLVED - That the recommendations within the report for the large scheme road surfacing programme, be approved.

451 Highways 2 Year Capital Plan 2018/19 and 2019/20

Cabinet considered a report which sought approval for a detailed programme of works to be undertaken as part of the Highways Capital Plan during the next two years.

Further details on the proposed schemes were set out in the report and its appendices.

Cabinet Members also answered questions from Cllr Nicola Turner about the strict directions and rules etc surrounding the use of the capital funding provided by central government to repair the major, minor and unclassified roads in Kirklees, pointing out that, without a change in the rules or significant additional funding, many of the unclassified roads, which were still important links in our local road network, were unlikely to be prioritised for significant improvement and/or repair.

All councillors in Kirklees should therefore continue to lobby government for change and further investment in our local roads.

RESOLVED - That the recommendations within the report and appendix 1 to use £13.679k of the funding in the Capital Plan 2018/19 for highway improvement works, be approved.

452 Risk Management Statement

Cabinet considered a report which sought approval of an updated Risk Management Statement (March 2018) for use as a working document by the Council and its services in 2018/19.

A draft copy of the statement was appended to the Cabinet report.

RESOLVED - That the risk management statement be approved.

453 Outline proposals to support social care in 2018/19

Cabinet considered a report which explained that the finalised financial settlement for 2018/19, announced by Government on 7 February 2018, included an extension of the Adult Social Care Support Grant for a further year with an additional national funding allocation of £150m in 2018/19. This equates to a Kirklees share of £1.16m based on the relative funding formula.

In addition, as a result of the successful bid in relation to Leeds City Region Business 100% retained business rates pilot, up to £1.6m of additional resources will also be available in 2018/19.

Therefore, Cabinet noted that the purpose of today's report was to set out indicative areas of investment in 2018/19 that reflect the one-off nature of the funding, subject to approval of Council in the next municipal year.

Cllr Sheard also asked that, as officers begin to consider proposals for the use of this funding, they should look to involve councillors too in order to help develop ideas. The outcome of this engagement and work to be shared with Cabinet in due course.

Cabinet Members also answered questions from Cllrs John Lawson and Nicola Turner about the work which members and officers are pursuing with developers to try to identify opportunities and sites which may be suitable for the development of more specialist and supported housing schemes in the towns and villages throughout Kirklees from 2018 onwards.

RESOLVED - That the following recommendations within the report be approved:-

- 1) That the broad areas for investment outlined within the report are noted and supported in order that more detailed work is undertaken as required. Further details on the development and outcome of this work to be shared with councillors in due course.
- 2) That the council continue to advocate for a national sustainable solution for adult social care, based on recurrent funding.

454 North Kirklees Growth Zone

Cabinet considered a report which explained that the North Kirklees Growth Zone strategy, delivery and financial plans are due for consideration by Cabinet in Summer 2018, post consideration of the Local Plan.

Therefore, Cabinet noted that the purpose of today's report was to set out a number of interim actions that relate specifically to Dewsbury town centre and early phases of development at Dewsbury Riverside which are required before Summer 2018. Plus, the report also sought authority to progress some of the opportunities that have arisen as a result of external funding announcements.

Cabinet Members, in welcoming news of these developments, also asked councillors and officers to continue to work with those landlords and business owners in Dewsbury who are, as yet, not aware or involved in the major improvement works which will be taking place in the town centre, and to help encourage them to develop their buildings and business premises from 2018 onwards.

RESOLVED - That the proposals set out in the report, plus the following specific recommendations, be approved:-

Dewsbury Riverside

- 1) That the Service Director Housing and the Service Director for Economy, Regeneration & Culture, be authorised to enter into negotiation with Miller Homes with a view to disposal of the Council land asset as detailed in appendix D. The final terms of that negotiation and any disposal of assets being subject of a further report.
- 2) That the Service Director Housing and the Service Director for Economy, Regeneration & Culture, be authorised to enter into negotiation with Miller Homes in respect of the Memorandum of Understanding as detailed in appendix A of this report. Final acceptance and amendments of a non-fundamental nature being delegated to the Service Director Housing and the Service Director for Economy, Regeneration & Culture Service in consultation with relevant portfolio holder(s) subject to them being to the satisfaction of the Service Director Legal, Governance and Commissioning.

Dewsbury Town Centre

- 1) That resources of £290k be approved to support the THI contribution to implement the Dewsbury Better Spaces Public Realm scheme at Pioneer House.
- 2) That the Service Director Housing and the Service Director for Economy, Regeneration & Culture be authorised to progress the Dewsbury Better Spaces Public Realm scheme for Pioneer House as detailed in section 5.17 of the report.

- 3) That Cabinet agree to support a Heritage Action Zone for Dewsbury and provide match funding of £2m as detailed in sections 5.20-5.27.
- 4) That the Service Director Housing and Service Director for Economy, Regeneration & Culture, be authorised to finalise the detail of the HAZ Delivery Plan with Heritage England and to negotiate a Memorandum of Understanding with Historic England for delivery of the HAZ Programme, that final acceptance of the Delivery plan and MoU be delegated to the Service Director Housing and the Service Director for Economy, Regeneration & Culture Service in consultation with relevant portfolio holder(s).

455 The HD One Snow Sports Centre Provision of Loan Facility

Cabinet considered a report which explained that, at the Cabinet meeting on September 20th 2016, Cabinet had agreed in principle to offer a secured debt facility to Kirklees Stadium Development Ltd (KSDL) to allow KSDL to invest to acquire a majority equity stake in the Special Purpose Vehicle (SPV) company that will be set up to develop and manage the operations of the Snow Sports Centre (SSC) which will form the main visitor attraction being created as part of the wider HD One development on land adjacent to the John Smith's Stadium site in Huddersfield.

Cabinet noted that as negotiations between the various parties involved in the setting up of the SPV have progressed over the period since late 2016, it has become apparent that a more advantageous structure for the SPV would be for the Council loan to be provided direct to the SSC SPV with the provision of appropriate security for the loan from KSDL during the construction and early operational phase of the SSC. Once the SSC is trading successfully, the assets of the SPV would be valued for security purposes with a view to transferring the security for the Council loan from KSDL to the SPV. If at the point the valuation advice is received, it is felt that there is not sufficient security value in the assets of the SSC SPV, then the Council security required would remain in whole or in part on the assets of KSDL.

Therefore, Cabinet noted that as this is a different structure from that which was reported to Cabinet in September 2016, Cabinet approval was being sought today (20 March) to amend the previously approved recommendations to reflect the revised structure.

In summary, the report explained that the reasons for the latest recommendations were that, subject to due diligence and subsequent advice and negotiation, these proposals were considered the safest and securest way of proceeding to make the proposed loan whilst minimising the risk to the Council in doing so. Facilitating the loan will ensure construction of the SSC which is the core attraction of the wider HD One. The HD One development, as a whole, would create substantial Business Rate income and employment opportunities but would not be viable without this core attraction.

Cabinet also noted that a private appendix to the report had been provided for them to consider (Minute No. 458 refers) and to help determine their decision.

RESOLVED - That the proposals set out in the report, plus the following specific recommendations, be approved:-

- 1) To support, in principle, an offer of secured loan funding to the Snow Sports Centre SPV that will develop the snow sports facility at the John Smith's Stadium site.
- 2) To agree to authorise the Strategic Director Economy & Infrastructure, supported by the Councils S151 Officer and the Service Director Legal, Governance and Commissioning, to enter into detailed due diligence on the loan proposal and progress negotiations on appropriate legal documentation to offer a secured loan.
- 3) To agree to delegate authority to the Chief Executive in consultation with the relevant Portfolio Holders to agree the final terms of the loan offer.
- 4) To agree to delegate to the Service Director Legal, Governance and Commissioning the authority to negotiate and enter into any documentation required in connection with the proposed loan.

456 Dewsbury Townscape Heritage Initiative DTHI-010 – '28-30 Northgate' Grant Application

Cabinet considered a report which sought approval for:-

- A Dewsbury Townscape Heritage Initiative (THI) grant towards improving 28-30 Northgate, Dewsbury.
- Delegated authority for the Strategic Director, Economy and Infrastructure to authorise payment of the grant upon receipt of a completed application and all necessary supporting information from the applicant.

The report explained that the Dewsbury Townscape Heritage Initiative (THI) is a five year, Heritage Lottery Fund (HLF) regeneration programme in partnership with Kirklees Council which aims to:

- preserve and enhance certain key buildings located within the Conservation Area, through grant assistance;
- stimulate economic activity through creating a quality environment;
- raise awareness of Dewsbury's heritage through training and education.

Kirklees Council was awarded £2m by the HLF, matched by a further £1.7m from Kirklees Council to make a total fund of £3.7m initially over five years. The Dewsbury THI was formally launched in June 2014 and was extended to run until end of December 2019.

It was noted that the owner of 28-30 Northgate has put forward a scheme of restoration and rehabilitation for the property, which is eligible for grant funding. This is subject to Cabinet approval of the grant.

Cabinet - 20 March 2018

It was also noted that the proposed scheme is consistent with work undertaken to other properties in Northgate, delivering a uniformity of high quality traditional frontages, which considerably enhances the streetscape, improves perceptions therefore adding to the economic confidence in the town.

Cabinet also noted that a private appendix to the report, containing details of the tenders received, had been provided for them to consider (Minute No. 459 refers) and to help determine their decision.

RESOLVED - That the proposals set out in the report, plus the following specific recommendations, be approved:-

- 1) That Cabinet approve the award of a THI grant in accordance with the amounts specified in Appendix 2; and that delegated authority is given to the Strategic Director - Economy and Infrastructure, to authorise actual payment of the grant, upon receipt of a completed application form and all necessary supporting information and in accordance with the terms of the grant agreement.
- 2) That delegated authority is given to the Service Director - Legal Governance & Commissioning, to enter into and seal all grant agreements legal charges and ancillary documents relating to the grant.

457 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 that it involves the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

458 The HD One Snow Sports Centre Provision of Loan Facility

(This report was considered in private session because the information contained in it is considered to be 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. The report is recommended for consideration in private because it contained commercially sensitive information about third parties. The public interest in maintaining confidentiality of the information outweighs the public benefit of disclosing the information for reasons of open governance).

Cabinet gave consideration to this exempt information.

RESOLVED – Cabinet gave consideration to this exempt information prior to the determination of the decision (Minute No. 455 refers).

459 Dewsbury Townscape Heritage Initiative DTHI-010 – '28-30 Northgate' Grant Application

(This report was considered in private session because the information contained in it is considered to be 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. The report is recommended for consideration in

Cabinet - 20 March 2018

private because the information relates to the financial or business affairs of persons (or the authority holding that information) and specifically information relating to the applicants financial status and contractors tender prices. It is considered that the disclosure of the information would adversely affect the companies concerned. The public interest in maintain the exemption, which would protect the interests of the council and the company, outweighs the public interest in disclosing the information and providing greater openness in the council's decision making).

Cabinet gave consideration to this exempt information.

RESOLVED – Cabinet gave consideration to this exempt information prior to the determination of the decision (Minute No. 456 refers).