

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 11th December 2018**

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

Observers: Councillor Munro

Apologies: Councillor Cathy Scott

**120 Membership of the Committee**

Apologies for absence were received on behalf of Councillor Cathy Scott.

**121 Minutes of previous meeting**

**RESOLVED** - That the Minutes of the meeting of Cabinet held on 2 October 2018, 16 October 2018 and 13 November 2018 were approved as correct records.

**122 Interests**

No interests were declared.

**123 Admission of the Public**

It was noted that Agenda Item 17 would be considered in private session.  
(Minute No. 137 refers).

**124 Deputations/Petitions**

No deputations or petitions were received.

**125 Public Question Time**

No questions were asked.

**126 Member Question Time**

No questions were asked.

**127 2018/19 to 2020/21 Council Capital Plan - Proposed allocation of capital funding from the Directorate for Children's Learning & Early Support baseline sections of the Capital Plan**

Cabinet received a report which (i) provided an update on the Learning and Early Support Special Provision grant baseline section of the Capital Plan following an allocation of further top-up funding announced in May 2018, (ii) sought approval of the allocation of the required capital to the relocation of Ethos College from the

## Cabinet - 11 December 2018

Learning and Early Support SEN High Level Review funding and (iii) sought approval of the delegation of decisions regarding the Healthy Pupil Capital Fund.

The report detailed the proposal of Ethos College relocating to the former Knowles Hill School site from the Netherhall Learning Campus in order to provide greater flexibility to meet the needs of the children of Kirklees and accommodate more pupils. The maximum cost estimate was £145k, including professional fees and contingencies.

The report also set out details of the Healthy Pupils Capital Fund, totalling £358k, which had been allocated in order to improve the physical and mental health of children and young people by improving and increasing availability of facilities for physical activity, healthy eating and mental health and wellbeing.

### **RESOLVED –**

- (1) That the revised Special Provision Grant allocation, as detailed within the considered report, be noted.
- (2) That the allocation of £145k required capital to the relocation of Ethos College from the Learning and early Support SEN Future Needs review 2018/2019 baseline funding be approved.
- (3) That authority be delegated to the Strategic Director (Corporate Strategy and Public Health) to approve the distribution of the Healthy Pupil Capital Fund (HPCF), subject to consultation with Cabinet Portfolio Holders, and engagement with the Education and Learning Partnership Board.

128

### **Setting and approving Term Dates for Community, Voluntary Controlled and Community Special Schools**

Cabinet gave consideration to a report which sought approval to change the method used for the determination of academic term dates.

The report proposed that the Council ceases to use the current policy, as determined by its Education Committee in 1993, and instead uses the Local Government Association Guiding Principles for setting term dates in Yorkshire and North East regions. It advised that an annual meeting of the region's local authorities would take place to determine an academic calendar with significant similarity.

The report also requested that the decision to determine term dates be delegated to the Service Director for the 2020/2021 term dates and thereafter.

### **RESOLVED –**

- (1) That approval be given to using the recommended LGA Yorkshire and North East regions Guiding Principles for determining term dates for Kirklees community, controlled and community special schools for the 2020/21 academic year, and thereafter.

## Cabinet - 11 December 2018

- (2) That authority be delegated to the Service Director (Learning and Early Support) to set term dates following consultation and engagement with the Education and Learning Partnership Board, and with neighbouring local authorities.

### **129 Half Yearly Monitoring report on Treasury Management activities 2018-19.**

Cabinet received a report which provided an update on treasury management activities covering the period 1 April to 30 September 2018. The report provided assurance that the Council's treasury management function was being managed prudently and pro-actively, and that external investments averaged £43.1m during the period, at an average rate of 0.56%. It advised that investments had ranged from a low of £15.8m in April, to a peak of £70.8m in August.

Cabinet noted that the treasury management budget was forecast to underspend by £5.4m in 2018/19, against an annual budget provision of £22.9m due to the change in Minimum Revenue Provision policy, which generated an underspend against baseline of £9.1m and that, of this underspend, it was intended that £4.1m be transferred to financial resilience reserves at year end, with the balance of £5m being released in-year to support additional investment into high needs service in-year.

Further to the report to Council in July 2018, which set out the intention to review current treasury management investment policy and consider options for future investment opportunities, the report included a recommendation to pursue a more diverse portfolio of investment, through the Local Authorities Property Fund, subject to the consideration of risk and accounting treatment, which was still currently being considered via Government consultation.

The report provided an overview of (i) economic context (ii) investment performance (ii) borrowing performance (iii) revenue budget monitoring (iv) prudential indicators and (v) future treasury investment management strategy.

### **RESOLVED –**

- (1) That the half-year treasury management performance 2018/2019, as detailed within the considered report, be noted.
- (2) That approval be given to amending the Council's current investment strategy to include the Local Authority Property Fund as a potential investment source.
- (3) That it be noted that Officers will further explore an investment opportunity of between £5m and £10m in the Fund, and that subject to further Government clarification on the statutory override, and other risk considerations, any such proposals be formalised into the forthcoming 2019/2020 Annual Treasury Management Strategy and Annual Budget for further consideration.

### **130 A Response to the Ombudsman Report - 13 September 2018**

Cabinet received a report which highlighted the publication of a formal report by the Ombudsman on 2 October 2018 which described the difficulties experienced by a family of a child with special education needs and disabilities, and set out the

## Cabinet - 11 December 2018

recommendations of the Ombudsman, and the consequent actions that had been taken by the Council.

The report advised that a review of the Special Educational Needs and Disabilities Assessment and Commissioning Team had identified a funding gap and that an additional investment of £500k had now been implemented in order to increase the team's function, capacity and size.

Cabinet noted that feedback from parents had been used to shape the action plan and that a series of ongoing meetings would allow parents to monitor the progress of the review and the action plan. The report advised that the actions focussed on key issues that had been raised by parents and those addressed through the Ombudsman's report.

It was noted that the Council would confirm to the Local Government Ombudsman when its improvement plans had been fully introduced and that an update would be reported to the next meeting of Corporate Governance and Audit Committee.

**RESOLVED** - That the formal Ombudsman report, and the actions completed to date, along with monitoring arrangements, be received and noted.

### 131 **Facilitating the development fixed line broadband services**

Cabinet gave consideration to a report which sought authority to enter into agreements with individual telecommunication network providers of fixed line broadband services.

The report advised that a number of providers of fixed line broadband services were proposing to improve and/or extend their networks within the Borough and that the proposed improvements would include the installation of new electric apparatus on Council land and in Council buildings. It was requested that the authority to enter into agreements be granted in order to facilitate speedier improvements.

Cabinet were advised that the existence of such agreements should save both the telecommunication network providers and the Council both time and money when any improvements to the networks are carried out and create greater appeal to broadband providers to improve their fixed line broadband networks within Kirklees.

Cabinet noted the report and it was requested that, in order to preserve the road surfaces, service ducts be used in all possible cases. More generally, it was requested that consideration be given to providing a specification for common use service ducts.

### **RESOLVED –**

- (1) That approval be given for the Council to enter into arrangements with individual telecommunication network providers of fixed line broadband services which provides for (i) the Council to grant rights to the particular telecommunication network provider to install and maintain apparatus for fixed line broadband services in and over Council owned land and buildings throughout the Council area and (ii) the setting out of procedures for the

## Cabinet - 11 December 2018

determination of where such apparatus should be installed, and the manner and method in which it shall be installed and maintained.

- (2) That authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree the terms of any agreement, pursuant to (1) above, with individual telecommunication network providers of fixed broadband services.
- (3) That authority be delegated to the Strategic Director (Legal, Governance and Commissioning) to enter into and execute any agreements as referred to in (1) above, together with any documents and agreements that are ancillary to such agreements.

**132 Children's Interim Sufficiency Strategy & Action Plan (2018-19)**  
**RESOLVED** – Cabinet agreed that the consideration of the item be deferred.

**133 Written Questions to the Leader and Cabinet Members (Reference from Council)**

Under the provision of Council Procedure Rule 12(8), the Cabinet received the following questions from Councillor Munro, which had been referred from the Meeting of Council held on 7 November 2018:

- (i) “We have a great library in Almondbury which is in an historic purpose-built Carnegie library building, for which there is overwhelming local support for the service to remain there. So why are the Council intent on moving it to the Sure Start Centre which will only dilute the service?”

A response was provided by the Cabinet Member for Corporate Services.

- (ii) “My question concerns the Local Plan. The time for responding to the additional modifications proposed by the Inspector closed on October 1<sup>st</sup>. I note that on all Council owned land across Kirklees, the wording: “This site is owned by Kirklees and as such could deliver enhanced affordable housing and green infrastructure and offer design and quality that is of a high standard” has been deleted. I have not seen any recorded comments from Cabinet to suggest that they do not agree with the Inspectors proposed modification.

My question therefore is: How can the Cabinet justify this when there is a backlog of over 6,000 affordable homes required to be built over the next few years to clear the backlog according to the Strategic Housing Market assessment 2016.”

A response was provided by the Cabinet Member for Economy.

**134 Transport Services - 3 year Capital Investment Vehicle Replacement Programme 2018 - 2021**

Cabinet gave consideration to a report which requested that approval be given to a three year Capital Investment Vehicle Replacement Programme. The report advised that there were currently 365 vehicles that were over the replacement age profile, equating to 45.84% of the vehicle fleet, and that following approval of the vehicle

## **Cabinet - 11 December 2018**

replacement plan in March 2017, 47 vehicles had been procured and replaced, with vehicle sales generating income of £187k. Cabinet were advised that the 2018-2021 baseline capital of £4m would fund the replacement of approximately 62 vehicles.

The report also requested that the implementation of the programme be delegated to the Service Director, in order to enable the management of the procurement and implementation of the programme, and that all vehicles would be procured and phased into operational service by the end of the 2021 financial year.

(The exempt information at Agenda Item 17 was considered prior to the determination of this Agenda Item (Minute No. 136 refers).

### **RESOLVED –**

(1) That approval be given to the continued investment of £4m in the vehicle replacement programme, for the financial years 2018-2021.

(2) That authority be delegated to the Service Director (Commercial, Regulatory and Operational Services), as outlined in paragraph 2.6 of the considered report, in order to manage the implementation of the vehicle replacement programme within the agreed budget and in accordance with Financial Procedure Rules.

### **134a Pioneer House - Contribution to College Fit Out Works (Late/Urgent Item)**

(In accordance with the requirements for the consideration of a late/urgent item the Chair of Overview and Scrutiny Management Committee (i) agreed to the addition of the item to the Forward Plan and (ii) waived the right to call in due to the need for a decision to confirm the allocation of funding to the Pioneer House College fit out works to be confirmed to the college as soon as is possible).

Cabinet received a report which sought permission to revise authority previously given by Cabinet (January 2017) in regards to the underwriting of loan costs by the Council for Kirklees College in respect of Pioneer House.

In regards to the current position, the report advised that the works were progressing well and were due for completion in early 2019, following which the college would undertake an internal fit-out programme of works.

The report sought authority, pursuant to the previous Cabinet decision on 17 January 2017, to revise that decision in order to enable the Council's £2m contribution from the capital plan to be made to the Dewsbury Learning Quarter Scheme, rather than being utilised for funding of up to 50% of the loan from West Yorkshire Combined Authority. The report confirmed that, in accordance with the previous decision, the Council would seek to offset the cost as far as was possible by releasing capital from the sale of land.

Cabinet acknowledged the significance of the iconic building within Dewsbury Town Centre, and confirmed the need to ensure that investment and commitment was

## Cabinet - 11 December 2018

given to bringing Pioneer House back into use in line with the longer term ambitions to regenerate the town centre.

### **RESOLVED –**

- (1) That authority be given for the payment of a grant of £2m from the Council's capital plan to contribute to the regeneration and bringing back into use of Pioneer House so as to bring about the completion of the Dewsbury Learning Quarter thereby increasing footfall and the regeneration of Dewsbury Town centre.
- (2) That authority be delegated to the Service Director (Legal, Governance and Monitoring) to enter in to all documentation necessary to bring about the ability for the Council to make a grant of £2m to Kirklees College from the Capital Plan.

### **135 Exclusion of the Public**

**RESOLVED** - That 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 they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

### **136 Transport Services - 3 year Capital Investment Vehicle Replacement Programme 2018 - 2021**

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report 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 within the report as disclosure could potentially adversely affect overall value for money and could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 15 (Minute No. 134 refers).