

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Wednesday 29th May 2019

Present: Councillor Shabir Pandor (Chair)
Councillor Masood Ahmed
Councillor Viv Kendrick
Councillor Naheed Mather
Councillor Peter McBride
Councillor Cathy Scott
Councillor Graham Turner

Observers: Councillor Martyn Bolt
Councillor Andrew Cooper
Councillor Paola Antonia Davies
Councillor Alison Munror
Councillor Carole Pattison
Councillor Elizabeth Smaje
Councillor Mohan Sokhal
Councillor Rob Walker

Apologies: Councillor Musarrat Khan

1 Membership of the Committee

Apologies for absence were received on behalf of Councillor Khan.

2 Minutes of previous meeting

RESOLVED – That the Minutes of the Meeting held on 16 April 2019 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

It was noted that Agenda Item 16 would be considered in private session (Minute No. 16 refers).

5 Deputations/Petitions

Cabinet received deputations from Charly Matthews, Amy Bairstow, David Whittingham and Peter Rock in respect of Agenda Item 9 at the consideration of that item.

6 Public Question Time

Cabinet received questions from Trish Jennings, Charly Matthews, David Burns, Tejinder Ajiz, Helen Tones, Paula Bairstow, Elena Ali, David Bairstow and Adele Brady in respect of Agenda Item 9 at the consideration of that item.

7 Member Question Time

Cabinet received questions from Councillor Bolt in regards to (i) the availability of Cabinet Members for questions following this meeting (ii) progress made in investigating and recovering S106 monies for the Mirfield area (iii) the provision of safe and secure parking and improvement of facilities for HGVs and (iv) when the Leader would provide notice of the Members of Cabinet and their portfolios.

A response was provided by the Leader of the Council.

Cabinet received questions from Councillors Cooper, PA Davies and Munro in respect of Agenda Item 9 at the consideration of that item.

8 Appointment of Deputy Leader

Cabinet received notice from the Leader of the Council that Councillor Peter McBride had been appointed as Deputy Leader of the Council, in accordance with articles 7.2.4 and 7.3.4 of the Constitution.

RESOLVED - That it be noted that (i) under Articles 7.2.4 and 7.3.4 of the Council's Constitution, the Leader of the Council had appointed Councillor McBride as Deputy Leader of the Council, with effect from 13 May 2019 and (ii) Councillor McBride would take Cabinet Portfolio Holder responsibility for the Economy Portfolio.

9 Future Options for Almondbury Community School - Outcome Report

Cabinet gave consideration to a report which set out the outcomes of the non-statutory consultation process on future options for Almondbury Community School and sought approval to formally propose alterations to the school by reducing the age range from 3 to 16 years, to 3 to 11 years.

Deputations presenting objection to the proposals were received from Charly Matthews, Amy Bairstow, David Whittingham and Peter Rock, and questions were received from Trish Jennings, Charly Matthews, David Burns, Tejinder Ajiz, Helen Tones, Paula Bairstow, Elena Ali, David Bairstow, Adele Brady, Councillor Cooper, Councillor PA Davies and Councillor Munro.

The report advised that, pursuant to the decision of Cabinet on 19 March 2019, a non-statutory consultation had taken place between 27 March 2019 and 23 April 2019 in regards to; (i) changing the age range of the school, from 3 to 16 years, to 3 to 11 years, with implementation from September 2020 (ii) changing the planned admission number of the primary phase from 60 at Key Stage 1 and 110 at Key Stage 2 to 30, with effect from September 2020, thereby providing 210 places across Reception to Year 6, through a phased approach and (iii) admitting no new pupils into Year 7 from September 2020.

The report acknowledged that the proposals would require the Council to (i) work with King James's School and Newsome High School to realign the existing Almondbury Community School priority admission area (ii) explore the opportunity to work with King James's School to create 30 additional places from September 2020, thereby creating 150 additional secondary places over five years (iii) work with the Regional Schools Commissioner to secure an academy sponsor for Almondbury High School as a future primary school and (iv) consolidate Almondbury Community

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School as a future primary school into the current key stage 1 building on Fernside Avenue.

Cabinet were advised that 358 responses to the consultation had been received, alongside a petition of 1254 signatures. The responses were contained at Appendix E of the considered report and an officer commentary addressing the key themes was contained within the report.

Cabinet noted that, whilst there was support for retaining a secondary phase at Almondbury Community School, there were a low number of pupils on roll which had resulted in the provision of a limited curriculum and that educational opportunities were challenged due to the financial impact of under occupancy. It was also noted that the Regional Schools Commissioner had issued an Academy Order for Almondbury High School on 16 May 2019.

The report advised that, subject to approval, the proposals would be subject to statutory notice, which would be followed by a period of representation, prior to a final decision being taken in July 2019.

RESOLVED –

- (1) That, pursuant to the non-statutory consultation process, authority be delegated to Officers to publish the following statutory proposals in relation to Almondbury Community School;
 - (i) to change the age range of the school from age 3 to 16 years to age 3 to 11 years (with effect from September 2020)
 - (ii) to change the planned admission number of the primary phase from 60 (Key Stage 1) and 110 (Key Stage 2) to 30 in both Key Stage 1 and Key Stage 2 (with effect from September 2020), thereby providing 210 places from Reception to Year 6 (through a phased approach)
 - (iii) to admit no new pupils to Year 7 from September 2020.

- (2) That Officers be authorised to
 - (i) continue to explore the consolidation of primary year groups at Almondbury Community School into the current Key Stage 1 building on Fernside Avenue, and report on the indicative level of investment required
 - (ii) continue to explore the opportunity to work with King James's School and make amendments to its current catchment area, creating 30 additional planned places from September 2020, therefore in the longer term creating an additional 150 secondary places at the school through the admission of 30 additional pupils per year, and report on the indicative level of investment required
 - (iii) work with Newsome High School to make amendments to its current catchment area to include the catchment area of Lowerhouses CE(VC) Junior, Infant and Early Years School which forms part of the current Almondbury Community School secondary catchment area
 - (iv) explore with Netherhall Learning Campus High School the impact of changing their catchment area to include parts of Moldgreen Community Primary School and Dalton School primary catchment areas (south of A642) which form part of the current Almondbury Community School secondary catchment area
 - (v) continue to work in partnership with local secondary schools and the Regional Schools Commissioner to plan for the transitional arrangements to support pupils, families and the staff of

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Almondbury Community School if the proposal are approved (vi) continue to engage with and support children and families, particularly those in challenging circumstances who may be affected by the proposals (vii) continue to work with King James's Academy Trust to further assess the level of capital investment that would be required to enable King James's School to create 30 additional planned places and that this information be submitted to a future meeting (vii) continue to assess the level of investment which would be required to enable the existing Key Stage 1 building of Almondbury Community School on Fernside Avenue to be utilised by the revised age range and that this information be submitted to a future meeting and (viii) submit a report detailing the outcome of the statutory consultation and representation period to a future meeting to inform a final decision of Cabinet.

- 10 Disposal of Open Space at Raikes Lane/The Mount, Birstall, Batley**
(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Smaje).

Cabinet received a report which set out details of objections received as a result of advertising the Council's intention to dispose of open space at Raikes Lane/The Mount, Birstall and were asked to give consideration as to whether the disposal should proceed pursuant to the previous Cabinet decision on 21 August 2018.

The report advised that six individual objections had been received, which were attached to the considered report at Appendix 2, and raised matters relating to the conservation area, the setting of listed buildings, wildlife and trees, road congestion and highways issues.

Cabinet considered that the disposal of the open space would allow the land to be better utilised and maintained and provide the opportunity for a local small scale development whereby the objections received in relation to the future use of the site could be addressed within the statutory planning process.

RESOLVED - That the objections be noted and that approval be given to the disposal of open space at Raikes Lane/The Mount, Birstall, Batley in order to (i) enable the land to be better utilised and maintained (ii) achieve a capital receipt and (iii) provide a potential opportunity for local small scale development and support to the local labour market.

- 11 Disposal of Open Space at Rowley Hill/Common End Lane, Lepton, Huddersfield**

Cabinet received a report which set out details of objections received as a result of advertising the Council's intention to dispose of open space at Rowley Hill/Common End Lane, Lepton, and were asked to give consideration as to whether the disposal should proceed pursuant to the previous Cabinet decision on 21 August 2018.

The report advised that numerous objections had been received, which were attached to the considered report at Appendix 2, and raised matters relating to highways, drainage issues, recent repair works, wildlife and local habitat, invasion of privacy, overdevelopment and proximity to listed buildings.

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Cabinet considered that the disposal of the open space would allow the land to be better utilised and maintained and provide the opportunity for a local small scale development whereby the objections received in relation to the future use of the site could be addressed within the statutory planning process.

RESOLVED - That the objections be noted and that approval be given to the disposal of open space at Rowley Hill/Common End Lane in order to (i) enable the land to be better utilised and maintained (ii) achieve a capital receipt and (iii) provide a potential opportunity for local small scale development and support to the local labour market.

12 **Early Closedown Review 2018/19**

Cabinet received a report which set out proposals to review earmarked reserves as part of the 2018-2019 accounts process. The report advised that the annual budget report had indicated that there would be a further assessment of reserves requirements as part of the 2018-2019 final accounts process, and a number of recommendations were therefore presented within the report regarding further reserves requirements.

Cabinet noted the detail of the proposals which were; (i) to set aside a specific reserve of £11m specifically to support the development of the Council's waste management strategy in light of the known financial implications of the current Council PFI waste contract ending 2022-2023 (ii) to increase the current strategic investment and support reserve by £1.4m from £4m to £5.4m and (iii) to establish a specific revenue reserve for £500k to support a range of initiatives to enhance a range of council venues which are available to the public for entertainment and cultural purposes. The report advised that the proposals would be met from the re-direct of existing financial resilience reserves of £8.8m, plus the transfer of in-year (2018-2019) unallocated minimum revenue provision totalling £1.4m from central budgets to general fund reserves, as part of the 2018-2019 final accounts process.

It was noted that, subject to approval, the proposals would be incorporated into the 2018-2019 final accounts process, and thereon reported to Council in July 2019.

RESOLVED -

(1) That approval be given to (i) the Waste Management Strategy Reserve at £11m (ii) the increase in Strategic Management Reserve by £1.4m to £5.4m and (iii) the Commercialisation reserve at £0.5m.

(2) That, pursuant to (i) and (iii) above, approval be given to the funding of reserves proposal through the transfer of £4.1m unallocated MRP release from Central Budgets, and re-direct of existing financial resilience reserves of £8.8m, as part of the 2018-2019 final accounts process.

13 **Air Quality Management Area Declaration – Thornton Lodge**

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representations from Councillors Cooper and Sokhal).

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Cabinet gave consideration to a report which sought approval to declare an Air Quality Management Area (AQMA) in Thornton Lodge and Longroyd Bride, Huddersfield.

Cabinet were advised that it was necessary for Local Authorities to declare Air Quality Management Areas for areas of the borough where pollution levels exceeded those required by government and that there were currently nine AQMAs within the Kirklees area. It was proposed that the Thornton Lodge Action Plan would be submitted to Cabinet in July 2019, as part of the Council's five year air quality action plan.

The report advised that the nitrogen dioxide levels in the Thornton Lodge area had been determined to exceed the national objective following a period of monitoring and assessment, and that the Council was under a legal duty to declare a AQMA under Section 83 of the Environment Act 1995.

RESOLVED - That authority be delegated to the Strategic Director (Economy and Infrastructure) to declare an Air Quality Management Area in Thornton Lodge and Longroyd Bridge, Huddersfield.

- 14 Assembling Land and Property, Huddersfield Town Centre**
(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Cooper).

Cabinet gave consideration to a report which set out details regarding the acquisition of a strategic freehold asset in Huddersfield Town Centre, in association with the Huddersfield Town Centre masterplan.

Cabinet noted that the masterplan was to be launched for public engagement within the coming weeks and that the purchase of the asset would assist in supporting the Council's strategic objectives for the development of the town centre. The report advised that the ambition of the plan was to set out a number of key transformational projects which would shape the town centre in the long term.

An exempt appendix to the report set out details of the asset and financial implications.

Cabinet gave consideration to the exempt information as set out at Agenda Item 16 prior to the determination of this item (Minute No. 16 refers).

RESOLVED -

- (1) That approval be given to the acquisition of the strategic freehold asset, in accordance with the terms as set out at Agenda Item 16 (exempt information).
- (2) That approval be given to capital funding from the Strategic Priorities allocation for Huddersfield Town Centre, as identified in the Council's approved Capital Plan for 2019/20 to 2023/24.

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- (3) That authority be delegated to the Strategic Director (Economy and Infrastructure) and Service Director (Legal, Governance and Commissioning) to negotiate and agree the final terms for the acquisition of the asset as identified at Agenda Item 16 (exempt information).
- (4) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute any agreements or instruments relating to the acquisition of the asset as identified at Agenda Item 16 (exempt information).
- (5) That authority be delegated to the Service Director (Economy and Skills) to undertake the strategic and operational management of the proposed strategic purchase, alongside the Service Director (Legal, Governance and Commissioning) to agree relevant operational leases and terms.

15 **Exclusion of the Public**

RESOLVED – That acting under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for 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, as specifically stated in the undermentioned Minute.

16 **Assembling Land and Property Huddersfield Town Centre**

(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). The public interest in maintaining the exemption is that the disclosure of the information would be contrary to confidential terms and that the exemption outweighed the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in Council decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 14 (Minute No. 14 refers).