

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Thursday 21st May 2020**

Present: Councillor Shabir Pandor (Chair)  
Councillor Viv Kendrick  
Councillor Musarrat Khan  
Councillor Naheed Mather  
Councillor Peter McBride  
Councillor Carole Pattison  
Councillor Cathy Scott  
Councillor Graham Turner  
Councillor Rob Walker

Observers: Councillor Cooper  
Councillor D Hall  
Councillor Lukic  
Councillor Marchington  
Councillor J Taylor

**156 Membership of Cabinet**

All Cabinet Members were present.

**157 Interests**

No interests were declared.

**158 Admission of the Public**

It was noted that exempt information was provided at Agenda Item 12 (Minute No.167 refers).

**159 Questions by Elected Members (Oral Questions)**

Cabinet received the following questions from Members of the Council;

**Question from Councillor Cooper:**

“Given Yorkshire has one of the highest ‘R numbers’ in England will Kirklees be following Government advice to reopen primary schools on 1<sup>st</sup> June?”

A response was provided by the Cabinet Member for Learning, Aspiration and Communities (Councillor Pattison)

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### **Question from Councillor Cooper**

“What tangible, practical measures will the Council be able to take swiftly to help cyclists during and after the lockdown?”

A response was provided by the Cabinet Member for Greener Kirklees (Councillor Mather)

### **Question from Councillor Cooper**

“Why was tackling Climate Change not recognised as a significant challenge in the Government Review document produced by West Yorkshire Combined Authority in preparation for the potential West Yorkshire Mayoral Combined Authority?”

A response was provided by the Leader of the Council.

### **Question from Councillor Cooper**

“Is it right that a West Yorkshire Mayor can appoint an unelected Deputy Mayor from the same party, potentially on a salary of around £50k a year just as the Labour Police and Crime Commissioner has?”

A response was provided by the Leader of the Council.

### **Question from Councillor Cooper**

“Given the investment company that owns Leeds Bradford Airport has called for a half million tonnes increase in its carbon emissions/year to 2050 will you drop your support for airport expansion because of your stated support for the climate emergency?”

A response was provided by the Leader of the Council.

### **Question from Councillor D Hall**

“Although we’ve said that the issue of widening the access to schools is a complex one, the Government line is that schools need to plan for widening access at some point which at the earliest will be 1 June, would you agree that given the amount of money and time that the Government spends commissioning advice from some of the most eminent and well placed medical people, clinicians and scientists to give us the advice that we need, shouldn’t we listen to them rather than the Leader of the local Green Group?”

A response was provided by the Cabinet Member for Learning, Aspiration and Communities (Councillor Pattison)

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### **Question from Councillor Lukic**

“Will the Cabinet rule out fining parents if they don’t feel that it’s safe to send their children to school in June?”

A response was provided by the Cabinet Member for Learning, Aspiration and Communities (Councillor Pattison)

### **Question from Councillor Marchington**

“With regards to the communication that the Cabinet Member is having with Head Teachers, and no schools being obliged to be open if they haven’t got the capacity to hold children, are any Head Teachers raising issues about capacity in Kirklees Schools?”

A response was provided by the Cabinet Member for Learning, Aspiration and Communities (Councillor Pattison)

### **Question from Councillor Marchington**

“Do you feel that if we get feedback from a significant number of schools saying that this isn’t going to work, that we could feed that back to central government?”

A response was provided by the Cabinet Member for Learning, Aspiration and Communities (Councillor Pattison)

### **Question from Councillor Marchington**

“With regard to discharge to care homes, what steps are being taken in Kirklees, in particular in regards to elderly residents that have been in hospital with covid whereby discharge back to their care home might not be appropriate? Are we looking at alternative provision and where would be the best place for that person?”

A response was provided by the Cabinet Member for Health and Social Care (Councillor Khan)

### **Question from Councillor Marchington**

“We appreciate the hard work that refuse collectors have been putting in, and the reopening of household waste sites. With regards to bins not being emptied due to a change in collection patterns, how is this being monitored to ensure that bins are being collected and how are any missed collections being dealt with?”

A response was provided by the Cabinet Member for Culture and Environment (Councillor Walker)

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### **Question from Councillor Marchington**

“As lockdown is eased, how can we make sure that people who are homeless but in secure accommodation at the moment are going to be to remain in secure accommodation?”

A response was provided by the Cabinet Member for Housing and Democracy (Councillor Scott)

### **Question from Councillor Marchington**

“Changes in travel at the moment mean that people are cycling and walking more, and working from home. We need to start planning now for how we can accommodate cycling and walking to and from places, particularly to and from work, after lockdown. How much planning can we be doing now to make sure that is in place?”

A response was provided by the Cabinet Member for Greener Kirklees (Councillor Mather)

### **Question from Councillor J Taylor**

“Putting the Council at the heart of what we do is what the Council is all about. Could you let me know how you intend to let Councillors fully engage in the running of the Council as January was the last opportunity we had to fully engage?”

A response was provided by the Leader of the Council

### **Question from Councillor J Taylor**

“There has been some controversy about the number of planning decisions that have been brought forward before the virtual planning committee has been up and running and I’ve been pleased with the way that the Council has responded to that in that where a ward member has had concerns regarding the emergency powers being used, there being agreement to put the matter to a virtual meeting, that will be running from the beginning of June. However, it has been brought to my attention by a ward colleague that they had asked for a matter to be referred to committee and that had been agreed and was due to go in April, but the decision has now been taken by officers using delegated powers, despite the Councillor’s request. Can this be looked at, there should have been some dialogue if we were going to issue the decision?”

A response was provided by the Cabinet Member for Regeneration (Councillor McBride)

### **Question from Councillor J Taylor**

“One of the issues that we are starting to hear is the potential impact upon the housing market as a result of the pandemic. I read about a possible fall in house prices and potential disruption to the housing market. Is any work being done to look

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at the impact of this, both upon people who may find themselves in financial difficulties and may be coming to us for housing solutions? Also, more broadly, in terms of the local plan and our ambitions regarding housing growth, and the financial impact if we do see slower housing growth?"

A response was provided by the Cabinet Member for Housing and Democracy (Councillor Scott)

### **Question from Councillor J Taylor**

"Current negotiations on the trade deal with the EU don't appear to be a meeting of minds, although that could be the negotiating stance on both sides. How confident is the Council that it still has insight of the potential impacts of no deal, or whatever deal may arrive, and is work continuing on this despite the pandemic?"

A response was provided by the Leader of the Council

### **Question from Councillor J Taylor**

With regards to the Dewsbury Town Fund, I know that conversations have been ongoing with the Government regarding town fund bids. Are we any clearer as to what we may need to do in regards to revising our proposals, both in terms of the specific bid itself which had incredibly tight timescales, but also, are we doing some reflection on what this pandemic may do to our broader vision?"

A response was provided by the Cabinet Member for Regeneration (Councillor McBride)

### **Question from Councillor J Taylor**

"I'm aware that certain types of waste isn't being accepted at the tips and also that residents are unhappy about restrictions on the use of trailers and vans. Are we any clearer as to when we will get back to operating, with social distancing management, to accepting the same range of materials that we were accepting prior to the pandemic?"

A response was provided by the Cabinet Member for Culture and Environment (Councillor Walker)

**160**

### **Questions by Members of the Public (Written Questions)**

Cabinet received the following questions from Members of the Public;

#### **Question from Andrew Leader**

"The Council has a legal duty to keep public rights of way open for public use and powers to enforce this if necessary. Government advice in Rights of Way Circular (1/09) states that councils should act quickly to investigate reports of obstruction. There are over 50 path obstructions in the Holme Valley reported over a year or more ago which the council has not yet acted on.

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Can the Cabinet Member responsible outline what the Council's policy/procedure is for removing such obstructions, what timescales the council works to and if members of the public should be kept informed of progress?"

A response was provided by the Cabinet Member for Culture and Environment (Councillor Walker)

### **Question from Gideon Richards**

"The Council stated there would be sums allocated in the budget for a Kirklees Climate Commission.

Given this was not visible as a budget item and the stresses that the COVID-19 has placed on the council, please could you confirm how much was allocated and is this still available, for what and in which periods do you expect it to be released?"

A response was provided by the Cabinet Member for Resources (Councillor Turner)

### **Question from Gideon Richards**

"Does the Council have a Green Recovery Programme developed or being developed for easing of lockdown and what does it include?"

A response was provided by the Cabinet Member for Greener Kirklees (Councillor Mather)

### **Question from Gideon Richards**

"What measures are the Council taking to capitalise on the historic low emissions level as we come out of lockdown? If these include walking and cycling, when will these schemes be unveiled to the public and will it include a town bike cycle scheme? Do I need to get my bike out after shielding?"

A response was provided by the Cabinet Member for Greener Kirklees (Councillor Mather)

### **Question from Gideon Richards**

"The Huddersfield Blueprint consultation was finalised just before the lockdown and the devastation of the Pandemic. Given it is heavily based on a culture and events offering, will there be a review of the Blueprint for robustness against second wave or another Pandemic impacting the town?"

A response was provided by the Cabinet Member for Greener Kirklees (Councillor Mather)

**161 Ad Hoc Scrutiny Report - Future arrangements for the Council's Residential Housing Stock**

(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Marchington).

Cabinet received a report which presented the findings of the Ad Hoc Scrutiny Panel – Future Arrangements for the Council's residential housing stock. It was noted that the Panel had met between December 2019 and February 2020, and the findings report arising from the investigation, including its recommendations, was presented by the Chair of Overview and Scrutiny Management Committee, Councillor Smaje.

Cabinet were advised that, in light of the findings of the Hackitt Review and changing risk and regulatory landscape, the Panel gave consideration to the best options for the Council in its capacity as landlord, in order to achieve the right balance between risk to the Council and outcomes for local residents.

**RESOLVED** - That (i) the recommendations of the Ad Hoc Scrutiny Panel (Future Arrangements for the Council's Residential Housing Stock) and (ii) the responses as set out within the Action Plan at Appendix 3 of the report, be received and noted.

**162 COVID-19 - Impact upon Council finances**

(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Marchington and J Taylor).

Cabinet received a report which set out an update on the impact of Covid 19 upon the Council's finances, broader local government sectoral impact, national government financial support to date, and emerging actions that had been taken or would be required.

The report advised that the Government had allocated £3.2bn covid funding to date to the local government sector nationally, and that Kirklees would receive £24.3m. Cabinet noted that all local authorities were now submitting monthly financial returns to help the government assess both emerging monthly impacts and full year forecasts. It was advised that the impact of funding allocations to date would adjust the cost impact upon the Council to between £9.4m and £40.4m. The report indicated that the Council was taking early measures to release further revenue resources to financial resilience reserves in light of the predicted global economic recession and longer term impact upon the Council's Medium Term Financial Strategy, which would be the subject of a separate report to Cabinet setting out in more detail specific measures being taken as part of the closure of accounts process for 2019/2020.

**RESOLVED** - That the report be received and noted.

**163 Devolution Deal for West Yorkshire - Review, Scheme and Consultation**

(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors D Hall and Marchington).

Cabinet received a report which sought endorsement of the Governance Review and approval that a public consultation exercise be undertaken on the draft scheme by Constituent Councils and the Combined Authority. The report acknowledged that the West Yorkshire 'minded to' Devolution Deal was announced as part of the budget on 11 March 2020, and that, subject to consultation and statutory process, this would ultimately lead to the adoption of a Mayoral Combined Authority model with additional functions, and would require an Order from the Secretary of State.

Cabinet noted that, subsequent to the budget announcement, the Combined Authority and each Constituent Council had (i) endorsed the 'minded to' Deal agreed (ii) agreed to be party to a Review of the Combined Authority's constitutional arrangements and of the functions carried out by the Combined Authority over the Combined Authority's area (as set out at para.2 of the considered report) and pursuant to S111 of the Local Democracy, Economic Development and Construction Act 2009 (iii) authorised the Combined Authority's Managing Director, in consultation with the Chief Executive of each Constituent Council, to carry out the Review on behalf of the each Constituent Council and the Combined Authority (iv) authorised the Combined Authority's Managing Director, in consultation with the Chief Executive of each Constituent Council, and on behalf of each Constituent Council and the Combined Authority to prepare a draft Scheme for consideration by the Constituent Councils and the Combined Authority, subject to the outcome of the Review. Subsequent to these approvals, Cabinet were asked to give consideration to (i) the outcome of the statutory Review, which had been undertaken jointly by the Constituent Councils and the Combined Authority (ii) whether an Order of the Secretary of State would likely improve statutory functions and (iii) the draft Scheme.

The report advised that, subject to the authorisation, of the Combined Authority and each Constituent Council, it was proposed that a consultation and engagement exercise with partners and stakeholders was undertaken on the draft Scheme, and that a report detailing the outcome of the consultation would be considered in August 2020, prior to the submission of the responses to the Secretary of State.

The considered report and appendices set out information on (i) the process for enacting the deal (ii) the Governance Review (iii) preparing a draft scheme and (iv) the consultation process.

**RESOLVED -**

- 1) That the Governance Review at Appendix 1 of the considered report be noted, and that its conclusions be endorsed, including that an Order under S104 and S105 in relation to the changes to the constitutional arrangements considered in the Review, and the delegation of additional functions to the Combined Authority, would be likely to improve the exercise of statutory functions in relation to the Combined Authority's area.
- 2) That the draft scheme for the establishment of the Mayoral Combined Authority, as attached at Appendix 2 of the considered report, be noted.



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- 3) That a public consultation exercise be undertaken on the proposals contained within the Scheme, as attached at Appendix 3 of the considered report.
- 4) That it be agreed that (i) engagement with the Combined Authority with other constituent Councils should progress as set out within the report, pursuant to (1) to (3) above and (ii) the Managing Director of the Combined Authority shall, in consultation with the Chief Executive and Leader of this Council, be authorised to take any steps to finalise the Scheme and progress the public consultation exercise.
- 5) That the updated timetable and next steps, as set out at Appendix 4 of the considered report (subject to approval by the Constituent Councils and Combined Authority) be noted, including the submission of a summary of the consultation responses to the Secretary of State in August/September 2020 and subsequently consent to any draft Order in September 2020 so that a mayoral combined authority model and associated changes may be adopted and implemented by May 2021, as set out in the Deal.
- 6) That this decision shall be exempt from call-in on the grounds of urgency, as detailed at para 3.6 of the considered report, with the agreement of the Chair of Overview and Scrutiny Management Committee.

**164 2020/2021 Road Surfacing Programme - Large Schemes over £250k**  
(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor J Taylor).

Cabinet gave consideration to a report which sought approval of a programme of road surfacing schemes for 2020/2021. Cabinet were advised of the following road resurfacing works which were proposed within the Highways Capital Plan; A62 Leeds Road, B6432 Firth Street, A62 Castlegate, Mill Street East, Highlands Avenue/Highcroft Crescent and A6024 Woodhead Road, Holme Moss and the report provided an overview of the works in respect of each. It was noted that the schemes would be discussed with utility providers and that delays and disruption would be minimised where possible.

**RESOLVED** - That approval be given to the large scheme road surfacing programme.

**165 The Huddersfield Blueprint – Land Assembly**  
(Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor D Hall).

Cabinet received a report which requested that consideration be given to the options available to the Council for the acquisition of property to help deliver regeneration in one of six key areas in the Huddersfield Blueprint. Cabinet were advised that the property acquisition, which was detailed within the exempt appendix to the report would help meet the blueprint objectives and deliver regeneration in one of its six key areas (Station Gateway, St Peter's, Kingsgate and King Street, the Civic Quarter and the Piazza/Queensgate).

(Cabinet gave consideration to the exempt information at Agenda Item 12 (Minute No. 167 refers) prior to the determination of this item).

**RESOLVED –**

- 1) That approval be given to the acquisition of the property as illustrated within the exempt location plan and site plan red line boundary, for up to a purchase price as detailed within exempt Appendix A (para. 3.6.3).
- 2) That approval be given to the required capital finding for the property acquisition and the planning consultancy from the Strategic Acquisition Fund in the Council's approved Capital Plan for 2020/21, if external funding is either delayed or not forthcoming.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) and Service Director (Legal, Governance and Commissioning) to negotiate and agree terms for the acquisition of the property as identified within the exempt appendix subject to contract, clean and marketable title free from any encumbrances, structural/condition surveys of the property, and vacant possession.
- 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 property identified in the exempt appendix.
- 5) That authority be delegated to the Service Director (Economy and Skills) to undertake the strategic and operational management of the property following acquisition, alongside the Service Director (Legal, Governance and Commissioning)
- 6) That authority be delegated to the Service Director (Economy and Skills) to apply for planning permission and any other statutory consents that may be required to develop that property in line with the feasibility report within the exempt appendix.

**166 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 the 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.

**167 The Huddersfield Blueprint - Land Assembly**

(Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, 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 outweighs the public interest in disclosing the information and providing greater openness and transparency in the Council's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 10 (Minute No. 165 refers).