

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 28th July 2020

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 Martyn Bolt
Councillor Andrew Cooper
Councillor Aleks Lukic
Councillor Andrew Marchington
Councillor Anthony Smith
Councillor Mohan Sokhal

230 Membership of Cabinet

All Members of the Cabinet were present.

231 Interests

No interests were declared.

232 Admission of the Public

It was noted that Agenda Item 12 would be considered in exempt session (Minute No. 241 refers).

233 Deputations/Petitions

No deputations or petitions were received.

234 Questions by Members of the Public (Written Questions)

Cabinet received the following questions from Members of the Public:

Question from James Taylor

“Can the Leader provide details of Council investment and expenditure on community buildings by ward?”

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

Question from James Taylor

“Mirfield has a proud record of supporting environmental projects and as the Leader should hopefully know Mirfield has been chosen to represent Yorkshire in the Britain in Bloom competition.

What support and investment is coming to Mirfield from Kirklees' plans to plant more trees on council owned land and will Kirklees continue to provide the annual Christmas Tree to Mirfield?”

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

Question from James Taylor

“Mirfield along with other areas of Kirklees has had a recent illegal encampment on one of our recreation grounds. Travellers gained access as the padlock was cut off.

Will the Leader undertake a review of all Council owned sites in Mirfield and across the borough for their security? For example, on Thursday evening I watched online Mirfield ward crime and community safety webinar and asked a question about whether it would be possible for the Council to consider swapping the padlock system for a keypad entry and the Kirklees officer attending the virtual meeting said a keypad entry system could be done.”

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

Question from James Taylor

“Can the Leader update the people of Mirfield on the future of Mirfield library and in particular the use of Eastthorpe Lodge as its location?”

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

235 Questions by Elected Members (Oral Questions)

Question from Councillor Bolt

“At the Cabinet meeting on 29 June you gave a full response to a question when you said that you would not willingly or unwillingly discriminate against groups of people, you were sick and tired of people picking on travellers, and travellers should be treated in the same way as any other group. Bearing in mind those sentiments, how does that square with your Council using its threats of legal action against travellers carrying out legitimate business? Members of the Showman’s Guild of Great Britain who set up a site with the landowner’s permission in Popley Fields, White Lee, have done nothing wrong. Kirklees have not clarified to these businesses their specific concerns or quoted regulations on how many people they

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should have at their open air event in much greater space than any others. Quoting the reasons from Kirklees, the decision was taken on public health grounds that Kirklees is considered by the Government as an area of concern and that the communities surrounding the site are experiencing high levels of infection. That site is in two wards – Liversedge and Gomersal and Birstall and Birkenshaw. The ward members I have spoken to are unaware of high levels of infection in their ward. The other side of the road (A62) is in the Heckmondwike ward and I'll leave Cllr Kendrick to say if she's aware of any high levels of infection in that area. So, how do these sentiments square that you are stopping legitimate businesses but you are allowing others to operate in manners that are far more dangerous and crucially, your Council and your staff have not said to these people how many people they can get at their event? As the legislation says, they should work with them to resolve problems, not threaten legal action."

A response was provided by the Leader of the Council.

Question from Councillor Lukic

"I'd like to ask Councillor McBride, when can we expect further details on the outstanding review of parking charges and should we extend the current suspension of parking charges past the end of August until this review is ready to be considered and enacted?"

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

Question from Councillor J Taylor

"At the last meeting of the Public Emergency Advisory Group we talked about libraries and community buildings, and that some buildings may be more problematic to reopen than others and that we needed to take a risk based approach. I was fully supportive of that proposal. We were advised that we would hold place based meetings with ward members to discuss the community buildings in their places, so that we could look at circumstances. Those meetings haven't happened and so why haven't we had those meetings yet and what is being done about it?"

A response was provided by the Leader of the Council.

Question from Councillor A Smith

"Could you confirm that there will be no change to the current structure of the Planning Committees and let us perhaps know when the Planning Committees are likely to be meeting again, and given the Government's guidance on encouraging people to return to work, would the Council consider holding the meetings in the Council Chambers with member of the public in attendance with appropriate social distancing measures?"

A response was provided by the Leader of the Council.

Question from Councillor Marchington

“Could Cabinet tell us what impact they think the Government’s suggestion to remove Permitted Development Rights will have upon development in Kirklees?”

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

Question from Councillor A Smith

“In respect of Kirklees Active Leisure, does the Cabinet agree that the current KAL structure has served the Council, the community, and KAL well, and is still fit for purpose? And could you confirm how much additional funding is required to support KAL in dealing with the shortfall in income caused by the Covid pandemic, and where these funds are coming from?”

A response was provided by the Cabinet Member for Corporate Services (Councillor Turner).

Question from Councillor Bolt

“You were recently quoted calling upon Parliament to relocate to Kirklees. What do you think are the selling points that you could say to Parliament as to why they should relocate to Kirklees?”

A response was provided by the Leader of the Council.

236 Council Owned Tree and Woodland Management Policy; Tree Works on Council Owned Trees Guidance Document; Tree Risk Management Framework

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

Cabinet received a report which sought approval for (i) the new ‘Council Owned Tree and Woodland Management Policy’ and (ii) the implementation of procedures outlined in the ‘Tree Works on Council Owned Trees: Guidance Document’ and the ‘Tree Risk Management Framework.’

The report advised that the aim of the ‘Council Owned Tree and Woodland Management Policy’ was to set out how the Council would effectively manage and enhance the trees and woodlands for which it was responsible ensuring that they (i) positively contribute to the area and the achievement of the Council’s corporate priorities, helping to create an attractive, healthy environment which maximise the quality of life of residents (ii) maximise benefits to the wider environment, including contributing towards the Council’s response to the climate emergency (iii) meet legal obligations and (iv) minimise conflict with the public and other landowners.

It was noted that the accompanying documents ‘Tree Works on Council Owned Trees Guidance’ and ‘Tree Risk Management Framework’ provided detail on how

specific tree related issues would be dealt with and how the Council would effectively manage tree related risk.

RESOLVED - That the (i) Council Owned Tree and Woodland Management Policy and (ii) Tree Works on Council Owned Trees: Guidance Document and the Tree Risk Management Framework be approved.

237 Major Transport - Major Scheme Approvals and Update

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

Cabinet received a report which sought authority to carry out the following major infrastructure schemes; (i) A62 Leeds Road Smart Corridor (ii) Huddersfield Better Connected Stations and (iii) Cross Church Street. The report provided updates in respect of the progress of each scheme and proposed implementation dates.

Cabinet noted that (i) the A62 Smart Corridor Scheme would deliver improvements to address a long standing area of congestion, improve traffic flow and incorporate multi-functional green infrastructure improvements into the scheme design (ii) the Huddersfield Better Connected Stations Scheme would provide a safe, direct and attractive link between Huddersfield Bus and Rail Station to improve connectivity for public transport users and help incentivise the use of public transport and (iii) the Cross Church Street Scheme would create a new pedestrian and cycle zone to create a safer, more pleasant environment for users of the town centre.

RESOLVED -

- 1) That in regards to A62 Leeds Road Smart Corridor – Huddersfield (Corridor Improvement Package) Phase 1; (i) approval be given to the Council applying for planning permission for the A62 Smart Corridor Scheme (ii) the Council be authorised to accept and enter into any agreement with the West Yorkshire Combined Authority for the funding of the A62 Smart Corridor Scheme (iii) approval be given to the acquisition, from the owner of the Great Northern Retail Park, of the parcels of land that are required in order to be able to deliver the A62 Smart Corridor Scheme and the disposal of the parcels of land to the owner of the Great Northern Retail Park in exchange (iv) approval be given to carrying out and implementing the A62 Smart Corridor Scheme subject to the Council's application to the Local Planning Authority for planning permission being granted, the Council's application to the West Yorkshire Combined Authority for funding of £7.352m for the Scheme being successful and the necessary land being acquired from the owner of the Great Northern Retail Park (v) authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree the terms of any agreements that may be necessary to carry out the A62 Smart Corridor Scheme, including the terms of the funding agreement as detailed in para 6.2 and the land acquisition and disposal as detailed at para 6.3 and (vi) authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into any transfer of land in relation to the exchange with the owner of Great Northern Retail Park, grant agreement with the West Yorkshire Combined Authority for the funding of the A62 Smart Corridor

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- Scheme and any other relevant agreements and documents to which the Council is party.
- 2) That in regards to Huddersfield Better Connected Stations; (i) Council be authorised to accept and enter into any agreement with the West Yorkshire Combined Authority for the funding of the Huddersfield Better Connected Stations Scheme (ii) approval be given to the inclusion of the Huddersfield Better Connected Stations with a budget provision of £1.885m into the Kirklees Capital Plan (iii) approval be given to the carrying out and implementation of the Huddersfield Better Connected Stations Scheme (iv) authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree the terms of any agreements that may be necessary to carry out the Huddersfield Better Connected Stations Scheme, including the funding agreement with the West Yorkshire Combined Authority (para 6.7 refers) and (v) authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into the grant agreement with the West Yorkshire Combined Authority for the funding of the Huddersfield Better Connected Stations Scheme, and any other relevant agreements and documents to which the Council is party.
 - 3) That in regards to the Cross Church Street Scheme; (i) the Council be authorised to accept and enter into any agreement with the West Yorkshire Combined Authority for the funding of the Cross Church Street Scheme (ii) approval be given to the Council carrying out and implementing the Cross Church Street Scheme as long as the Council's application to the West Yorkshire Combined Authority for £1,290,925 funding is successful (iii) authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree the terms of any agreements that may be necessary to carry out the Cross Church Street Scheme including the funding agreement with the West Yorkshire Combined Authority (para. 6.11 refers) and (iv) authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into the grant agreement with the West Yorkshire Combined Authority for the funding of the Cross Church Scheme and any other relevant agreements and documents to which the Council is party.

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Council Financial Outturn & Rollover Report 2019-20 incorporating General Fund Revenue, Housing Revenue account, Capital and Treasury Management

Cabinet received a report which set out information on the Council's 2019 financial outturn position for General Fund Revenue, Housing Fund Revenue and Capital Plan, including proposals for revenue and capital rollover from 2019-2021, and an annual review of Council Treasury management activity.

The report advised that the Council's revised General Fund controllable (net) revenue budget for 2019-2020 was £287.1m and that the budget included adjusted (net) revenue savings in-year of £7.7m as reported at Quarter 3, reflecting the reversal of existing savings targets as part of the Council approved 2020-2023 budget.

Cabinet were advised that the revised budget was net of a number of planned transfers to reserves during the year, with the most significant being £3.8m from the

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revenue grants reserve, £1.4m from the strategic investment reserve and £1.3m from the waste management reserve.

The report indicated that the Council spend was £287.1m in 2019-2020 which reflected an overall break-even financial performance against budget, with a marginal overspend of £27k (0.01%) against the revised budget, including (i) £6.5m savings achievement against the £7.7m revised target, equating to 84% and (ii) £1.2m net underspends elsewhere.

The report provided a summary of information relating to Children and Families, Adults and Health, Economy and infrastructure Service budgets, along with detail regarding central budgets, general fund reserves, collection fund, housing revenue account, capital and prudential indicators.

It was noted that the report would be submitted to the meeting of Council on 9 September 2020.

RESOLVED -

- 1) That in regards to the General Fund, (i) the revenue outturn position for 2019-2020 be noted (ii) the year end position on corporate reserves and balances be noted (iii) it be noted that regular monitoring and review of corporate reserves in 2020-2021 will be reported to Cabinet as part of the quarterly financial monitoring cycle and (iv) the use of the Council's flexible receipts strategy for the year end capitalisation of £2.4m transformation related costs in 2019-2020.
- 2) That the year-end position on the Collection Fund be noted.
- 3) That the Housing Revenue Account outturn and reserves position 2019-2020 be noted.
- 4) That in regards to Capital, (i) the capital outturn position for 2019-2020 be noted (ii) the £17.8m capital rollover from 2019-2020 to 2020-2021 be approved (iii) the revised capital plan for the period 2020-2025 after taking into account rollover, the re-phasing of schemes and changes to grant assumptions be approved (iv) the detailed two year highways capital plan 2020-2021 and 2021-2022 which incorporates the large scheme road resurfacing programme be approved and (v) authority be delegated to the Strategic Director (Children's Services) in consultation with the Cabinet Member (Children's Services) and the Head of Corporate Landlord and the Head of Legal Services, to negotiate and to procure identified properties to meet service needs within the £2m programme total (para. 1.10.20 refers).
- 5) That the review of Treasury Management activity for 2019-2020 be noted.

239

Kirklees Active Leisure Covid-19 Funding Support

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

Cabinet gave consideration to a report which set out details of the irrecoverable losses directly attributed to Covid-19 lockdown and anticipated phased re-opening faced by Kirklees Active Leisure, and proposals that they be underwritten from the Covid-19 funding received from the Government in order to allow KAL to be able to

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re-open facilities in-line with guidance, and protect both jobs and the services offered to residents of Kirklees.

The report advised that current projections indicated that the Council may need to underwrite irrecoverable losses of up to £4m, on the assumption of no redundancies, no extension of the current furlough scheme beyond October 2020, and a partial and gradual resumption of some leisure activity from August with presumed social distancing guidelines.

Cabinet noted that the role of KAL in helping to address existing health and activity inequalities was currently under review as it had been recognised that it could play a greater role as a health and wellbeing provider. The report advised that there was an expectation for KAL to be transformed and work differently with a greater focus upon engaging and supporting target groups and improving their health outcomes. It was noted that there was also an expectation for KAL to embrace a systems working approach with a range of partners so that resources could be maximised.

(Cabinet gave consideration to the exempt information at Agenda Item 12 (Minute No. 241 refers) prior to the determination of this Agenda Item).

RESOLVED -

- 1) That the Council commit to underwrite irrecoverable KAL income loss as a direct result consequence of Covid-19 to current financial year end 31 March 2021 of up to £4m in order to help KAL through the financial challenges caused by Covid-19.
- 2) That, as part of the forthcoming Medium Term Financial Strategy review, Officers will review the Council commissioning brief with KAL in line with emerging priority outcomes, including consideration of attendant resourcing implications, and will submit further proposals to a future meeting of Cabinet.

240 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.

241 Kirklees Active Leisure Covid-19 Funding Support

(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 in the Council's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 10 (Minute No. 239 refers).