

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 26th 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 Andrew Cooper
Councillor David Hall
Councillor Aleks Lukic
Councillor John Lawson
Councillor John Taylor

168 Membership of Cabinet

All Cabinet Members were present.

169 Admission of the Public

It was noted that exempt information was provided at Agenda Item 14 (Minute No. 181 refers)

170 Interests

No interests were declared.

171 Questions by Elected Members (Oral Questions)

Cabinet received the following questions from Members of the Council;

Question from Councillor Cooper

“Is it correct to say that many pupils returning to primary school will receive only two days education per week?”

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

Question from Councillor Cooper

“I appreciate the concerns we have for children. I have had teachers’ contacting me who are very concerned about returning to school, who are not sure that they have proper PPE for when they may require it, who are not certain about the procedures that they have and are quite anxious themselves. I wonder why some local authorities are giving direction, but Kirklees isn’t?”

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

Question from Councillor D Hall

“What steps are Cabinet taking to anticipate a probably rise in unemployment due to the ongoing crisis?”

A response was provided by the Leader of the Council.

Question from Councillor D Hall

“In the press last week the GMB raised an issue concerning taxi firms and their contract with the Council, and it has been alleged that some are not passing money onto drivers in regards to school transport. Have we any evidence in Kirklees that this is actually happening and if so what do we think might be the scale of the problem?”

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

Question from Councillor Lawson

“With the Government giving the go-ahead to open markets from 1 June, what steps are being taken in Kirklees to re-open our markets and does this include the farmers markets, such as the one in Cleckheaton?”

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

Question from Councillor Lawson

“In the event of a second wave of covid-19, how will the Council build on the financial assistance that it has already given to care homes, and roughly how much has been given to those care homes?”

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

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Question from Councillor Lawson

“Can we have a quick update on how bins are operating as there seems to still be a few systematic errors of repeated misses of bin collections?”

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

Question from Councillor Lawson

“With the acquisition of the George Hotel and the plans to put a museum in there, what are the plans for the rest of the building? Who else are we talking to get the rest of the building occupied?”

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

Question from Councillor Lawson

“There seems to be a bit of confusion recently, what would Cabinet’s advice be to residents considering a long car journey?”

A response was provided by the Leader of the Council.

Question from Councillor J Taylor

“I’m picking up concerns about the number of University students who may possibly defer this year. We’ve seen Cambridge already saying that they are going to put a lot of courses and lectures online, and so students may think this is a good time to take a gap year. If they already have places guaranteed for next year, that will put greater pressure on students that would be coming through the system next year. There is also the issue of whether we will have the same number of foreign students, as there is a large co-hort of foreign students at Huddersfield University. Have we done any work yet, or had any conversations, about the impact on finances, upon both the University, the town and the Council? If we have less students, what impact will that have upon the local economy, and upon student accommodation that is not occupied?”

A response was provided by the Leader of the Council.

Question from Councillor J Taylor (on behalf of Councillor Bolt)

“Last week Kirklees hosted a virtual meeting of over 200 education professionals. If this is the case, why can’t the access be provided for the 69 members representing our communities, or for members of the public to directly ask questions? The technology is clearly there but we are not able to engage.”

A response was provided by the Leader of the Council.

Question from Councillor J Taylor (on behalf of Councillor Bolt)

“Having been made aware of the dangers to users of the Batley Greenway, where children on tandems and tagalongs are left in the road while the adult has to dismount to walk around barriers, why nothing has to been done to remove these barriers which Kirklees were told by Cycling England in 2007 should not be used on sustainable travel routes?”

A response was provided by the Leader of the Council.

Question from Councillor J Taylor (on behalf of Councillor Bolt)

“Residents have reported high volume fly tipping on Paul Lane, Dalton, blocking half of this essential access route for homes and businesses. How long will it take to clear and do you still think there are no issues with fly tipping?”

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

Question from Councillor J Taylor (on behalf of Councillor Bolt)

“The creation of a Calder Valley Greenway included using a former rail line from Paul Lane to Bog Green Lane in the Dalton ward. The planning drawings show a 2m wide equestrian surface along side the tarmac. This was never constructed. Given the Kirklees stance on enforcing planning with others shouldn't it ensure that its Services abide by planning approvals, especially as Kirklees seeks to promote active travel?”

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

Question from Councillor J Taylor (on behalf of Councillor Bolt)

“Councillor Mather was asked last week for details of projects and consultation in light of the £2bn government funding pot made available for active travel. She had no details last week, meanwhile other local authorities pushed forward and seized their share of the money in West Yorkshire. Can we put forward suggestions such as (i) improving safety on Bog Green Lane, Dalton (ii) linking Mirfield to Dewsbury South by upgrading the bridleways and the side paths and (iii) connecting the Calder Valley Greenway out to Waterloo in Dalton by upgrading the towpath and footpath around Syngenta? Could she look at providing a safe multi user path for walkers, cyclists and horse riders avoiding the canal towpath between Bradley and Brighouse?”

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

Question from Councillor J Taylor (on behalf of Councillor Bolt)

“Having highlighted the danger on roads in Kirklees, would the Cabinet Member and the Chief Executive join me, at a social distance, on a cycle ride so that they are personally aware of what many residents have to endure daily?”

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

Question from Councillor Lukic

“What measures will the Council be taking to keep the high street safe when non-essential shops reopen on 15 June?”

A response was provided by the Leader of the Council.

Question from Councillor Lukic

“To help local businesses recover and to help maintain distancing on public transport, will the current suspension or car parking charges be continuing and until what date?”

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

Question from Councillor Lukic

“Do we know when libraries and customer service centres will re-open?”

172 Questions by Members of the Public (Written Questions)

Cabinet received the following questions from Members of the Public:

Question from Gideon Richards

“It is coming up to the renewal period for the Parking Permits. At the budget approval meeting by the Council, there was to be a change of rules to allow Electric Vehicles to park in all Kirklees Council car parks for free, and also to park on-street for free as well. Can you confirm how this is to be implemented and when it will come into force?”

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

Question by Gideon Richards

“Supplementary to my previous question, can you confirm what the Parking Permit arrangements will be for getting the extended parking, or will this be automatically built into the permit?”

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

Question by Gideon Richards

“Can you confirm that all significant housing planning developments (over say 25 houses) going through planning, or have just been recently approved, will consider transport accessibility if another Pandemic were to hit the public transport system and what steps would need to be included in order to ensure that they do not impact on the Kirklees area Net-Zero GHG targets?”

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

Question by Gideon Richards

“Following the court judgement on Heathrow with regards to having developments that do not impact Climate Change commitments, what metrics are the Council using to measure and avoid being legally challenged for decisions that could impact our Net-Zero 2038 target?”

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

Question by Christine Hyde

“At the Cabinet Meeting on 1 May, you said that you will be including the cost for the community Covid 19 contact tracing and isolation in our estimates while the pandemic is ongoing. We hear Directors of Public Health are responsible for Contact tracing and quarantine with regard to Care Homes.

Will both North and South Kirklees homes be selected in the same time frame or will one area begin and a rolling programme across the areas ensue?

Have the Department of Public Health had time to train and vet new employees or volunteers to help with this work. Are people being employed by the LA or are volunteers being used? What level of DBS check is being used?”

A response was provided by the Leader of the Council.

Question by Christine Hyde

“At the Cabinet Meeting on 1 May, you said that when we come out of this we will need to make sure that the people who are already in poverty, and/or are now in an even worse situation, should be helped in the best way we can.

Nevertheless, we think it would be good to scrutinise the Integrated Care System’s response to Covid 19 and build in measures to tackle the next stages of the response, to make sure that the disproportionate damage Covid19 is doing to both poor and Black Asian and Minority Ethnic communities is ended now. Not wait until “we come out of this”.

Please will you consider setting up ‘virtual’ Health Scrutiny meetings and press the Joint West Yorkshire and Harrogate health and Care Partnership to do the same?”

A response was provided by the Leader of the Council.

Question by Christine Hyde

“Only when local contact tracing, and quarantine measures are set up can we be confident that schools do not pose a threat to the community by spreading the virus, both among the children and staff. Studies have been done in France and one which looked at a 5 week period in a school found that of the numbers in the school infected, 60% were lunchtime and other support staff.

The children in school at present are a specialised cohort in small groups. Their parents are among those at greater risk of catching the virus. The NEU and other Unions do not think their tests for a safe return to full time education have been met and private paid for schools are not reopening.

Please will you make sure all measures are put in place to safeguard the children who are already there, and all their staff before opening schools?”

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

Question from Christine Hyde

“In terms of the Coronavirus Act 2020, it is likely that there will be a fallout such as a predictable increase in domestic violence, and also of unintended consequences. Does the Cabinet intend to do a Health Inequalities Assessment of the legislation?”

A response was provided by the Leader of the Council.

173

Small Affordable Housing Sites Programme Update

Cabinet gave consideration to a report which provided an update on the small affordable housing sites programme and sought approval to vary the terms of the previous Cabinet authority of 29 August 2018 to enable the disposal of three sites at (i) Kitson Hill Crescent (ii) Fox Royd Drive, Mirfield and (iii) Sixth Avenue, Hightown, Liversedge, at less than market value. The report advised that the amount of any discount would be based on viability approvals for the development of the sites, which were for 100% affordable housing.

Cabinet noted that, subject to approval, the disposal of the sites to the Johnnie Johnson Housing Trust (JJHT) would be progressed under delegated authority, and it was expected that new bungalows would be available for letting in spring 2021.

RESOLVED –

- 1) That the programme update, as outlined in the considered report, and the proposed investment of the Preferred Partner and Homes England in enabling the acquisition and development of the first tranche of three sites at Kitson Hill Crescent and Fox Royd Drive, Mirfield and Sixth Avenue, Hightown, Liversedge, be noted.
- 2) That approval be given to the disposal of land at Kitson Hill Crescent and Fox Royd Drive, Mirfield and Sixth Avenue, Hightown, Liversedge.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree terms and dispose of Kitson Hill

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Crescent, Fox Royd Drive, Mirfield and Sixth Avenue, Hightown, Liversedge, as detailed in the considered report.

- 4) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into such agreements on negotiated and agreed terms for disposal.

174 Huddersfield Southern Corridors Scheme Approval and Land Acquisition (Under the provisions of Council Procedure Rule 36(1) Cabinet received a representation from Councillor Lawson).

Cabinet gave consideration to a report which sought approval for the Huddersfield Southern Corridors Scheme, to acquire necessary third-party land and to progress construction, subject to approval of the full business case, funding confirmation and obtaining the necessary planning and consents.

The report set out the objectives of the Huddersfield Southern Corridors project, which was funded via the West Yorkshire plus Transport Fund, from the Phase 1 Corridor Improvement Programme, and consisted of improvements to Queensgate, Folly Hall, Longroyd Lane and Lockwood Bar.

Cabinet noted that the Huddersfield Southern Corridors Scheme had been submitted to West Yorkshire Combined Authority during 2018 and that outline business case approval had been secured, releasing £2.534m to progress the project to full business case which included £1.6m for land assembly. The report set out details of the individual scheme proposals, which were illustrated within the appendix to the report.

RESOLVED –

- 1) That approval be given to the Huddersfield Southern Corridors Scheme.
- 2) That authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree the acquisition of the long leasehold interest in 181-187 Lockwood Road for £550,000.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to progress the Huddersfield Southern Corridors to construction, including; (i) acquiring all necessary third-party land (ii) obtaining approval of the full business case from West Yorkshire Combined Authority that funding is approved (iii) obtaining the required planning permissions and listed building consents and (iv) securing the necessary Traffic Regulation Orders and Stopping Up Orders.

175 2020/21 Council Capital Plan - Proposed allocation of 2020/21 Capital Funding from the Directorate for Children's Achieve & Aspire baseline section of the Capital Plan

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

Cabinet gave consideration to a report which identified projects, to be funded from the Achieve and Aspire Capital Maintenance baseline section of the capital plan, as approved by Council on 12 February 2020. The report advised that the funding was

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to be used to address urgent condition related needs in maintained schools and Cabinet were asked to approve the Capital Maintenance Programme, along with specified projects, so that they could be delivered in 2020/2021.

Cabinet noted the detail of the business case, as attached at Appendix A to the considered report, which outlined the rationale for the schools' condition works programme, and the list of proposed school works during 2020/2021, which was attached at Appendix B.

The report advised of proposals for the £3.4m 2020/2021 budget to be allocated to (i) urgent condition need based projects and health and safety works (ii) essential fire safety works (iii) capital plan preparation, advance surveys, feasibility studies, advance design and condition surveys in relation to the delivery of the projects and a risk pot for emergency additions to the capital plan in year/balance for high tenders and asbestos removal.

RESOLVED –

- 1) That approval be given to the business case at Appendix A of the considered report, which outlines the rationale for the schools' condition works programme, the availability of funding, the selection process and the main categories of work, thereby enabling the projects concerned to be designed, procured and implemented.
- 2) That approval be given to the detailed list of proposed works in schools for 2020/2021, as set out as Appendix B of the considered report.
- 3) That approval be given to the delegation of powers (as set out in paras 2.11 to 2.13 of the considered report) to the Service Director (Economy and Skills) to manage the implementation of the identified works within the respective agreed total programme budget.

176 **Huddersfield Town Centre Blueprint - Supplementary Planning Document** (Under the provisions of Council Procedure Rule 36(1) Cabinet received representations from Councillors Lawson and J Taylor).

Cabinet received a report which sought approval for the adoption of the Huddersfield Town Centre Blueprint Supplementary Planning Document (SPD). The report advised that the benefit of converting the Huddersfield Blueprint to an SPD was that as a planning tool it would add greater support to the delivery of the Huddersfield Town Centre Regeneration Programme, including potential funding applications for the delivery of key sites and transport schemes identified in the Huddersfield Blueprint.

Cabinet were advised that the Blueprint had already been used to share ambitions with partners and funders in order to secure delivery of key projects, and that the SPD could be used to support any Compulsory Purchase Orders in Huddersfield Town Centre which the Council may undertake in the future.

RESOLVED –

- 1) That approval be given to the adoption of the Huddersfield Town Centre Blueprint Supplemental Planning Document, as set out at Appendix 2 of the considered report.
- 2) That Cabinet recognise the importance of the Penistone line to Kirklees, in terms of the connectivity that it provides to the Sheffield City Region, and that the importance of this infrastructure and the benefits that it provides for accessibility and the economy should be recognised within the Masterplan.
- 3) That Officers be authorised to carry out the necessary formal procedures for the adoption of the Huddersfield Town Centre Blueprint Supplemental Planning Document.
- 4) That authority be delegated to the Strategic Director (Economy and Infrastructure) to make any further non-material additional modifications to the Huddersfield Town Centre Blueprint Supplemental Planning Document that arise as part of the adoption process.

177

COVID-19 Local Authority Discretionary Grants Fund (Urgent item)

(This report was considered as a late urgent item. Cabinet were advised that the Chair of Overview and Scrutiny Management Committee had agreed to (i) the addition of the item for consideration, having not been listed on the Forward Plan and (ii) that the right to Call-In be waived due to the need to make the fund available as soon as possible).

(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 for the Council to establish a Local Authority Discretionary Grants Fund for Kirklees. The report advised that the grant scheme would provide support for certain types of small and micro businesses that had been affected by Covid-19, but that were ineligible for the Government's Small Business Grant Fund and Retail Hospitality and Leisure Grant Fund, and that the Fund had been launched by the Government to help address gaps in the existing support programme. Cabinet were advised that £5.244m had been allocated for businesses in Kirklees, which represented 5% of the funding allocated to the Council in early April in order to support the Government's Small Business Grant Fund and Retail Hospitality and Leisure Grant Fund.

The report advised that, subject to approval, the Local Authority Discretionary Grants Fund would be launched as soon as practicable and that the Council would work with key local partners to publicise the scheme and target eligible applicants, and that detailed scheme guidance would be published on the website.

RESOLVED –

- 1) That the content of the report be noted and that approval be given to the establishment of the Local Authority Discretionary Grant Fund for Kirklees, including the eligibility criteria for applicants and the grant amounts to be awarded, as detailed in Section 2 of the report.

- 2) That authority be delegated for the implementation and monitoring of the Local Authority Discretionary Grant Fund Scheme to the Strategic Director (Economy and Infrastructure) and the Service Director (Finance) including the authority to make minor changes to the scheme to ensure equity and achievement of the objectives.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) and the Service Director (Finance) in consultation with the Cabinet Portfolio Holder (Corporate) to vary the eligibility criteria for the Local Authority Discretionary Grant Fund Scheme in the event that there are residual funds available following a reasonable period for applications, and in accordance with extant Government guidance.

178 Support to Adult Care Providers (Urgent item)

(This report was considered as a late urgent item. Cabinet were advised that the Chair of Overview and Scrutiny Management Committee had agreed to (i) the addition of the item for consideration, having not been listed on the Forward Plan and (ii) that the right to Call-In be waived due to the need to make support available as soon as possible).

Cabinet received a report which sought approval for further financial support measures for the local adult social care sector. The report advised that the Government had recently announced the Adult Social Care Infection Control Fund, totalling £600m nationally, which was the first funding to Councils specifically for adult social care. Cabinet noted that the overall objective of the fund was to support adult social care providers to reduce the rate of Covid-19 transmission in care homes and between one care home and another, and to support other workforce actions necessary to deliver infection control.

The report advised that the funding would be paid as a Section 31 grant, ring-fenced exclusively for actions which support care homes and domiciliary care providers to tackle the risk of Covid-19 infections, and it set out the proposed approach to distributing the Adult Health Social Care Fund and the broader pressures faced by the care home sector including additional support options.

RESOLVED –

- 1) That in relation to the Adult Social Care Infection Control Fund, the proposed allocation of 75% be agreed along with the proposed delegation to the Strategic Director (Health and Adult Social Care) in consultation with the Cabinet Member (Adults and Health) in relation to the remaining 25% of the Adult Social Care Infection Control Fund.
- 2) That the likely need for additional financial support to care homes beyond that being provided through the Adult Social Care Infection Control Fund be noted.
- 3) That, given the rapid changes to the care home sector, delegation on the detail of any additional financial support in relation to Covid19 be allocated to the Strategic Director (Health and Adult Social Care) in consultation with the Section151 Officer and Cabinet Members for Adults, Health and Corporate Resources.

- 4) That a further report be submitted to Cabinet setting out the issues facing the adult social care provider sector and the support provided to date including decisions taken under delegated powers.

179 Disposal of Land at Kenmore Drive, Cleckheaton

(Cabinet gave consideration to the exempt information at Agenda Item 14 (Minute No. 181 refers) prior to the determination of this Agenda Item).

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

Cabinet received a report which requested that consideration be given to objections that had been received as a result of advertising the Council's intention to dispose of open space on a Council owned site at Kenmore Drive, Cleckheaton. The submitted objection was appended as exempt information.

The report presented Cabinet with information on (i) the outcome of the delegated selection of a delivery partner for Kenmore Drive (ii) site proposals and (iii) the disposal of land at Kenmore Drive at 'less than best consideration' to the selected registered provider – Housing 21, for an extra care scheme, subject to Housing 21 securing a Homes England Grant. Cabinet were asked to approve the allocation of Section 106 affordable housing contributions as a grant to Housing 21 towards the provision of affordable homes on site.

Cabinet were advised that the site would contribute to the delivery of the Council's housing strategy, specifically in relation to providing a range of products to support housing growth and a long term supply of affordable housing, and meeting the housing needs of the most vulnerable groups. The report indicated that the objection received raised concerns regarding the impact of development upon the stability of a retaining wall, and that such concerns would be dealt with at the planning application stage of the development.

RESOLVED –

- 1) That, having given consideration to the objections received, approval be given to the disposal of open space on the basis that the objections received in relation to any proposed development in the site can be considered as part of the planning process and that the land can be better utilised for the provision of an extra care facility.
- 2) That approval be given to the disposal of the land at 'less than best consideration' to a specialist extra care provider, Housing 21, and grant S106 affordable housing contributions as set out in this report to ensure that the scheme is viable.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to (i) negotiate and agree the terms of disposal with Housing 21 and (ii) determine the appropriate level of discount following comprehensive assessment of Housing 21's development appraisal.
- 4) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute any agreement and other ancillary

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documents necessary to dispose of the land to Housing 21 for use as extra care housing.

180 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.

181 Disposal of Land at Kenmore Drive, Cleckheaton

(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 Information relating to the identity of an individual. 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 12 (Minute No. 179 refers).