

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 1st September 2020

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

Apologies: Councillor Viv Kendrick

242 Membership of Cabinet

Apologies for absence were received on behalf of Councillor Kendrick.

243 Minutes of Previous Meetings

That the Minutes of the Meetings held on 2 June, 16 June, 29 June, 13 July and 28 July 2020 be approved as a correct record.

244 Interests

There were no declarations of interest.

245 Admission of the Public

It was noted that Agenda Item 17 would be considered in private session (Minute No. 258 refers).

246 Deputations/Petitions

No deputations or petitions were received.

247 Questions by Members of the Public (Written Questions)

Cabinet received the following question;

Question from Heather Peacock

“The phase 5 A629 widening scheme is coming up for planning this month. How can Kirklees Council justify the loss of 126 of the counties best trees?”

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

248 Questions by Elected Members (Oral Questions)

Cabinet received the following questions from Members of the Council;

Question from Councillor Lukic

“When will the review of parking charges in Dewsbury be shared and can the suspension of charges be continued until the review is complete?”

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

Question from Councillor J Taylor

“The recycling centres have now been re-open for a while but we are not yet collecting cardboard. Why are we not yet in a position to allow people to start recycling cardboard?”

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

Question from Councillor Lawson

With regards to planning enforcement, there seems to be a perceived understanding that developers are going ahead with development work without the necessary permissions and it seems to be on the increase. Do we have an idea of the scale of that kind of work and do we have the capacity in our enforcement?”

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

Question from Councillor Munro

“In relation to the local cycling and walking implementation plan, I’d like to ask which route would be taken through Lepton and Fenay Bridge with design line three and when can we expect Phase 1 to be completed and work to begin on design line three?”

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

Question from Councillor D Hall

“I’m sure you will have recognised now that people in the majority of the borough are relieved that the special covid measures have been lifted for them and thanks to all those who worked to bring that about. Particularly local businesses are looking forward to opening tomorrow. Would you now accept Leader that you were wrong not to press for this approach earlier?”

A response was provided by the Leader of the Council.

Question from Councillor Cooper

“Will the Council withdraw its plans to cut down the avenue of trees down Halifax Road through Edgerton as part of the WYCA funded road widening scheme, which would save two minutes in travel time. Does the Cabinet Member recognise that this is an iconic entry point to Huddersfield and that we would lose far more than we would gain if the Council is determined to pursue this decimation?”

Does the Cabinet Member agree that to re-evaluate the £13m scheme is essential now that traffic and commuting patterns have changed so radically and does he recognise that it is not possible to compensate for the loss of so many mature trees in any meaningful way through the planting of a few hundred tree whips? Will you at the very least put the scheme on hold?”

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

Question from Councillor J Taylor

“We hopefully will see most children return to school next week and there is now talk of economic recovery and the challenges which our town centres face, and encouraging people back to work. There has been much discussion between us as Group Leaders about Kirklees’ plans for economic recovery and that we would be engaging with Councillors, yet to date we haven’t been properly engaged. What is happening and what example is Kirklees setting to encourage people to go back to work in a secure covid safe environment?”

A response was provided by the Leader of the Council.

Question from Councillor Lawson

“With regards to the Planning White Paper which is currently out for consultation, there are many things in the paper that have been criticised for undermining democracy in the planning process. What does that mean locally for our neighbourhood plans? We have many groups in the borough who have been working hard for years, in some cases, to produce neighbourhood plans. The erosion of democracy seems to work at direct odds with neighbourhood plans. What are we doing as a Council to provide democracy in the planning process?”

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

Question from Councillor Munro

“St James’ School is now the only secondary school in the Almondbury Ward. Its catchment area includes Lepton and Fenay Bridge. As you know, we have an active travel plan in Kirklees promoting sustainable travel such as walking and cycling yet children in Lepton and Fenay Bridge are expected to cross over Penistone Road if they walk to school where there is no safe crossing and as we’ve seen in recent weeks it is an extremely dangerous stretch of road. Parents are therefore deterred from making their children walk, they would let their children walk if there was a safe

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crossing. At a recent meeting with highways I asked if a safe crossing would be possible and my request was dismissed. Why can't the Council find the money for such a crossing?"

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

249 **Devolution Deal for West Yorkshire – Consultation Outcomes**

(Under the provisions of Council Procedure Rule 36(1) Cabinet received representations from Councillors Cooper, D Hall, Lawson and J Taylor).

Cabinet gave consideration to a report which sought agreement to submit the summary of consultation responses to the Secretary of State by 11 September 2020. The report advised that, following the approval of the draft scheme by Constituent Councils and the Combined Authority, the scheme had been finalised and published, and that a consultation exercise was co-ordinated by the Combined Authority.

Cabinet were advised that the consultation process had commenced on 25 May 2020 and had run until 20 July 2020, which had resulted in a total of 4413 responses. The report indicated that the consultation responses were significantly positive in terms of all key themes, with overall support for the proposals within the scheme, and this detail was set out at Appendix 1 of the considered report.

In terms of next steps, Cabinet noted that the consultation responses at Appendix 1 would be submitted to the Secretary of State and it was requested that authority be delegated for the finalisation of the documents in order to ensure that the submission incorporates any issues that may be raised by any Constituent Council or the Combined Authority. The revised timeline for the implementation of the deal, which was set out at Appendix 2, set out the process timeline leading up to the election of a Mayor in May 2021.

RESOLVED –

- 1) That the content of the report and summary of consultation responses, as attached at Appendix 1 to the report, be noted.
- 2) That the summary of consultation responses, as set out at Appendix 1, be submitted to the Secretary of State by 11 September 2020, and that (i) authority be jointly delegated to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of each Constituent Council and the Chair of the Combined Authority, to finalise and submit documents subject to any technical issues which may arise and (ii) the Chief Executive and Leader of Kirklees Council be authorised to act as the consultees on behalf of the Council for these purposes.
- 3) That the updated timetable, as set out at Appendix 2 of the report, and the next steps which are subject to the consent being given by the Constituent Councils and Combined Authority, to draft the Order in November 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, be noted.

- 4) That the decision be exempt from Call-In on the grounds of urgency, as detailed in para. 3.6 of the report.
- 5) That Corporate Governance and Audit Committee be invited to consider the proposed governance arrangements, as detailed in para. 2.29 of the report, regarding the Council's reporting arrangements on devolution.

250 Spen Place Partnership - Supporting the Mental Health and Wellbeing of Children and Young People

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

Cabinet received a report which requested that consideration be given to allocating a sum of funding from the Place Partnership mental health themed budget towards support for children and young people returning to schools in the Spen Valley Place Partnership area to support mental health and wellbeing provision.

Cabinet were advised that the initiative would enhance arrangements and plans that schools have in place in order to mitigate the impact upon mental health during the pandemic and would complement other initiatives which were already in place. It was noted that, once evaluated, the scheme may be extended to colleges at a later date.

The report indicated that, subject to approval, £120,000 would be distributed between the schools and that projects would commence as soon as was feasible within the financial year.

RESOLVED –

- 1) That approval be given to funding from the Place Partnership mental health theme allocation to benefit children and young people in the Spen Place Partnership.
- 2) That a total of £120k be distributed to schools within the place partnership area and that schools be invited to submit proposals to the Spen Valley Place Partnership identifying how positive mental outcomes will be achieved, evaluated and sustained.

251 Kirklees Transforming Cities Fund Programme

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

Cabinet received a report which provided detail as to the current status of the Transforming Cities Fund Programme for Kirklees District and sought approval to enter projects within the programme onto the Kirklees Capital Plan.

The report set out details of eight projects; (i) Dewsbury Town Centre walking and cycling transformations (ii) Dewsbury Bus Station (iii) Heckmondwike Bus Hub (iv) Dewsbury Cleckheaton Sustainable Travel Corridor (v) Huddersfield major walking and cycling routes (vi) Huddersfield bus station improvements (vii) Huddersfield rail station access and (viii) Dewsbury Batley Tingley sustainable travel corridor. It was noted that the funding for the Transforming Cities Fund high scenario programme

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was the sum of the £66m Transforming Cities Fund budget with devolution top-up, plus £6m local match funds, totalling £72m.

Cabinet were advised that the projects as set out within the report were currently being reviewed by the West Yorkshire Combined Authority as part of package level strategic outline cases and that once approved by WYCA, would be developed through a project specific outline business case, with public consultation exercise on each scheme taking place between October 2020 and March 2021.

RESOLVED –

- 1) That the Transforming Cities Fund projects and current budgets be noted.
- 2) That approval be given to the projects being entered into the Kirklees Capital Plan.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree the terms of any agreement with West Yorkshire Combined Authority that is for the purpose of providing funding for the development of business cases for Transforming Cities Fund projects, the carrying out of public consultation and the development and working up of designs for Transforming Cities Fund Projects.
- 4) That authority be delegated to the Service Director (Legal, Governance and Commissioning) the authority to enter into any funding agreement with the West Yorkshire Combined Authority as referred to in para. 6.1.3.

252

Huddersfield Public Art Plan

(Under the provisions of Council Procedure Rule 36(1) Cabinet received representations from Councillors Bolt, Cooper, D Hall and J Taylor).

Cabinet received a report which sought approval for the Huddersfield Public Art Plan, which set out an approach and projects to support the cultural regeneration of Huddersfield as part of the Huddersfield Blueprint and adopted Kirklees Public Art Policy.

The Art Plan report, which was attached as an appendix to the considered report, outlined the range which included permanent pieces, temporary projects and interventions to support the cultural revival of Huddersfield. Cabinet were advised that the plan aimed to support the development of the town centre over the next ten years through a programme of temporary and permanent public art commissions and that commissioned artists would take inspiration from Huddersfield's rich heritage, diverse cultures and unique landscape to produce high quality artworks.

The report advised that, subject to approval, the Huddersfield Public Art Plan would be embedded within the Huddersfield Blueprint and that engagement would take place to ensure that quality cultural public realm, public art and creative interventions were delivered.

RESOLVED - That approval be given to the Huddersfield Public Art Plan.

253 Achieve and Aspire Strategic Priorities Libraries & Public Buildings Programme – Proposals to allocate funding to and deliver the new build Birkby Fartown Library

(Under the provisions of Council Procedure Rule 36(1) Cabinet received representations from Councillors Bolt and Sokhal).

Cabinet received a report which sought approval for the allocation of a capital budget of £799k for the proposed replacement new build library facility at Birkby Fartown as identified within the libraries and public buildings section of the Council's five year capital plan, as approved by Council on 12 February 2020.

The report requested that approval be given for the proposed new build development located off Lea Street, adjacent to Birkby Junior School (as illustrated at Appendix A to the considered report). The report advised that the site was a short walk from the previous library location on Wasp Nest Road, which ceased during 2018 and the building was converted to school accommodation. Cabinet were advised that the new proposed site occupied a small section of a former railway cutting, which was now used as a greenway, with a maintained walking and cycling route and had the potential to provide a vital community link.

Appendix B to the report set out indicative layouts and visuals which had been produced by an external architectural consultant and that following a tender exercise a successful contractor had been identified to deliver the scheme. The report advised that the proposal was for the construction of a single storey high performance library building with a stone faced façade and 165m sq. internal floor area. It was noted that the proposed completion of the scheme would be scheduled for April 2021.

RESOLVED –

- 1) That approval be given to the allocation of a capital budget of £799k for the delivery of a replacement new build library facility at Birkby Fartown, as outlined in the considered report.
- 2) That approval be given to the preferred site location for the proposed new build off Lea Street, adjacent to Birkby Junior School, as set out at Appendix A.
- 3) That Officers be authorised to procure and implement a new build library for Birkby Fartown as described within the report, subject to a satisfactory conclusion of the 'Stopping Up' order for the Greenway on Lea Street.

254 Corporate Financial Monitoring Report - Quarter 1, 2020-2021

(Under the provisions of Council Procedure Rule 36(1) Cabinet received representations from Councillors D Hall and J Taylor).

Cabinet received a report which set out financial monitoring information in regards to (i) General Fund Revenue (ii) the Housing Revenue Account and (iii) the Capital Plan, as at Quarter 1 (month 3) 2020-2021.

The report advised that (i) the Council's revised General Fund controllable (net) revenue budget for 2020/2021 was £305.4m, which included planned (net) revenue

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savings in-year of £2.8m (ii) the revised budget included a number of planned transfers from reserves during the year, the most significant being £1.3m from the Revenue Grants reserve, £0.8m from the Public Health reserve and £0.6m from the Strategic Investment Support reserve.

Cabinet were advised that there was a forecast overspend of £7.7m against the £305.4m revised budget at Quarter 1, equivalent to 2.5% which represented forecast £4.64m unfunded pressures relating to Covid 19 and forecast £3.04m net pressures elsewhere.

The report provided information on the impact of Covid 19 upon the Council's finances, advising that the Government had allocated £3.7billion un-ringfenced Covid funding to the local government sector nationally. Further details were also provided in regards to (i) general fund reserves (ii) the collection fund (iii) the housing revenue account (iv) capital budget and (v) 2020/2021 budget proposals.

RESOLVED –

- 1) That in regards to the General Fund (i) the 2020/2021 forecast revenue overspend of £7.7m as at Quarter 1 be noted (ii) the 2020/2021 forecast £7.6m High Needs overspend which as per current DfE guidance will roll forward into 2021/2022 on the Council balance sheet as a negative reserve be noted (iii) that, in conjunction with the assumed continued support of Central Government to adequately compensate the Council for Covid 19 pressures, the Council's Executive Team continue to identify opportunities for spending plans to be collectively brought back in line within the Council's overall budget by year end (iv) approval be given to the proposed use of Kirklees allocation of £551k supplementary hardship funding through the existing Local Welfare Provision Scheme, as outlined in para. 1.2.12 (v) the forecast year-end position on corporate reserves and balances be noted (vi) the details of the financial support package to Adult Social Care Providers, as outlined in Appendix 10, further to the agreed delegation of approval to the Strategic Director with responsibility for Adult Social Care in consultation with the S151 Officer and Cabinet Members with responsibility for Adult Social Care and Resources, be noted.
- 2) That the forecast position on the Collection Fund as at Quarter 1 be noted.
- 3) That the Quarter 1 forecast Housing Revenue Account position and forecast year-end reserves position be noted.
- 4) That in regards to Capital (i) the Quarter 1 forecast capital monitoring position for 2020/2021 be noted (ii) approval be given to re-profiling across years of the capital plan as set out within the report and at Appendix 6 (iii) approval be given to £1.225m additional funds required for Brambles Primary Academy (iv) approval be given to £2m capital proposals for Children's homes, as set out within the report and at Appendix 7 (v) approval be given to capital proposals relating to infection, prevention and control measures on in-house residential homes (vi) authority be delegated to the Strategic Director (Adults, Housing and Health) to use IPC funding towards building works on other internal care homes (vii) approval be given to an additional £1.44m capital funds to replace the existing outdated Adults Social Care case management system CareFirst (revised overall programme cost of £2.49m including £347k

revenue costs) as set out within the report and at Appendix 8 (viii) approval be given to a £2.5m refurbishment scheme at Civic Centre 1 to adapt to a post Covid-19 working environment, as set out within the report and at Appendix 9 (ix) approval be given to the release of funding from the Sustainability of Major Town Halls – Service Development capital programme line for redecoration and refurbishment works at Dewsbury Town Hall (x) approval be given to the release of funding from existing Town Centre Action Plan capital budgets to fund expenditure on Town Centre Footfall Count Cameras and (xi) the increase in funding for Transforming Cities Fund from the low scenario to the high scenario, and a longer programme timeline to be determined and managed by West Yorkshire Combined Authority, be noted.

255 Code of Practice for Commercial Property Relationships during the COVID-19 pandemic

Cabinet gave consideration to a report which sought approval to adopt the Government's Code of Practice for commercial property relationships to provide a basis for future negotiation with tenants of the Council's leased estate seeking support to mitigate the economic impacts of Covid-19.

Cabinet noted that, as the majority of businesses had re-commenced trading, the Council had resumed its charging regime for tenants of the leased estate and whilst many businesses had received grants or financial support, some remained in financial hardship. The report advised that the Government had published a Code of Practice for managing commercial property relationships during the pandemic which suggested that landlords who are able to support tenants who are in genuine financial difficulty should try to do so. The report recommended that the Council adopts the Government's Code of Practice to provide the basis for managing requests for financial support on a case by case basis.

Cabinet were advised that, subject to approval of the Code, further engagement would take place with tenants and business organisations to publicise the proposed approach and that tenants who indicate that they are unable to meet payment arrangements will be invited to apply for support.

RESOLVED –

- 1) That the adoption of the Government's Code of Practice for commercial property relationships to provide the basis for future negotiations with tenants of the leased estate in relation to further financial assistance be approved.
- 2) That authority be delegated to the Strategic Director (Economy and Infrastructure) and Service Director (Finance), in consultation with the Cabinet Member for Corporate Services, to establish an appropriate scheme of financial assistance for tenants of the Council's leased estate, in accord with the principles established in the Code of Practice.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to implement and monitor the scheme of financial assistance.

256 Disposal of land at St Paul's Road, Mirfield

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

Cabinet gave consideration to a report which sought approval to dispose of the former council depot site at St Paul's Road, Mirfield, to Connect Housing at 'less than best consideration' to deliver a 13 unit development of affordable supported living apartments for adults with a social care need.

The report advised that that the site currently comprised one and two storey highway depot buildings and that Connect Housing were seeking planning permission to demolish the buildings and erect a two-storey supported living apartment block of 13 one and two bedroom apartments with associated offices, gardens and parking provision to deliver a supported living scheme for people with learning disabilities. The development would be CQC registered and had been developed by Connect Housing in partnership with Kirklees Commissioning and Health Partnerships in order to provide specialist housing to meet local need.

The report advised that the unrestricted and restricted value of the land, valued in accordance with the Local Government Act 1972 General Disposal Consent 2003, was £167,000. It advised that an initial assessment of costs had indicated that there would be a need to dispose of the land at an undervalue in order to make the scheme viable, details of which were set out within an exempt appendix to the report.

(Cabinet gave consideration to the exempt information at Agenda Item 17 (Minute No. 258 refers) prior to the determination of this item.

RESOLVED –

- 1) That approval be given to granting State Aid to Connect Housing.
- 2) That the disposal of the land at 'less than best consideration' to a specialist housing provider (Connect Housing), be approved.
- 3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to (i) negotiate and agree the terms of disposal with Connect Housing and (ii) determine the appropriate level of discount following comprehensive assessment of Connect Housing'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 documents necessary to dispose of the land to Connect Housing for use as specialist supported housing.

257 Exclusion of the Public

RESOLVED – That under Section 100(A) 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.

258

Disposal of land at St Paul's Road, Mirfield

(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 15 (Minute No. 256 refers).