

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 19th January 2021

Present: Councillor Shabir Pandor (Chair)
Councillor Viv Kendrick
Councillor Naheed Mather
Councillor Peter McBride
Councillor Carole Pattison
Councillor Cathy Scott
Councillor Graham Turner
Councillor Paul Davies

Observers: Councillor Martyn Bolt
Councillor John Lawson
Councillor Aleks Lukic
Councillor Alison Munro
Councillor Richard Smith
Councillor Elizabeth Smaje
Councillor Will Simpson
Councillor John Taylor

Apologies: Councillor Musarrat Khan

332 Membership of Cabinet

Apologies for absence were received on behalf of Councillor Khan.

333 Minutes of Previous Meetings

RESOLVED – That the Minutes of the Meetings held on 18 November, 26 November and 15 December 2020 be approved as a correct record.

334 Declarations of Interest

No interests were declared.

335 Admission of the Public

It was noted that Agenda Item 15 would be considered in private session (Minute No. 346 refers).

336 Deputations/Petitions

No deputations or petitions were received.

337 Questions by Members of the Public

Cabinet received the following questions;

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Question from James Taylor

“Does it seem ironic and of double standards that anyone who wants to make an objection to a planning application now has their address published in the public domain by Kirklees Council, yet out of the nine cabinet members at today's meeting seven of you have decided against having your home address published on the Kirklees website?”

A response was provided by the Leader of the Council.

Question from James Taylor

“I've asked Shabir before who runs the Council, elected members or officers and Shabir has always answered that he's in charge as Leader. If that's still the case, why did elected members including the Chair of Strategic Planning confirm at the full council meeting that I watched online on Wednesday that he knew nothing of these new changes to planning representations and the vast majority of other councillors and members of the public knew nothing until reading it in the Examiner, so who made these changes, you as Leader without consultation or officers?”

A response was provided by the Leader of the Council.

Question from James Taylor

“On 6th January 2021 West Yorkshire Police tweeted "Following numerous complaints from members of the public to the police, regarding the overflowing bins and litter on The Princess of Wales Precinct, in Partnership with Kirklees Council the area was tidied up in no time.”

Is this a good use of Police time, them having to contact the Council to get bins emptied in the town centre and shouldn't it happen regularly without the public contacting the Police?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor P Davies).

Question from James Taylor

“In Saturday's Examiner there was a report stating "A new law will ban travellers from setting up camp on private land - and those who break the law will be fined up to £2,500 and jailed for up to three months, according to reports”.

The Telegraph says the change in the law will be announced next week, allowing police to seize vehicles and arrest people who refuse to move on when told to do so.

The change would make intentional trespass a criminal offence.

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Landowners currently face court battles that can take days or weeks before getting an order allowing them to remove travellers from their sites because trespass is currently a civil offence."

Does Cabinet welcome this move by the Government with all the upset that many residents have suffered over the past few years in Kirklees from travellers?"

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

Question from Andy Leader

"Could you please provide a date for completion of repairs on Ramsden Road?"

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

Question from Andy Leader

"Peak & Northern Footpaths Society have recently surveyed all public paths in the Colne Valley. We found over 230 paths with more than 350 problems, making them difficult or impossible for the public to use.

What extra resources and help can be provided to assist front line council staff in resolving these issues?"

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

338 Questions by Elected Members (Oral Questions)

Question from Councillor Bolt

"In response to Mr Taylor's question, you have just said that the situation with planning has always been that way, it's our policy etc. He did ask you who made policy. In this case can I refer you to what staff have said, that the development management privacy policy regarding the publication of planning comments on the website has recently been reviewed and updated following consultation with the Council's Legal Officer and Information Governance – no mention about elected members, stakeholders, or yourself or Cabinet Members. So to refer you back, why are Officers dictating policy which effects the public when you've said that's your job?"

A response was provided by the Leader of the Council.

Question from Councillor Lukic

"Why do my constituents in Dewsbury now have to pay to park in their town centre but your constituents and those in a number of Kirklees towns can continue to take advantage of free town centre parking?"

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A response was provided by the Leader of the Council.

Question from Councillor Lawson

“Has our Council applied to the National Recovery Fund, for places like KAL?”

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

Question from Councillor Simpson

“Can we congratulate and thank everyone involved in the development of the play area at Manor Rise Park in Newsome ward which has been recognised as a fantastic facility. The Officers that have worked on it have done a fantastic job, and also in my ward Councillor Turner and I have worked with them closely on the development of the play area at Skelmanthorpe Wreck. Could you elaborate, Councillor Mather, on the design award and what it means for our continuing commitment to invest in our play areas across the borough?”

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

Question from Councillor Munro

“Does the Council believe that a Scrutiny Panel will be able to adequately address accountability of the West Yorkshire Mayor?”

A response was provided by the Leader of the Council.

Question from Councillor Bolt

“You were quoted in various media on a campaign that you are running in partnership with police to address nuisance motorbikes and it was said that a partnership with the Council and police would tackle the problem in Kirklees hotspots. You said ‘nuisance bikes don’t only cause high level noise pollution, they can be intimidating for local communities ...if nuisance bikes cause problems in your local community please report them online to West Yorkshire Police. This behaviour will not and should not be tolerated in Kirklees’.

Could you supply, if not now, in a written answer, the number of activity days that police have had with regards to nuisance motor bikes and also can we have those broken down by wards in terms of where the public have reported issues with nuisance motorbikes?”

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

Question from Councillor Bolt

“Calderdale have seen a lot of work going into natural flood defence measures such as ‘slow the flow’ and tree planting. What measures have Kirklees been taking in our Penning uplands to reduce the flow of water into our valley and ultimately into Mirfield?”

A response was provide by the Cabinet Member for Culture and Greener Kirklees (Councillor P A Davies).

Question from Councillor Simpson

“Given Councillor Munro’s comments I thought it may be helpful to reflect that the Council asked Corporate Governance and Audit Committee to look into West Yorkshire scrutiny arrangements and I’m Chair of that Committee. Work has been ongoing. There was a workshop last week where we invited members of all political groups from across the Council to get their ideas about how we’d like Kirklees to contribute to creating scrutiny arrangements that work for us. Councillor Turner attended that workshop, can he reflect upon it?”

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

Question from Councillor Bolt

“Kirklees in line with West Yorkshire is pursuing the construction of a number of active travel corridors, most recently converting canal towpaths going up the Colne Valley. It’s okay building these but what thoughts are being given to maintenance? Shouldn’t we be looking at maintaining our active travel corridors?”

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

339 Annual RIPA Update

Cabinet received the Annual RIPA Update which provided an overview on the use of the Regulation of Investigatory Powers Act 2000 by the Council and an update on the 2020 Investigatory Powers Commissioner’s Office (IPCO).

The report advised that the IPCO undertook an inspection visit in 2016 and that a telephone inspection took place in July 2020, following which the Commissioner advised that he was satisfied that there was an appropriate level of compliance and that he noted that (i) all recommendations from the 2016 report had been implemented (ii) training had been completed and (iii) the RIPA Policy had been updated to include changes and had been reviewed in 2020.

Cabinet noted that the Council's annual return to the IPCO had been completed and that there had been no RIPA authorisations within the past 12 months.

RESOLVED- That the Annual RIPA Update report be noted.

340 Housing Revenue Account Rent and Service Charge Setting and Key Housing Challenges

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

Cabinet received a report which provided the financial context and basis for the annual setting of rents and service charges. The report sought approval for a 1.5% (CPI +1%) increase in dwelling rents in 2021/2022, and an annual uplift of 1.5% for garage rents and other service charges. It was requested that an annual uplift of 2.75% be applied to Extra Care Services – Intensive Housing, and 2.2% to Extra Care Services – Night Time Security.

The report proposed that the Council continues to charge a target rent on all properties let to new tenants and provided context in terms of the key challenges for the Housing Revenue Account, including the CPI+1% rent increase. An appendix to the considered report set out the full schedule of proposed weekly dwelling rent, service and other charge increases to Council tenants for 2021/2022. Cabinet noted that the increases would be implemented from 5 April 2021, following the issue of notification letters prior to tenants, in accordance with the statutory four week notice period.

RESOLVED –

- 1) That, in order to comply with the requirements of the Local Government and Housing Act 1989 to have a balanced Housing Revenue Account, the Welfare Reform and Work Act 2016, and the rent standard, an increase be applied to the rents and service charges payable for social housing by CPI+1% from 5 April 2021, as detailed within the considered report.
- 2) That charges for (i) extra care services – intensive housing management, be uplifted by 2.75% and (ii) extra care services – night care services, be uplifted by 2.2%, in line with other increases.
- 3) That approval be given to the continuation of charging a target rent on all properties let to new tenants.
- 4) That the national and local financial challenges be noted in preparation for the Housing Revenue Account budget discussions in February 2021.

341 Community Infrastructure Levy - Next Steps

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

Cabinet received a report which requested that, in view of proposals to reform the national planning system, consideration be given to next steps regarding the Kirklees Community Infrastructure Levy. The report advised that, following the Government announcement that it will abolish the Community Infrastructure Levy and replace it with a nationally set infrastructure levy, it was recommended that the Community Infrastructure Levy charging schedule was not, at this stage, to be adopted. It explained that this proposal took into consideration a change to planning rules which allowed contributions from developers to be pooled together and used to help fund infrastructure proposals to reduce the impacts of developments.

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Cabinet noted that the Council may revisit the matter again at a later stage, in which case, the community would again be consulted and the most appropriate approach to support economic recovery would be determined.

RESOLVED - That the Council shall not proceed to adopt the Community Infrastructure Levy Charging Schedule at this stage and that the implementation of the CIL be reconsidered at a later stage dependent upon national government policy intentions and economic circumstances.

342 **Dewsbury Town Deal - Town Investment Plan**

Cabinet gave consideration to a report which provided an update on the Dewsbury Town Deal Board, the progress that had been made on the Town Investment Plan and sought approval for the submission of a request for investment of approx. £25m to Government. The report explained that the town was eligible for support from the Towns Fund, with access of up to £25m, and set out the proposed Town Investment Plan to be submitted to Government at the end of the month. The plan highlighted nine projects to be supported across Dewsbury.

Cabinet noted that a requirement of Town Deals was for a Town Board to be established, and that the Board had been created following guidance to prepare and agree the Town Investment Plan. The report advised that key messages highlighted during public consultation were that residents wanted more access to open space, more activities and opportunities for young people and families, a safe and vibrant town centre, and opportunities to bring the community together. The selected projects for the scheme were set out in Appendix 1 to the considered report and totalled £26.255m, reliant upon match funding of £33.6m.

RESOLVED –

- 1) That the Dewsbury Town Investment Plan, as proposed by the Dewsbury Town Deal Board, be noted.
- 2) That the level of match funding required to deliver projects, and that provision for this will be made in the forthcoming capital plan, be noted.
- 3) That it be noted that the Dewsbury Town Deal Board may make final changes to the Town Investment Plan prior to its formal submission at the end of January 2021.
- 4) That the Dewsbury Town Investment Plan be submitted to the Ministry of Housing, Communities and Local Government before the end of January 2021.
- 5) That, pursuant to (4) above the Director of Growth and Regeneration, in consultation with the Cabinet Member for Regeneration and the Dewsbury Town Deal Board, negotiate and agree the terms of any Town Deal and any ancillary agreements required.
- 6) That, following the approval of the Dewsbury Town Investment Plan, the Chief Executive be authorised to enter into any grant agreement between the Council and the Ministry of Housing, Communities and Local Government in respect of any Town Deal, and any ancillary agreements required.
- 7) That the Council's role as 'Accountable Body' for the Dewsbury Town Investment Plan and Dewsbury Town Deal Board be noted and endorsed.

343 Locality Based Unclassified Roads Programme

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

Cabinet gave consideration to a report which sought approval of methodology designed to engage with Councillors and allocate funding for the delivery of a £15m locality based unclassified road programme. Cabinet noted that the £15m 3 year locality based unclassified roads and pavement improvement budget provided additional funding to help address the backlog of unclassified roads requiring immediate repair which was estimated at £152m.

The report advised that this funding uplifted the two year Highways Capital Plan to over £44m which provided investment across the highway asset including road and pavement resurfacing, street lighting, structures, road safety, flood management, traffic signals, car parks and public transport provision.

Cabinet noted that the methodology proposed was needs based and used length of road to inform allocation of funding, with between £450-£700k per ward. The report advised that the programme had been developed from top priorities of Councillors to deliver a minimum of three schemes per ward and provided for over 120 schemes as set out in Appendix A of the considered report.

RESOLVED –

- 1) That the methodology for place-based Councillor engagement, as set out within the considered report, be approved.
- 2) That (i) the funding allocation and (ii) the creation of a detailed locality unclassified roads programme to the value of £11.8m, as set out at Appendix A, be approved.
- 3) That authority be delegated to the Service Director (Environment), in consultation with the Cabinet Member for Environment to enable amendments in accordance with the Council's financial regulations for the purposes of expediting efficient delivery of this programme.

344 Kingsgate Phase 2 - Funding from the Property Investment Fund

Cabinet received a report which advised of a request for loan support from the Property Investment Fund towards the remodelling of the Kingsgate Centre. The report explained that the request for support, via a loan from the Property Investment Fund, was for a scheme for the provision of a cinema, food and leisure facilities, in addition to the existing Kingsgate retail units. The report was submitted pursuant to the previous Cabinet approval on 22 January 2019 due to changes to the proposals.

It was advised that research had indicated that the redevelopment of the Centre would increase sales of non-food retail by 8% and that the proposal would assist in stabilising the retail environment.

An exempt appendix to the report set out the detail of the requested loan funding.

(Cabinet gave consideration to the exempt information at Agenda Item 15 (Minute No. 346 refers) prior to the determination of this Agenda Item).

RESOLVED –

- 1) That approval be given to a loan from the Property Investment Fund for the remodelling of the Kingsgate Centre, in accordance with the detail as set out within the exempt report at Agenda Item 15.
- 2) That the Strategic Director (Growth and Regeneration), in consultation with the Cabinet Members for Regeneration and Corporate Services, having sought advice from the Service Director (Legal, Governance and Commissioning) and the Service Director (Finance) be authorised to carry out appropriate due diligence on the proposal to offer a loan from the Property Investment Fund, including due diligence on WD's latest business plan.
- 3) That the Service Director (Legal, Governance and Commissioning) be authorised to enter into any documentation required to agree the Property Investment Fund loan and to protect the Council's position as lender.

345 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.

346 Kingsgate Phase 2 - Funding from the Property Investment Fund

(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 financial or business affairs of any particular person (including the authority holding that information).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 13 (Minute No. 344 refers).