

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 16th March 2021**

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

Observers: Councillor Mahmood Akhtar  
Councillor Martyn Bolt  
Councillor David Hall  
Councillor Erin Hill  
Councillor Yusra Hussain  
Councillor Fazila Loonat  
Councillor Nigel Patrick  
Councillor Mohan Sokhal  
Councillor Habiban Zaman

**370 Minutes of Previous Meetings**

**RESOLVED** – That the Minutes of the Meetings held on 19 and 26 January 2021 be approved as a correct record.

**371 Membership of Cabinet**

All Cabinet Members were present.

**372 Declarations of Interest**

No interests were declared.

**373 Deputations/Petitions**

Cabinet received a deputation from Margaret Dale in relation to Agenda Item 8 (Minute No. 376 refers).

A response was provided by the Leader of the Council.

**374 Questions by Members of the Public**

**Question from Balbir Singh Uppal (on behalf of the Sikh Leisure Centre)**

“On behalf of all the Trustees of the Sikh Leisure Centre (Apna Venue), the Sikh and local communities and all users of the centre, we would like to thank Kirklees Council, its Officers and Members with whom we have been working to reach this stage. It is always difficult to name everyone that has contributed to bringing this proposal to fruition but we must pay tribute to the Local Authority’s Officers, Giles Chappell and David Sheppard as well as Councillors Peter McBride and Graham Turner for their positive support and outlook. Also our appreciation to the Leader of the Council Councillor Shabir Pandor, and the Chief Executive Jacqui Gedman for their input.

As most of you will know, Apna Venue is located in the Newsome Ward and again the support we have had from the Ward Members has been excellent. Ours thanks to Councillors Andrew Cooper, Karen Allison and Susan Lee-Richards.

As a community venue we look forward to continuing to work with Members and the Local Authority to further the aims and objectives of the organisation. The centre has an excellent track record of working with many communities and organisations.

Please can we thank the Council for its continued support and ask that Agenda Item 10 is approved by the Cabinet Members, as recommended by the Officers, to enable the Centre to continue to serve the interests of all of our communities?”

A response was provided by the Leader of the Council.

**Question from Heather Peacock**

“What can be done about the massive number of trees to be felled by Network Rail in their widening scheme? I was told in 2017 when they came through the Colne Valley felling the trackside trees that the Council was powerless to act. Is there anything the Council can do, if yes what?”

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

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

**Question from Councillor Bolt**

“In 15 days KNH will come back into the Council as a wholly run Council service. Could you tell us what plans there are for bringing this back into the Council; the re-branding of vehicles, re-branding staff uniforms, letterheads. What will happen to the term KNH in 15 days?”

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

**Question from Councillor Hill**

“I was really pleased when we accepted the Budget last month that there was a concrete commitment in there to engage young people around the environment and the climate emergency. You cannot underestimate the importance of that, and I think that it is a fantastic thing to do, and I also think we quite often comment on how young people from a really young age understand the importance of looking after the planet and the environment, often better than most adults do. I wondered if you could give us some more information or talk us through what that might look like on the ground and how you are planning to get that off to a flying start?”

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

**Question from Councillor Y Hussain**

“We have got the fantastic initiatives going on across the borough in terms of investment in our town and villages and the regeneration plans in general, my question is around the development of markets in Kirklees and I wanted some more insight into that and the development of them?”

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

**Question from Councillor Zaman**

“I would like to ask, in terms of investment in Batley, if you can give me a broad overview of that, and also how you intend to involve local Members?”

A response was provided by the Leader of the Council.

**Question from Councillor Loonat**

“We have previously had conversations about the build up of traffic in my ward, and in particular near the train station. With the money coming from Highways and investments can we look at exploring the possibility of the gyratory, especially now that the building that was blocking the plans has come up for sale. Can we look at exploring this?”

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

**Question from Councillor Bolt**

“Previously, it was said with regards to options at Cooper Bridge, they were Councillor McBride’s opinions only. Is that still the fact or is it still the opinion of Councillor McBride only?”

A response was provided by the Leader of the Council.

**376 Investing in Small Town Centres**

(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Patrick, Bolt, S Hall, Zaman, Y Hussain, Loonat, D Hall and Akhtar).

Cabinet gave consideration to a report which set out an approach for developing programmes to support smaller town centres across Kirklees. The report sought approval to commence the programme of engagement, plan development as well as identification and delivery of projects and set out details the first phase of the requirement, the conditions for implementation; and the resources required.

The report advised that the programme of work in the two principal town centres of Huddersfield and Dewsbury was already underway and that there were many important centres outside of Dewsbury and Huddersfield which also required support and investment to ensure they remained vibrant places for the communities that they served. It was noted that those centres played an important local role to communities and formed part of a strategy which allowed local people to access a wider range of local services, contributing to a more sustainable way of living which embraced the climate change agenda.

The report explained that the four town centres of Batley, Cleckheaton, Holmfirth and Heckmondwike were the next largest and important centres as defined by work undertaken as part of the Local Plan and that each of the centres would benefit from short-term and long-term interventions up to a total of £1.5m, which would leave a residual amount from the initial capital allocation that would go towards other centres in the authority.

**RESOLVED -**

- 1) That approval be given to the next tranche of town centres (Batley, Cleckheaton, Holmfirth, Heckmondwike) to benefit from an additional allocation of £1.5m per centre as part of the Council's Capital Plan.
- 2) That the requirements to access funding, as set out at para 2.8 to 2.13. be approved and that authority be delegated to the Strategic Director (Growth and Regeneration) to approve individual plans and projects in consultation with the Cabinet Member (Regeneration).
- 3) That approval be given to the generic list of project/programme types that funding can be used towards, as detailed at para 2.14 to 2.16.
- 4) That approval be given to the availability of £1.5m per centre, as detailed at para. 2.17 to 2.18.
- 5) That the indicative timeframe for delivery be noted, subject to the progress of projects and programmes.
- 6) That a further report be submitted to Cabinet with regards to the residual investment as referred to at para. 2.19.
- 7) That approval be given to staffing resources to support the initiative and the mechanism as set out at para. 2.20.
- 8) That it be noted that the Town Centre Programme Board will oversee and monitor the delivery of the projects and capital investment programme in small town centres.

**377 Protocol on Concurrent Powers**

Cabinet received a report which advised of the making of an Order to create a Mayoral Combined Authority (MCA) in West Yorkshire. The report provided Cabinet with a draft Protocol between Kirklees, the other West Yorkshire Councils and the MCA in dealing with consents and concurrent functions for approval. Cabinet were informed that the protocol aimed to establish the process for how the Combined Authority would exercise functions concurrently with Constituent Councils.

The report advised that the Order conferred concurrent powers on the Mayoral Combined Authority (MCA) and that these were powers which the Constituent Councils would also hold and, which the MCA could exercise independently, providing for certain decisions (termed statutory consents in the Protocol) to be made by the MCA only with the express consent of a Constituent Council. Appendix 1 to the considered report set out details of the functions that would be conferred on the MCA and it was noted that these function had either been devolved or granted by Government, or were functions that could be exercised concurrently with Constituent Councils. Appendix 2 to the report provided the report that had been submitted to the meeting of Corporate Governance and Audit Committee for consideration on 9 March 2021.

Cabinet were advised of the recommendation of the Corporate Governance and Audit Committee, reflecting an amendment at recommendation (ii) that the Group Leaders, in addition to the Leader of the Council, should also be consulted in the finalising of the Protocol.

Cabinet noted that the Protocol did not address the scrutiny of the Combined Authority in relation to how it exercised any Concurrent Function, and that this would be the subject of separate arrangements, which were also currently under consideration.

**RESOLVED -**

- 1) That approval be given to the adoption of the Protocol on Concurrent Functions and Associated Statutory Consents as attached at Appendix 1.
- 2) That authority be delegated to the Chief Executive, in consultation with Group Leaders, to (i) finalise the protocol and agree any drafting amendments that may be required (ii) sign it on behalf of Council and (iii) agree any subsequent changes to the protocol when it is reviewed.
- 3) That (i) the work undertaken at the workshop held on 14 January, and (ii) the report to Corporate Governance and Audit Committee on 9 March, be noted.

**378 Disposal of Freehold Reversion - Apna Centre, Prospect Street, Springwood, Huddersfield**

Cabinet gave consideration to a report which sought approval of the disposal of the freehold reversion of the land that comprises the Apna Centre, Prospect Street, Springwood, Huddersfield, subject to restrictive covenants for community use with the exception of up to 30% permitted commercial use.

The report advised that there was need for further investment in the refurbishment and modernisation of the Centre and that, having identified priorities for capital

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investment and potential grant funding sources, the Trustees had requested that the Council consider the transfer of the freehold reversionary interest in the Prospect Street land to secure the investment needed to further develop the facility.

The report proposed that the freehold of the land be transferred for nil consideration, taking into consideration that the building is owned by the applicant, and would be subject to restrictive covenants for community use with the exception of up to 30% permitted commercial use.

### RESOLVED -

- 1) That the transfer of the freehold reversion to the APNA Centre to the Sikh Leisure Centre at nil consideration be approved.
- 2) That authority be delegated to the Service Director (Development) to negotiate and agree terms for the transfer of the freehold of the land at Prospect Street, Springwood, Huddersfield (Plan Ref. 21-0054c).
- 3) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into and execute all necessary documentation in connection with the transfer of the freehold of the land at Prospect Street, Springwood, Huddersfield, and any associated agreements and documents including the collateral agreement for polling station use.

### 379 **Kirklees Specialist Accommodation Strategy 2021/2030 - Public Consultation** (Under the provision of Council Procedure Rule 36(1) Cabinet received a representation from Councillor D Hall).

Cabinet gave consideration to a report which sought approval for a public consultation exercise in relation to a proposed new draft Specialist Accommodation Strategy 2021-2030. The report advised that the strategy (i) outlined the importance of quality housing and the impact which that has upon individuals and their wellbeing and (ii) considered the demographic, technological and consumer trends that were already impacting the market and were likely to continue to do so over the period of the strategy.

The report advised that the strategy had been developed alongside the vision and values for adult social care: *'We want every person in Kirklees who needs support, including social care, to be able to live the life that matters to them - with the people they value, in the places and communities they call home, and with an equal voice in co-ordinating their support'*.

The report proposed that an inclusive consultation plan would be developed which ensured appropriate consultation to enable effective response, and that the draft strategy would be revised considering consultation responses and then submitted to Cabinet for approval and a recommendation to Council for approval and adoption of the strategy, as part of the Council's Policy Framework.

### RESOLVED -

- 1) That the Specialist Accommodation Strategy 2021-2030, as set out at Appendix 1 to the report, be noted.

- 2) That approval be given to the Service Director (Skills and Regeneration) carrying out a non-statutory consultation on the proposed draft Specialist Accommodation Strategy 2021-2030.
- 3) That a further report be submitted detailing the outcome of the public consultation, with the details of any proposed amendments, and a final draft of the Strategy, prior to submission to Council and adoption within the Council's Policy Framework.

**380 Place Partnerships - Proposal to improve domestic abuse outcomes**

Cabinet received a report which sought approval of £400,000 funding from the Place Partnership Domestic Abuse themed budget to build capacity, train and equip staff and communities to recognise the signs of domestic abuse and make links to local support networks to help mitigate the impact of domestic abuse. Cabinet noted that the funding would be used to deliver place-based improvements across all Place Partnerships and would be used for activities that were sustainable without the need for ongoing funding, as this allocation is provided on a one-off basis.

The report advised that the Place Partnership's priorities for the funding related to how communities were enabled to identify and respond effectively to domestic abuse, particularly amid concerns that there was not enough awareness of coercive control and/or that abusive relationships were normalised in some families. Cabinet noted the second priority also, which was the impact of domestic abuse upon children and young people, and how professionals who work with families can be supported, particularly in schools, to put effective support in place.

Cabinet were advised that, subject to approval, the funding would be used to build capacity, train, and equip staff and communities to recognise the signs of domestic abuse and make links to local support networks to help mitigate the impact of domestic abuse.

**RESOLVED** - That approval be given to the allocation of £400,000 revenue funding from the Place Partnerships Domestic Abuse Budget in order to deliver place partnerships priorities to (i) build capacity and train staff and voluntary community sector organisations to recognise the signs of domestic abuse and ensure links are made to local support networks and provision and (ii) equip staff in communities to mitigate the impact of domestic abuse upon children and young people, and to support professionals working with families, particularly in schools, to respond effectively to domestic abuse.

**381 Dewsbury Market**

Cabinet received a report which sought approval of the Dewsbury Market project, including approval of capital funds of £8.4 million, proposals for decanting traders while the works were carried out; public consultation on the detailed plans for the new market and other actions necessary to implement the project.

Cabinet noted that the Council had renegotiated all the market traders' leases, including a rent reduction and that new temporary leases gave the Council greater control over moving tenants and ending leases, where appropriate, which would be critical to the effective delivery of the project.

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The report advised that the proposal, subject to approval, would see the transformation of the current 400 stall market into a new consolidated market of approximately 200 stalls which would be transformed into a flexible space for both shopping and leisure use. The investment would halt the decline of the market and build a sustainable future for the market, bringing with it a positive impact on the town along with an increase in footfall.

### RESOLVED -

- 1) That approval be given to the Dewsbury Market Project, as detailed within the report.
- 2) That approval be given to the allocation of £8.4m of capital resources to fund the project.
- 3) That, subject to the approval of the Towns Fund Grant, the Strategic Director (Growth and Regeneration) be authorised to implement the project.
- 4) That approval be given to proposals for a temporary market, as detailed within the report, and that the Strategic Director (Environment and Climate Change) be authorised to implement the scheme, and in conjunction with the Service Director (Legal, Governance and Commissioning) agree the preferred legal powers to use in this case namely, either the licensed street trading option, or alternatively, to establish a temporary statutory market and take all necessary steps and actions in accordance with the chosen legal powers and constitutional requirements to implement the proposal.
- 5) That approval be given to revenue resources of £1.5m for the provision of the temporary market and agree that this is funded from the strategic investment reserve.
- 6) That the intention to carry out public consultation during summer 2021 on the detailed plans and proposals for the Dewsbury market project be noted.

### 382 Corporate Financial Monitoring Quarter 3, 2020-2021

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

Cabinet considered the Corporate Financial Monitoring Report which set out financial monitoring information for General Fund Revenue, Housing Revenue Account and Capital Plan for Quarter 3, 2021/2022, and also sought approval for (i) expenditure in relation to specific schemes, and (ii) the mitigation of PFI affordability double count relating to schools, further details of which were set out at para. 1.12 of the considered report.

The report advised that, in terms of the revised General Revenue Fund, the controllable (net) revenue budget for 2020/2021 was £306.2m, which included planned (net) revenue savings in-year of £2.8m. It indicated that the revised budget included a number of planned transfers from reserves during the year, the most significant being £1.5m from the Revenue Grants Reserve, £0.9m from the Strategic Investment Support reserve, £0.8m from the Public Health reserve, and £0.4m from the Rollover Reserve. Cabinet noted that there was a forecast overspend of £1.9m against the £306.2m revised budget at Quarter 3, equivalent to 0.6%. Appendix 1 to the report set out the forecast revenue outturn position, including estimated Covid-19 impacts.

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Cabinet noted the detail of the Covid-19 impact, as detailed at para 1.2 of the report, and an overview of the impacts upon individual directorates. The report also provided information in regards to (i) General Fund Reserves (ii) the Collection Fund (iii) the North West Yorkshire Business Rates Pool (iv) the Housing Revenue Account and (v) the Capital Budget.

### RESOLVED -

- 1) That in regards to the General Fund (i) the 2020/2021 forecast revenue overspend of £1.9m as at Quarter 3 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's balance sheet as a negative reserve, be noted (iii) approval be given to the proposed mitigation of the PFI affordability double count on schools funding over 2019-2020, as set out at para. 1.3.9 (iv) it be noted 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 and (v) that the forecast year-end position on corporate reserves and balances be noted.
- 2) That the forecast position on the Collection Fund as at Quarter 3 be noted.
- 3) That, in regards to the Housing Revenue Account, the Quarter 3 forecast Housing Revenue Account position and the forecast year-end reserves position be noted.
- 4) That, in regards to Capital, (i) it be noted that the Quarter 3 forecast capital monitoring position for 2020/2021 be noted (ii) approval be given to the re-profiling across years of the capital plan, as set out at Appendix 6 (iii) approval be given to £120k capital proposal for Call System Replacement in the Adult Social Care Intermediate Homes (iv) approval be given to £300k enabling works at Emerald Street Depot (v) approval be given to the release of funding from the Sustainability of Major Town Halls - Service Development Capital Programme line for works at Batley Town Hall and (vi) approval be given to a £109k new self funded capital proposal for Liquid Logic Childrens and Delegation Portal to be added to the plan, as detailed within the report.

### 383 Year of Music 2023

Cabinet considered a report which sought approval of investment in the development of Year of Music 2023 programme which would provide a celebratory year based upon cultural identity and heritage and would bring together communities.

The report explained that the Year of Music would also play a role in supporting the economic and cultural recovery from COVID-19, by providing an activity and opportunities for a positive and ambitious district and facilitating a yearlong initiative as a vehicle to support organisations and communities to rebuild and recover.

It was noted that funding of £239,687 would ensure that the sector received investment and was supported in delivering the year of music, whilst also undergoing a transformation process to become more resilient for the future and Cabinet were advised that approval was also sought for the underwriting of costs for

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2022/23 and 2023/24 in case the funding, sponsorship and sales targets were not reached.

Cabinet noted that a Music Partnership Board was being established to oversee the event and that the Cabinet Member (Culture and Greener Kirklees) was a Board Member.

### **RESOLVED -**

- 1) That approval be given to the allocation of £239,687 in 2021/2022 for the development of the Year of Music 2023 Programme.
- 2) That approval be given to the underwriting of the budget for 2022/2023 of £354,687 and of £264,287 for 2023/2024.
- 3) That authority be delegated to the Service Director (Culture and Visitor Economy) to support delivery activity and implement the Year of Music Programme and approve individual projects within the budget envelope.
- 4) That it be noted that the timescale as set out at para. 5.1 has been planned as to ensure that the programme of activity is well marketed in order to achieve sales targets.
- 5) That the level of staffing resource required to deliver the programme be noted.
- 6) That a report be submitted to Cabinet in September 2022 to provide an update regarding funding and sponsorship, and details about the programme.
- 7) That, if funding targets for 2022.2023 are not met, the request for funding be submitted through the 2022 budget process and that, if further Council funding is required in 2023/2024 a request be submitted in September 2023.

### **384 Proposed changes to top-up funding allocations for children in mainstream schools with an Education Health & Care Plan (EHCP)**

Cabinet gave consideration to a report which outlined a change to the way top-up funding allocations were made to support children in mainstream schools with an Education Health & Care Plan (EHCP). The report highlighted that over recent years, like many other authorities, Kirklees Council had seen rising numbers of children with SEND who needed additional support.

Cabinet were advised that current trajectories in terms of expenditure were unsustainable in the medium to longer term and that the aim was to pivot to a situation of sustainable cost provision with high outcomes by realigning the spend proportionately away from high cost specialist provision to earlier intervention and mainstream provision.

The report advised of the aim to maximise inclusivity and have more children who would be educated with their peers in mainstream schools whilst receiving the appropriate support to progress and develop. Cabinet noted that this would be achieved by ensuring the funding model was fit for purpose to enable schools to do this as well as supporting a wider range of need.

Para. 2.4 of the report set out details of two proposed models, one which linked the top ups to the level of support required to make the provision within the EHCP and one which linked the top ups to the level of support required to make the provision

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within the EHCP and delegate up to 50% support. Cabinet were asked to approve the latter model as it was better aligned with the wider transformation programme and would create maximum opportunities for needs to be met at the earliest opportunity.

It was also noted that this model would (i) sufficiently fund the provision as detailed within the pupil's EHCP in order to meet need (ii) align with the principles of the SEND Code of Practice 2015, and related legislation regulations (iii) promote a graduated approach and build capacity to meet needs of pupils at SEN support if appropriate (iv) have safeguards in place to protect the school's notional SEN budget when EHCP numbers are disproportionately high and (v) enable transparent financial administration.

### **RESOLVED -**

- 1) That changes be made from the current arrangements for mainstream top-ups to a new model from 1 April 2021.
- 2) That approval be given to Model 2, as detailed at para. 2.4 of the considered report.
- 3) That authority be delegated to the Strategic Director (Children's Services) in consultation with the Service Director (Finance) to undertake the required processes for the new model to be implemented with effect from 1 April 2021.

### **385 Procuring an External Business Partner - SEND**

Cabinet received a report which sought approval to use the funding within the transformation reserves to support the procurement of an external business partner to support key strands of SEND transformation in Children's and Adult Services.

The report advised how the work in improving the early identification of understanding of SEND for children with special education needs and disabilities would support the ability of mainstream schools to provide appropriate settings for a larger number of children with Education Health and Care Plans (EHCPs) with the objectives of improving the outcomes and attainment for these children and providing a sustainable financial model for SEND expenditure.

The report proposed that Cabinet support the funding of an external improvement partner to work in partnership with Kirklees during the next phase of SEND transformation. Cabinet was advised that £1,000,000 had been identified to support the SEND Transformation programme and a proportion of this was proposed to be used to fund the contract with an external delivery partner, initially for a 12 month period.

### **RESOLVED -**

- 1) That the proposal to engage an external business partner be noted.
- 2) That approval be given to supporting the use of transformation reserves funding to support this arrangement as part of the specific SEND transformation programme.

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- 3) That the proposed model of an external improvement partner, governance and resources required be endorsed.
- 4) That authority be delegated to the Director of Children's Services to manage the tender process contract award and manage the contract arrangements.

### **386 Leeds City Region Business Rates Pool Arrangements 2021/22**

Cabinet considered a report which sought to ratify the Council's membership, and arrangements for the operation and governance of the Leeds City Region (LCR) Business Rates Pool for 2021/22.

The report highlighted that regional Pools from 2013/14 onwards had benefited Pool members including this Council through annually retained levy contributions into the Pool, ranging between £10m and £29m annually; subsequently invested in a range of regional initiatives, and in some years, including individual payments back to Pool members. The report advised that despite the current underlying difficult economic circumstances due to COVID's impact on national, regional, and local economies, it was anticipated that none of the Pool Members were likely to fall below their Business Rates safety net thresholds for 2021/22.

Cabinet were advised that current modelled financial forecasts suggested the potential for the LCR Pool to generate up to £5m from retained levies in 2021/2022, which while significantly less than previous annual contributions, justified the establishment of the Pool for 2021/2022, in conjunction with the safety net risk assessment undertaken by all prospective Pool Members.

Cabinet noted that specific proposals for the allocation of any retained levies would be considered by the LCR Business Rates Committee, the draft Terms of Reference for which were attached as appendices to the report, along with the draft Memorandum of Understanding (Governance) Agreement for the operation of the Pool in 2021/2020.

### **RESOLVED -**

- 1) That approval be given to the Council's membership of the Leeds City Region Business Rates Pool for 2021/2022.
- 2) That the revoking of the existing North and West Yorkshire Pool on 31 March 2021 be noted.
- 3) That approval be given to the formation of a new Joint Committee to oversee the operation of the Leeds City Region Pool for 2021/2022 and the appointment of the Leader to the new Joint Committee.
- 4) That the draft terms of reference and memorandum of understanding (governance) arrangements for the Leeds City Region Pool Joint Committee for the forthcoming financial year be noted.
- 5) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to finalise and sign any documentation relating to the new Joint Committee.

**387 Kirklees Stadium Development Limited - Future Options**

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

Cabinet received a report which requested that it review current arrangements for the standalone stadium management and development business, Kirklees Stadium Development Limited (KSDL), that manages Kirklees Stadium for the benefit of the two professional sports clubs and the wider community.

Cabinet were advised that, whilst the arrangement had enabled the operation of the stadium for more than 25 years, the opportunity now existed to make changes to future arrangements which would meet a series of shared objectives. It was noted that the Council held a 40% shareholding, with Huddersfield Town AFC also holding 40% and Huddersfield Giants holding 20%.

The report advised that the 25-year stadium asset life cycle meant that significant capital investment was required over the next 10 years to address a backlog of maintenance issues and to renew key structures and mechanical and electrical systems of the stadium to extend the asset life to circa 2050. The report advised that the anticipated cost was up to £9m over a 10-year period.

The report sought approval from Cabinet to endorse a Community Trust operating model (details of which were set out at para 2.10 of the report) which was considered most suitable option for the delivery of shared objectives, including a fully redeemable Council loan to the Community Trust that would ensure the stadium's long term operational viability. Cabinet were also asked to consider a complimentary regeneration opportunity relating to the Gasworks Street site and the potential that could be achieved in the Council acquiring the site to support the emerging strategy for the Huddersfield Station to Stadium Corridor.

(Cabinet gave consideration to the exempt information at Agenda Item 20 (Minute No. 389 refers) prior to the determination of this agenda item).

**RESOLVED -**

- 1) That a Community Trust option be supported if it proves to be achievable.
- 2) That the Council indicates a willingness to lend up to £13m to the Community Trust from the Council's Property Investment Fund capital programme, should the Community Trust be able to demonstrate a viable business plan.
- 3) That Officers be instructed to explore matters related to, and carry out all necessary due diligence in relation to (i) the formation of the Community Trust in relation to matters such as (but not limited to) the scope of the Community Trust operations, membership, ongoing operating requirements and appropriate cost recovery arrangements including future loan/re-financing requirements, loan terms and interest rates and (ii) the associated loan and the associated documentation.
- 4) That the Council clarifies its expectations regarding community interest in the context of stadium operations.

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- 5) That if agreement on a value could be reached between the Council and Kirklees Stadium Development Limited, the Council will acquire the Gasworks Street site.
- 6) That (1) and (5) above be subject to (i) Kirklees Stadium Development Limited, Huddersfield Town AFC and Huddersfield Giants demonstrating arrangements (a) to retain 'on going' financial support to ensure that KSDL does not enter administration (b) that they have reached a set of acceptable agreements relating to the future operation under a Trust model and (ii) Council Officers being satisfied that the arrangements being proposed offer a suitable viable proposal that should minimise risk to the Council.
- 7) That, subject to the requirements being satisfied (i) Council Officers be authorised to appoint such professional expertise as they consider necessary in order to ensure that arrangements are created which provide appropriate degrees of risk protection for the Council and (ii) the Chief Executive, Strategic Director (Regeneration), Service Director (Finance) and Service Director (Legal, Governance and Commissioning), in consultation with executive members, be authorised to prepare the appropriate and necessary documentation to execute the transactions.

### **388 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.

### **389 Kirklees Stadium Development Limited - Future Options (Exempt Appendix)**

(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) and it is considered that the disclosure of the information would adversely affect a third party, therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Council, 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 18 (Minute No. 387 refers).