

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 22nd June 2021

Present: Councillor Shabir Pandor (Chair)
Councillor Paul Davies
Councillor Eric Firth
Councillor Viv Kendrick
Councillor Musarrat Khan
Councillor Peter McBride
Councillor Naheed Mather
Councillor Carole Pattison
Councillor Cathy Scott
Councillor Will Simpson

In attendance: Councillor Martyn Bolt
Councillor Andrew Cooper
Councillor Yusra Hussain
Councillor Alison Munro
Councillor Elizabeth Smaje

9. Membership of Cabinet

All Cabinet Members were present.

10. Minutes of Previous Meetings

RESOLVED – That the Minutes of the Meetings of the Cabinet held on 13 April 2021 and 1 June 2021 be approved as a correct record.

11. Declarations of Interest

No interests were declared.

12. Admission of the Public

It was noted that the information contained at Agenda Items 17 and 18 would be considered in private session (Minutes No. 25 and 26 refer).

13. Deputations/Petitions

Cabinet received a Petition from Jamie Elliott which asked Kirklees Council to allow and support the planting of trees on the council-owned fields at Longwood Edge.

14. Questions by Members of the Public

Cabinet received the following questions;

Question from Jamie Elliott

“Will the Council consider tree planting at the Council owned fields at Longwood Edge, in the Golcar and Lindley wards. This will support the Kirklees carbon neutral vision and could also create a mix of recreational opportunities including cycling and walking routes.”

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

Question from Gideon Richards

“Whilst I appreciate the Council’s efforts to bring climate change to the forefront of planning, we need meaningful and material contributions when considering climate change. Can you confirm that this planning applications climate change guidance has not been put out to public consultation as the Town and Country Planning Act requires of supplementary planning documents. Can you also explain why the act allows this SPD not to require consultation, after all, whatever the title of the document, the document is supplementary to the planning process, is being introduced as part of the planning applications process and is a document, which can, under legitimate expectations, be considered a supplementary planning document. Will the Cabinet pause the approval of this document until, as required, I believe, under the Town and Country Planning Act Part 5 it follows its statutory process?”

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

Question from Gideon Richards

Have the Cabinet members seen the evaluation process against the document before approving it, and how will that evidence be scored, and against what metrics, to ensure the integrity and consistency of the outcomes has been maintained across developers? It will not be good enough, as appeared to happen with Castle Hill, that the planning department can just determine that something passes or fails without the members of planning committees and the public understanding how the determination is made. It needs to be very transparent. How will the forms be verified and validated and by whom? What will happen if this document is not submitted in a form that allows for material and meaning full understanding of climate change mitigation and adaption actions? After all, both the essential and desired efforts are only to be considered by the applicants.

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

15. Questions by Elected Members (Oral Questions)

Cabinet received the following questions from Members of the Council;

Question from Councillor Cooper

“Thank you for the opportunity I had to input into the climate change guidance, all I really did was to seek to get developers to describe what they had done over and above building regulations. I think if I hadn’t have put that in, it would have been ‘what have you done about energy efficiency’ and it would be ‘we have complied with Part L of the building regulations’. Well, everybody has to, so without asking them, that would have been a problem. I’ve heard the response about consultation on both these documents, and I think, yes, there would have been an opportunity to perhaps have had a period of dialogue, that would have been helpful to have a point at which interested parties beyond the Council could have come forward. Do we think that there is a role for that, in that although it may not be formal consultation, that we have a period of dialogue with interested parties who may be able to add something above and beyond what we have before us?”

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

Question from Councillor Bolt

“We just heard about there about consultation from Cllr McBride, does Cabinet believe that for a consultation to be meaningful and to engage with the audience, that you should provide evidence so that those you are consulting can clearly understand what they are being asked to give opinions on.”

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

16. Appointment of Cabinet and Portfolios (Notice Under Article 7)

Cabinet received notice from the Leader of the Council of the Membership of Cabinet, in accordance with articles 7.2.4 and 7.3.4 of the Constitution.

RESOLVED -

That the Membership of Cabinet, as pointed by the Leader of the Council under Articles 7.2.4 and 7.3.4 of the Council’s Constitution, be noted.

17. 2020 Kirklees Annual Educational Quality and Standards Report

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

Cabinet considered a report which summarised the challenges faced by the school systems during the pandemic and the impact seen on educational outcomes for learners. The report noted that there was little assessment and examination data to report. Schools provided remote education to the majority of pupils for up to half of the 2019/20 academic year and almost one full term in 2020 /2021. Nevertheless, there was still much positive activity to highlight. Local authority officers, services and the wider school system had implemented new systems and processes at speed to respond to the changing priorities during the unprecedented period during COVID-19.

The report asked Cabinet to note the priorities with the focus for the 2020/21 academic year being to work in partnership with the education learning and partnership board and other Council teams to support schools to: continue to operate safely during the COVID-19 period; and recover to the best of their abilities to help all pupils catch up while ensuring they can continue to receive a high-quality education within a challenging context.

RESOLVED – That the Annual Educational Quality and Standards report be noted.

18. Kirklees Active Travel Fund; Tranche 2

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

Cabinet considered a report which sought approval to facilitate the Huddersfield Narrow Canal project, to enter into a grant agreement with the Canal and River Trust (CRT), to allow the CRT to carry out the approved scheme within the agreed timelines. Cabinet was asked to note and approve the additional Active Travel Fund Tranche 2 projects within the programme – noting that the council would proceed with drawing up scheme proposals for projects within Spen Valley and Dewsbury and designing, consulting on, and delivering these schemes within the agreed timelines.

The report advised that the Department for Transport gave notice that West Yorkshire Combined Authority had been awarded the full indicative allocation of £10.053 Million from Tranche 2 of the Department for Transport's Emergency Active Travel Fund (EATF). The award to Kirklees was £1,983,983. A programme had been developed as detailed below: -

- Huddersfield Narrow Canal.
- Improved walking and cycling access to Spen Valley Greenway from Primrose Lane, Liversedge and Cleckheaton Town Centre.
- Dewsbury Station Access – Calder Valley Greenway Link.

The report highlighted the timescales involved and Cabinet noted that the schemes would be substantially completed by March 2022.

RESOLVED –

- 1) That the Huddersfield Narrow Canal (HNC) project which is to be carried out by the Canal & River Trust be endorsed.
- 2) That approval be given to enter into a grant agreement with the West Yorkshire Combined Authority (WYCA) for the carrying out of the HNC project.
- 3) That authority be delegated to the Strategic Director Growth & Regeneration to negotiate and agree the terms of that grant agreement with WYCA.
- 4) That approval be given to enter into a funding agreement with the Canal & River Trust for the carrying out of the HNC project.

- 5) That authority be delegated to the Strategic Director Growth & Regeneration to negotiate and agree the terms of that funding agreement with the Canal & River Trust.
- 6) That authority be given to the Service Director Legal Governance & Commissioning to enter into and execute any grant agreement and funding agreement referred to in (2) and (4) above together with any ancillary documents.

19. Quality Places Supplementary Planning Documents (SPD) and Biodiversity Net Gain Technical Advice Note

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

Cabinet considered a report which sought approval to adopt several Supplementary Planning Documents (SPD) and a Technical Advice Note (TAN) and to revoke superseded Supplementary Planning Guidance.

The report outlined the main implications for the Council in producing the Supplementary Planning Documents and guidance were the promotion of greater clarity, consistency, and improved certainty in relation to the implementation of Local Plan open space, design, and biodiversity policies. This should enable more effective decision making through the planning application process, from pre-application to determination.

Cabinet noted that the suite of Quality Places SPDs and Biodiversity Net Gain TAN aimed to improve the quality of residential development in Kirklees through good design, including responding to the climate change emergency.

RESOLVED –

- 1) That the quality places Supplementary Planning Documents be adopted, and that approval be given to the Biodiversity Net Gain Technical Advice Note.
- 2) That the related Supplementary Planning Guidance ('Design Guidance for Local Distinctiveness: Erection of Domestic Extensions' and 'Householders Guide to Dormer and Other Roof Extensions') be revoked and be replaced by the House Extensions and Alterations Supplementary Planning Document.
- 3) That authority be delegated to the Strategic Director for Growth & Regeneration to make any further minor modifications to the documents that relate exclusively to factual updates, grammatical and formatting corrections for the purposes of publishing the documents.
- 4) That an impact assessment be carried out and the report be considered at a future meeting.

20. Planning Applications Climate Change Guidance

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

Cabinet considered a report which sought approval of Climate Change Guidance to support the planning applications process. The Climate Change Guidance would provide clarity about the content of a Climate Change Statement which was to be submitted as part of future planning applications. It would therefore provide clarity for the community, officers, elected members, and developers about how climate change had been considered as development proposals had been formulated.

The report noted that the main implications for the Council in producing the Climate Change Guidance were the promotion of greater clarity; consistency; and improved certainty in relation to the implementation of climate change related Local Plan policies. This would enable more effective decision making through the planning application process, from pre-application enquiries through to implementation of proposals.

RESOLVED –

- 1) That approval be given to the ‘Planning Applications Climate Change Guidance’.
- 2) That authority be delegated to the Strategic Director for Growth & Regeneration to make any further minor modifications to the Climate Change Guidance that relates exclusively to factual updates, grammatical and formatting corrections for the purposes of publishing the Guidance.

21. Huddersfield Station Gateway and Trinity Street Access

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

Cabinet received a report which requested that, in taking account of Network Rail’s plans for Transpennine Route Upgrade, the Council carry out public consultation and make revised applications to West Yorkshire Combined Authority under the Transforming Cities Fund and the West Yorkshire-plus Transport Fund for complementary transportation infrastructure schemes in the Station Gateway and at Trinity Street Huddersfield.

The report highlighted that the Railway Station Gateway was one of six key areas for regeneration in Huddersfield. Trinity Street divided the Gateway from a second key area, the Civic Quarter which contained the Bus Station. The Transforming Cities Fund aimed to deliver, by March 2023, transformational new infrastructure and help create a step change in travel across the City Region, by improving people’s access to public transport, cycling and walking. The West Yorkshire-plus Transport Fund, 2016-2036, was targeted at enabling key development areas. Strategic transport projects included enhanced rail station gateways with increased capacity for park and ride.

RESOLVED –

- 1) That the re-scoped Transforming Cities Fund project and the re-scoped and re-profiled West Yorkshire-plus Transport Fund project for public consultation be endorsed.
- 2) That approval be given to the re-profiled West Yorkshire-plus Transport Fund project being entered into the Kirklees Capital Plan.
- 3) That authority be delegated to the Strategic Director Growth & Regeneration to carry out public consultation and to develop and work up project options and designs.
- 4) That authority be delegated to the Strategic Director Growth & Regeneration to submit business cases to the West Yorkshire Combined Authority for funding from the Transforming Cities Fund and the West Yorkshire-plus Transport Fund.
- 5) That authority be delegated to the Strategic Director Growth & Regeneration to negotiate and agree the terms of any agreement with West Yorkshire Combined Authority for the purpose of providing development funding from Transforming Cities Fund and West Yorkshire-plus Transport Fund.

22. Cultural Heart, part of the Huddersfield Blueprint - Next Steps

(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillor Munro and Councillor Cooper).

Cabinet considered a report that sought approval to proceed with the appointment of consultants to help with the next stages of delivery of the Huddersfield Blueprint. The report provided an update on progress and set out the strategy for making the appointments. The report also set out the budget for the next steps.

Cabinet noted that the Council's vision for a new Cultural Heart, built around the Queensgate Market and the existing library and art gallery building, was a significant undertaking that would require an equally significant team to deliver it. From information currently available it had an estimated value of £170-200m and would take five to six years to deliver. It's dossier of projects (programme) are anticipated to include:

- Events/live music venue and food court
- Museum and art gallery
- Town park,
- New Restaurants and bars
- A new library
- Replacement multi storey car park
- Links to the University

In noting the significant undertaking beyond the normal resources and operation of the Council, Cabinet was asked to approve the appointment of a team of external consultants who would be knowledgeable and have the necessary skills and experience of programmes of the scale and complexity of the brief.

RESOLVED –

- 1) That approval be given to proceed with an accelerated programme so that the Cultural Heart master plan and Outline Business Case can be completed as soon as is practical.
- 2) That approval is given to use Public Sector Body frameworks for all external appointments to achieve the acceleration and to delegate authority to the Strategic Director for Growth and Regeneration in liaison with the Service Director – Legal Governance and Commissioning and the Service Director – Finance to make all necessary appointments in compliance with the Contract Procedure Rules and the Financial Procedure Rules.
- 3) That authority be delegated to the Strategic Director for Growth and Regeneration in liaison with the Service Director – Legal Governance and Commissioning and the Service Director – Finance to appoint a Strategic Development Partner/Project Manager by direct award from the SCAPE, Place Shaping Framework in compliance with the Contract Procedure Rules and the Financial Procedure Rules.
- 4) That approval be given to allocate the necessary Council staff and resources to support the programme and to note that in the absence of sufficient internal resources that additional resources will be sourced from existing / future framework agreements.
- 5) That approval is given to the recommended stage break at Gateway 1 and the budget of £6.55m to deliver the Cultural Heart programme up to Gateway 2.
- 6) That authority be delegated to the Strategic Director for Growth and Regeneration to deliver the programme to Gateway 2, subject to further Cabinet approval at the conclusion of Gateway 1.

(Cabinet gave consideration to the exempt information at Agenda Item 17 (Minute No. 25 refers) prior to the determination of this agenda item).

23. Strategic Acquisition of a property in relation to the Huddersfield Blueprint Cultural Heart project

Cabinet considered a report which sought approval of the acquisition of a Strategic Long Leasehold asset (subject to existing tenancies) in Huddersfield Town Centre in line with the Huddersfield Town Centre Masterplan.

The report outlined that the acquisition of this strategic asset would provide an opportunity for the Council to further control the ownership in the proposed Cultural Heart and support the implementation of the Masterplan, building on other recent acquisitions such as the Piazza.

RESOLVED –

- 1) That approval be given to the strategic acquisition, as detailed in the red line boundary and in accordance with the details as set out within the exempt report at Agenda Item 18.
- 2) That approval be given for the required capital funding from the Strategic Acquisitions Fund for Huddersfield Town Centre as identified in the Council's Capital Plan.

- 3) That authority be delegated to the Service Director for Legal, Governance and Commissioning to enter into and execute any agreements or instruments relating to the acquisition.
- 4) That authority be delegated to the Service Director for Development to undertake the strategic and operational management, working with the Service Director for Legal, Governance and Commissioning, to agree relevant leases and management agreements as required.

(Cabinet gave consideration to the exempt information at Agenda Item 18 (Minute No. 26 refers) prior to the determination of this agenda item).

24. 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 Schedule 12A of the Act.

25. Cultural Heart, part of the Huddersfield Blueprint - Next Steps

(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 14 (Minute No. 22 refers).

26. Strategic Acquisition of a property in relation to the Huddersfield Blueprint Cultural Heart project

(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 15 (Minute No. 23 refers).