

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 18th January 2022**

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

Observers: Councillor D Hall  
Councillor Munro

**137 Membership of Cabinet**

All Cabinet Members were present.

**138 Minutes of Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 16 November 2021 be approved as a correct record.

**139 Declarations of Interest**

Councillor Scott declared an ‘other’ interest in Agenda Item 9 on the grounds that members of her family reside in council properties (Minute No. 145 refers).

**140 Admission of the Public**

It was noted that Agenda Item 17 was exempt from publication (Minute No. 153 refers).

**141 Deputations/Petitions**

No deputations or petitions were received.

**142 Questions by Members of the Public**

Cabinet received the following questions from Mr Tejinder Ajiz under the provision of Council Procedure Rule 11(5);

- 1) “Does the Kirklees Leader accept that my declaration of my good intentions and purposes are without prejudice, rancour, animus, quid pro quo, and/or duress to build professional relationships of mutual trust, integrity, two-way communication with you on a non-party political basis and cross political party basis, that KMC is robustly defended when it is justified in the pursuit of

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its positive aims and objectives, with the standard exceptions? Has the KMC Leader shared with the rest of the Cabinet Members that I have been trying to make him and them aware, inform them of actual evidences, my concerns about possible minor or more serious issues, crises, scandals, possible embarrassment to individual Cabinet Members and, all in all, details which are nobody else's business to know and breach general data protection rules and which only came to my attention recently when I opened an envelope posted and addressed to me, which I left unopened due to my heart attack and having to concentrate on my medical condition and my health needs and recovery, which I must reasonably assume, that had some one else received these details in the post it might have been embarrassing for me...?"

A response was provided by the Leader of the Council.

- 2) "Does the Leader or Cabinet Members agree with me that it is all too easy to turn around and blame the messenger who brings you unwelcome news, real evidences of breaches or failures, which need to be put before them. Will they look at any of the following; scrutiny, oversight, management, effectiveness, equality, risk assessments etc? What will the Council Leader, Cabinet Members, here and now, commit to do, or do differently, to strengthen and raise their awareness, explore, scrutinise and review everyone of their roles, functions, duties, responsibilities on an ongoing basis to improve some element that justifies their continued involvement in what they are doing?"

A response was provided by the Leader of the Council.

### 143 Questions by Elected Members (Oral Questions)

Cabinet received the following questions in accordance with Executive Procedure Rule 2.3;

#### Question from Councillor Munro

"How much is it going to cost to bring Tolson Museum up to a modern day standard for the complimentary heritage offer?"

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

#### Question from Councillor D Hall

"With regard to the George Hotel, given that you've now said that there'll be a liability to the public of approx. £20m if this goes ahead with the museum, can you tell me why Cabinet passed the idea in the first place?"

A response was provided by the Leader of the Council.

**Question from Councillor D Hall**

“Professor Collins, who was Chairman of the Independent Panel who awarded Kirklees the bid, said ‘the Council doesn’t have a viable alternative, nor do they have a track record of suggesting they have the capabilities of supporting the museum somewhere else’. This is of national interest, and what really disturbs me in that a well-qualified and respected person has the impression that Kirklees does not have a track record of capability as far as museums are concerned. Could you suggest why that might be?”

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

**144 Kirklees school funding arrangements for financial year 2022-23**

Cabinet gave consideration to a report which sought approval for school funding arrangements for the 2022-2023 financial year. The report set out the arrangements that had been consulted upon for the funding of local schools and academies for the funding year 2022-2023 and school revenue funding issues that had been discussed with the Schools Forum and constituent groups. The report provided an overview of detail in regards to (i) movement towards a national funding formula in the soft national funding formula years of 2018-2019 to 2022-2023 (ii) exception applications made to the Education and Skills Funding Agency (iii) de-delegation arrangements for mainstream maintained rooms (iv) dedicated schools grant funding settlement 2022-2023 (v) high needs block funding 2022-2023 (vi) early years blocking funding 2022-2023 and (vi) recommendations from the Kirklees Schools Forum.

Cabinet noted the changes to the schools funding formula arrangements for 2022-2023, which was the fifth year of soft application of the national funding formula, leading up to the full introduction of the National Funding Formula for Schools from April 2024, subject to ongoing response to consultation. It was also noted that ongoing consultation would take place with schools and other providers to ensure an appropriate local response to national funding formula developments. Cabinet asked that thanks be conveyed to the Kirklees Schools Forum for the work that they had undertaken. The report advised that the deadline for the submission of school funding allocations for 2022-2023 to the Education and Skills Funding Agency was 21 January 2022, and it was expected that maintained schools would be informed of budget share by 28 February 2022 and that academies would be advised by 31 March 2022.

**RESOLVED –**

- 1) That approval be given to the recommendations of the Schools Forum, following the consultative process undertaken in collaboration with Head Teachers, to determine the ongoing local approach to the distribution of DSG Schools Block funding for 2022-2023 and the fifth year of a soft National Funding Formula approach.
- 2) That the exceptions application made to the ESFA, and subsequently approved, be noted.
- 3) That approval be given to the submission of the schools funding formula to the ESFA for 2022-2023.

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- 4) That approval be given to proposals for central budgets and de-delegated budgets 2022-2023, as set out within the considered report.
- 5) That the changes to schools funding arrangements for 2022-2023, the fifth year of soft application of the National Funding Formula, in advance of the full introduction of the National Funding Formula for Schools from April 2024, subject to ongoing response to consultation, be noted.
- 6) That the ongoing consultation with local schools and other providers, to ensure an appropriate local response to national funding formula developments, be noted.

### **145 Enhanced Lettable Standard Review, the Lettable Standard and the Home Starter Fund**

Cabinet received a report which set out the outcome of the review of the enhanced lettable standard pilot scheme and proposed a new universal standard for all empty homes to better meet tenant needs. The report advised that the pilot scheme started in January 2020 and aimed to enable vulnerable tenants to have the best possible start to their tenancies, providing full decoration of the property subject to applicants meeting a specific criteria. It advised that the pilot had provided the opportunity to evaluate the impact of an improved standard for new tenants, and how this impacted upon their early months of settling into a new home. The report also advised that the implementation of the pilot had meant that clearer comparisons could be made with the existing lettable standard which applied to other properties where the tenant did not meet the enhanced lettable standard criteria.

Cabinet noted that the proposed new lettable standard would ensure that every new tenant would benefit from a newly decorated home in instances where decoration was needed and that applicants who were more vulnerable would receive additional support through the Home Starter Fund.

#### **RESOLVED –**

- 1) That approval be given to amendments to the Lettable Standard Policy to reflect the proposed new standard to support an improved experience for all of the Council's new lets from the beginning of February 2022.
- 2) That approval be given to the continuation of the Home Starter Fund for the most vulnerable from the beginning of February 2022, in accordance with the criteria as set out at para 1.23 of the report, to ensure that people are supported to start their tenancy with quality furniture and fittings.

### **146 Highways 2 year Capital Plan for 2021/22 and 2022/23**

Cabinet gave consideration to a report which sought approval of an updated detailed two year Highways Capital Plan for 2021-2022 and 2022-2023 which included confirmation of rollover, additional grant monies and re-profile of funding from 2021-2022 into 2022-2023. The report highlighted changes to the Highways Capital Plan since the previous report was submitted on 1 June 2021 and included information relating to (i) funding rolled over from 2020-2021 underspend (ii) additional grant monies received from DfT (iii) additional Council self-funding approval and (iv) re-profiling of some funding from 2021-2022 for spend in 2022-2023.

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The report also advised of the upcoming City Regional Sustainable Transport Settlement grant funding for the next five year period, 2022-2023 to 2026-2027, prior to detailed highways 2022-2023 and 2023-2024 report being submitted to Cabinet in the new financial year.

Appendix A to the considered report set out current budget grants for 2022/2023 which were provisional based upon the assumption of the budgets received in previous years and the re-profiled money from 2021-2022. Appendix B illustrated the funding changes to each individual budget area as an update to the original amounts as approved on 1 June 2021.

### **RESOLVED –**

- 1) That the revised detailed 2 year Capital Plan 2021/2022 and 2022/2023 in the sum of £26,194,532 and £24,106,315, as set out at Appendix A to the report, be approved.
- 2) That authority be delegated to the Service Director (Highways and Streetscene) in consultation with the Cabinet Member (Environment) to enable future amendments to identified schemes and funding allocation for those schemes not already identified in the report, in accordance with Financial Procedure Rules, for the purposes of expediting efficient delivery of the programme.

### **147 Non-Transport Function Borrowing Regulations**

Cabinet received a report which sought agreement to consent in principle to the regulations to provide the Combined Authority with the power to borrow for non-transport related functions, set out in the 'minded to' Devolution Deal. The report advised that the Government had made a late notification to the Combined Authority that they were aiming to lay the draft Order for Powers to Borrow for Non-Transport related functions in January 2022 and therefore consent was required from all constituent councils and the Combined Authority by 20 January 2022. It was noted that the Combined Authority already had powers to borrow for transport and police and crime, and that this power would enable borrowing for the other Combined Authority functions, such as regeneration and net zero carbon.

Cabinet were advised that the regulations would extend the borrowing powers of three Combined Authorities, including West Yorkshire, for all of their functions, subject to a debt cap agreed with HM Treasury.

### **RESOLVED –**

- 1) That consent be given in principle to the regulations to provide the Combined Authority with the power to borrow for non-transport related functions, as set out in the 'minded to' Devolution Deal.
- 2) That authority be 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 consent to the final draft of the regulations further to any technical issues which may arise.
- 3) That it be noted that this decision of Cabinet shall be exempt from Call-In, as agreed by the Chair of Overview and Scrutiny Management Committee, upon grounds of urgency, as set out at para. 1.2 of the report.

**148 Relocation of Council's indoor market in Huddersfield**

Cabinet gave consideration to a report which sought approval to provide alternative accommodation for traders currently located in Queensgate market to vacant shops or containers to be located within Huddersfield Town Centre to order to enable works to commence as part of the Cultural Heart Project. The report advised that the relocation would be for an interim period of at least 3 years until the Northumberland Street Regeneration Project, which would incorporate a new market offer, was delivered.

Cabinet were advised that the reliance upon containers would be minimised by instead using vacant shop premises in close proximity and that by careful planning of street units and vacant shops, it was hoped that the synergies provided by the existing provision would be maintained and that the whole development could operate as a single offer without disadvantage to some stall holders. It was noted that, in the long term, it was intended that the relocated traders would form the core market within the Northumberland Street Project.

**RESOLVED –**

- 1) That approval be given to the relocation of traders currently based in Queensgate Market.
- 2) That approval be given to the required capital funding of £1.6m (ex vat) from the capital plan for Huddersfield Town Centre as identified in the Council's Capital Plan.
- 3) That authority be delegated to the Strategic Director (Environment and Climate Change) to implement the scheme in conjunction with the Service Director (Legal, Governance and Commissioning) to 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 Kirklees' constitutional requirements to implement the proposal.
- 4) That authority be delegated to the Service Director (Culture and Visitor Economy) to undertake operational management of the market, working with the Service Director (Legal, Governance and Commissioning) to agree relevant leases and management agreements as required.
- 5) That the decision regarding details of the decant be delegated to the Strategic Director (Environment and Climate Change) and that where vacant shops in third party ownership are involved, authority is sought for the terms of those lettings to be negotiated and agreed by the Strategic Director (Growth and Regeneration), in conjunction with the Service Director (Legal, Governance and Commissioning) to agree and complete the legal documentation required.

**149 2021-22 Mid-year Corporate Performance and Impact Report**

Cabinet received the 2021-2022 mid year Corporate Performance and Impact report, which provided an overview of the Council's performance and highlighted the most significant issues and challenges facing the Council and partners in improving outcomes across Kirklees. The report set out an overview of key activities that contributed to Kirklees shared outcomes and the Council's 'efficient and effective' ambition, and also provided an update on the impacts of the pandemic.

It was noted that the next performance and impact report would be produced as an end of year update and would primarily focus upon priority actions and deliverables in the Council Plan 2021-2023, with a continued focus upon understanding and responding to inequalities and demonstrating the quality and impact of Council activity.

**RESOLVED** – That the 2021/2022 Mid Year Corporate Performance and Impact Report be received and noted.

**150 Calculation of Council Tax Base 2022-23**

(Cabinet were reminded of, and noted, the requirements of the Local Government and Finance Act 1992, Section 106, in relation to voting upon this matter).

Cabinet gave consideration to a report seeking approval for the various taxbases, which would apply to the Kirklees area in the financial year 2022-2023, in relation to council tax. The report provided an explanation of the council tax calculation and the need to calculate a taxbase for both the whole of Kirklees, and each town and parish council area. Paragraph 2 of the report set out the factors which were applied to the valuation bandings and the council tax calculation.

The report recommended that, in order to meet the requirements of Section 67(2) of the Local Government Finance Act 1992, Cabinet endorse the council taxbase for submission to Council.

**RESOLVED** - That the 2022-2023 Council Tax base for the whole of the Kirklees area, and the Council Tax bases for the five Parish and Town Council areas, be referred to the meeting of Council on 16 February 2022 with a recommendation of approval;

Whole of Kirklees £121,906.00

Denby Dale £5,993.84

Holme Valley £10,400.79

Kirkburton £9,187.00

Meltham £2,960.91

Mirfield £6,818.29

**151 The Arcade, Market Place Dewsbury - Lease**

(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 with regards to the future lease/management of the Arcade, Dewsbury. The report provided an update on the works undertaken since the Council purchased the Arcade in 2020 and indicated that the programme of works should be complete by Autumn 2023. The report advised that the overall project would involve the repair, refurbishment and reconfiguration of the building to a high heritage standard, which would allow greater flexibility in the use of the space and improved financial sustainability in the future.

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Cabinet noted that it was now timely to consider the future management arrangements of the Arcade as clarity on the preferred option would allow planning to take place for when the physical works are completed and the building is ready to open. The report set out four options for consideration; (i) the Council directly manages/operates the Arcade (ii) lease to a private sector company (iii) appoint a management company to operate on behalf of the Council and (iv) lease to non-profit distributing organisation. It advised that, in May 2021, a proposal had been received from 'The Arcade Dewsbury' to manage the building and the proposal was set out at Appendix 3 to the report. The report advised that the proposal was considered to be credible and would enable the Arcade to be run by local business people, benefiting from their commitment and expertise.

The report recommended that Cabinet give approval to option (iv) which would enable the Arcade Group, utilising the Arcade Company, to operate the property, and details of the lease and management proposal were set out at paragraphs 2.32 – 2.36 of the considered report.

(Cabinet gave consideration to the exempt information at Agenda Item 17 (Minute No. 153 refers).

### **RESOLVED –**

- 1) That approval be given to the granting by the Council of an Agreement for Lease to the Arcade Group/Arcade Company in a form as set out at para. 2.34 of the considered report and that authority be delegated to the Strategic director (Growth and Regeneration) in conjunction with the Service Director (Legal, Governance and Commissioning) to agree and complete the agreement for lease.
- 2) That approval be given to the granting by the Council of an agreement for lease and lease of the Arcade to the Arcade Group/Arcade Company under the Heads of Terms as set out at Appendix 4 and that authority be delegated to the Strategic Director (Growth and Regeneration) in conjunction with the Service Director (Legal, Governance and Commissioning) to agree and complete the lease once preconditions outlined in the Agreement for Lease have been met and to obtain legal confirmation of the position regarding any possible implications that may arise from the Subsidy Control Bill.
- 3) That, subject to the Arcade Group being ineligible for the Community Share Booster scheme, approval be given for the Council to provide equity investment into the Community Share issue proposed by the Arcade Group on the basis of match funding of £1 for every £1 raised from the community up to a maximum of £25,000 investment from the Council and that authority be delegated to the Strategic Director (Growth and Regeneration) in conjunction with the Service Director (Legal, Governance and Commissioning) to agree and complete the contractual agreements.

**152**

### **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 on the grounds that it involves the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.



**153 The Arcade, Market Place Dewsbury - Lease**

(Exempt information relating to Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 namely that it contains information relating to the financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 15 (Minute No. 151 refers).