

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Wednesday 21st September 2022

Present: Councillor Shabir Pandor (Chair)
Councillor Paul Davies
Councillor Eric Firth
Councillor Viv Kendrick
Councillor Musarrat Khan
Councillor Cathy Scott
Councillor Will Simpson
Councillor Graham Turner

Observers: Councillor Bill Armer
Councillor David Hall
Councillor Mohan Sokhal

Apologies: Councillor Naheed Mather
Councillor Carole Pattison

58 Membership of Cabinet

Apologies for absence were received on behalf of Councillors Mather and Pattison.

59 Declarations of Interest

No interests were declared.

60 Admission of the Public

It was noted that exempt information was submitted in relation to Agenda Items 15 and 16 (Minute No.s 72 and 73 refer).

61 Deputations/Petitions

No deputations or petitions were received.

62 Questions by Members of the Public

No questions were asked.

63 Questions by Elected Members (Oral Questions)

Cabinet the following received oral questions under the provision of Executive Procedure Rule 2.3;

Question from Councillor Armer

“In recent years in my ward of Kirkburton, we’ve witnessed two unauthorised encampments by members of the travelling community, one of which was on a Kirklees play area. Given recent changes to the law relating to such encampments,

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in what ways has the Council reviewed its policies, especially in liaising with police to regain early possession of KMC land?"

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

Question from Councillor D Hall

"With regards to the recent announcements to bus changes, which have heavily affected my ward, has Kirklees been consulted about any of these changes, the public don't seem to have been consulted?"

A response was provided by the Leader of the Council.

64 Communities Partnership Plan 2022-2027 (Reference to Council)

Cabinet received the Kirklees Communities Partnership Plan 2022-2027. The report provided an overview of the plan and set out the key priorities of (i) reducing violence and tackling exploitation and abuse (ii) reducing anti-social behaviour and neighbourhood crime (iii) building resilient and inclusive communities and (iv) reducing risk. It was noted that the priorities were aimed at making Kirklees communities safer and more cohesive. The report sought the endorsement of Cabinet of the proposed plan, prior to its submission to Council on 12 October.

Cabinet were advised that the 2018-2021 Communities Partnership Plan had expired and that the newly plan had been developed using insight, data and analysis from the most recent partnership strategic intelligence assessment, and engagement with stakeholders and partners. It was noted that the plan had been agreed by the Communities Board on 14 June 2022 and that it was intended for the Board to review the document on a quarterly basis, and that there would be an annual review of the plan in response to the strategic intelligence assessment.

RESOLVED –

- 1) That the Communities Partnership Plan 2022-2027 be endorsed and referred to the meeting of Council on 12 October 2022, with a recommendation of approval.
- 2) That, subject to approval at Council, a report be submitted to Cabinet annually detailing (i) any changes to the delivery of priorities and (ii) progress on delivery.

65 Kirklees Social Value Policy

Cabinet received the Social Value Policy, which was an update to the policy statement that had been adopted in 2013 following the Social Value Act 2012. The report advised that the Social Value Policy, along with the Procurement Strategy, supported the key corporate objective of delivering holistic benefits for residents and communities. It was noted that the Procurement Strategy would be submitted to a later meeting of Cabinet.

The report advised that, since 2013, the Council had developed its understanding of social value and the opportunities to achieve it and that it had become evident that

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areas of council work, including employment practices, use of assets and the role of the local authority in local development planning processes provided significant opportunities to achieve social value. Cabinet noted that the new policy aimed to articulate these opportunities and explain how the Council intended to capitalise upon them.

The report provided an overview of the content of social value policy, capacity to deliver social value, performance reporting and measuring impact. It was noted that the social value policy key performance indicators would be incorporated into the corporate reporting framework.

RESOLVED - That the Social Value Policy be approved.

- 66 Community Plus Investment Scheme "Do Something Now" Amendments**
Cabinet gave consideration to a report that sought approval for amendments to the existing Community Plus Investment Scheme, which provided for investment in community activities delivered by individuals and community organisations in the Kirklees voluntary, community and social enterprise sector.

The proposed amendments were set out at paragraph 2 of the report, along with a rationale as to why each change was proposed.

RESOLVED - That approval be given to the amendments to the existing scheme, as set out at paragraph 2 of the report.

- 67 Resource and Waste Strategy Delivery Update**
Cabinet received a report which requested that authority be delegated to the Strategic Director to draw capital funding from the waste strategy reserve and associated revenue reserves for the delivery of the Waste Transformation Programme, for 2022/2023 to 2024/2025 in order to deliver projects associated with the resources and waste strategy adopted by Council earlier this month.

The report advised that good progress was being made on the Resources and Waste Strategy Action Plan and set out the timeframe for several projects. It was noted that a capital sum of £33m had been provisionally set for the delivery of improved waste and recycling facilities and that, to enable the delivery of the projects, it was requested that the following capital funds be drawn down for delivery; (i) Community Reward Scheme Phase 2 - £50,000 (ii) Reuse shop, Huddersfield - £70,000 (iii) Improved litter bin facilities - £2,000,000 (iv) Investment in innovation to target environmental enforcement - £100,000 (v) Glass collection £150,000 (vi) Bulky collections - £100,000 (vii) Depot review - £500,000.

RESOLVED –

- 1) That authority be delegated to the Strategic Director (Environment and Climate Change) for expenditure of capital sums up to £2,970,000 maximum (section 2 of the report refers) in order that the projects associated with the Kirklees Resource and Waste Strategy can be delivered in a responsive way that is in keeping with the timeline set out in the strategy.

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- 2) That, pursuant to (1) above, (i) the delegated authority includes the ability to vary the budget lines within the overall capital allocation in conjunction with approval from the Service Director (Finance) and that it be acknowledged that several of the projects are in the planning stage and that exact costs may vary from those estimated as the projects develop and (ii) the delegated authority enables the Strategic Director (Environment and Climate Change) to draw on revenue transformation reserve with agreement from the Service Director (Finance).

68 **Hot Food Takeaway Supplementary Planning Document (SPD)**

Cabinet received a report which sought approval of the adoption of the Hot Food Takeaway Supplementary Planning Document, as attached at Appendix 1 of the report. It was noted that the document provided clear guidance as to how the Council would implement Local Plan Policies LP16 and LP47, and how decisions would be made which would balance the need to consider the vitality and viability of centres whilst promoting healthy, active and safe lifestyles. The report advised that the document was considered to be an important tool in supporting the Council's health objectives and promoting healthy eating and healthy lifestyles.

Cabinet were advised that the Supplementary Planning Document would provide improved clarity in the determination of planning applications in accordance with the Local Plan and had been appropriately amended following public consultation in November and December 2021.

RESOLVED -

- 1) That the consultation responses, as set out at appendices 2 and 3, be noted.
- 2) That the Hot Food Takeaway Supplementary Planning Document be adopted.
- 3) That authority be delegated to the Strategic Director (Growth and Regeneration) to make any further minor modifications to the document that relate exclusively to factual updates, grammatical and formatting corrections for the purposes of publishing the SPD and supporting documents.

69 **Huddersfield Decentralised Energy Network (HDEN) Outline Business Case Approval**

Cabinet received a report which (i) provided an update on the outcome of the Huddersfield District Energy Network Outline Business Case Study and requested approval to progress to the full business case stage and (ii) requested that support be given to progressing the capital requirements of the scheme for consideration as part of the Council's Medium Term Financial Strategy for 2023/2024 onwards.

The report summarised the work that had been undertaken to date regarding a Huddersfield District Energy Network, which was one of the Council's key carbon reduction projects, following the Cabinet decision to undertake an outline business case in February 2021. It set out the results of this stage of the work and explained how the Council could achieve the successful delivery of a heat network.

It was noted that, in terms of timescales, the commercialisation stage workstreams would take place between October 2022 and January 2024, which would be

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followed by the full business case approval at the beginning of 2024 and with the construction of Huddersfield District Energy Network scheduled for April to December 2024.

(Cabinet gave consideration to exempt information at Agenda Item 15 (Minute No. 72 refers) prior to the determination of his item.)

RESOLVED –

- 1) That the results of the Outline Business Case, dated 30 March 2022, be noted, along with the considerations relating to the Green Heat Network Fund application timing (sections 2.38 and 2.42 refer).
- 2) That approval be given to the proposed commercial delivery model, procurement and funding strategy up to full business case as set out in the outline business case.
- 3) That authority be delegated to the Strategic Director (Environment and Climate Change) to apply for, in retrospect, and to accept in principle external funding of the Huddersfield District Energy Network (HDEN) from the Green Heat Networks Fund (GHNF) and other appropriate sources of external funding necessary to progress the project to full business case, in accordance with Financial Procedure Rule 22.
- 4) That authority be delegated to the Strategic Director (Environment and Climate Change) in consultation with the Cabinet Member (Environment) and the Cabinet Member (Culture and Greener Kirklees), in order to progress the next steps as set out in Commercial and Management Cases, specifically; (i) a detailed assessment of the Energy from Waste(EfW) power export value (ii) alignment with procurement of Waste Services Contract (including EfW) to agree the supply of heat and power (iii) to agree the compliant procurement route, prepare and undertake the procurement exercise for the delivery of the HDEN, as set out in the Commercial Case of the OBC (iv) customer acquisition – preparation and agreement in principle of heat and electricity supply arrangements with District Energy Network customers (including Council owned sites) (v) securing funding for the HDEN commercialisation stage (vi) procurement and operation of HDEN assets (vii) HDEN operational arrangements (viii) heat offtake agreement between HDEN and EfW (ix) to prepare and submit full planning application/s for the construction of the proposed Energy Centre and the other elements of HDEN falling with the scope of Planning Permission regulations and (x) any further steps to progress the scheme from outline business case to full business case, which could reasonably be anticipated.
- 5) That authority be delegated to the Strategic Director (Environment and Climate Change), in consultation with the Cabinet Member, to delivery any minor alterations to what is set out in the outline business case and which are in the interests of the Council to ensure that the project is delivered up to full business case completion, and that any significant alterations be referred to Cabinet.
- 6) That the funding requirements for the HDEN, as set out in the financial case of the outline business case, be noted and that approval be given to supporting the Council investment and borrowing requirements as set out in the financial and management cases (sections 3.15 to 3.22 refer) in

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conjunction with (and anticipating) a successful application to the Green Heat Networks Fund.

- 7) That authority be delegated to the Strategic Director (Environment and Climate Change) to make all necessary preparations to set up the special purpose vehicle (ESCo) and that a further report be submitted to Cabinet following detailed evaluation by the Solicitor to the Council and the Chief Finance Officer to agree the establishment of the special purpose vehicle for the Huddersfield District Energy Network.
- 8) That a report be submitted to Cabinet following the completion of the commercialisation stage of work, in order to consider the resulting full business case for the HDEN and determine whether to progress the scheme to construction and delivery.
- 9) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to sign any legal agreements, documents or instruments which the Council is required to enter into up to the full business case stage (this does not extend to the transaction documents which will be entered into at financial close for which specific authority will be sought as part of the approval of the final business case).
- 10) That the Service Director (Development) be authorised to appropriate the Council owned land at 37 Old Leeds Road for the purposes of the proposed Energy Centre for the Huddersfield District Energy Network.

70 **Delivering the Cultural Heart - Gateway 2: Outline Business Case**

Cabinet received a report which provided an update on the development of the cultural heart programme following the approval of the strategic outline case in November 2021. The report requested that Cabinet give consideration to the outline business case and the associated Royal Institute of British Architects stage 2 masterplan at this Gateway 2 stage.

The report sought approval for the Gateway 2 proposals and further development of the preferred masterplan option, and approval to proceed to Gateway 3. In order to progress to Gateway 3, the report requested that Cabinet release up to £10.5m to enable the Council to carry out necessary work with partners to progress the scheme, the costs of which were set out at paragraph 2.8 of the considered report.

The report detailed information in regards to (i) programme development to date (ii) a comprehensive overview of the outline business case (iii) design development achieved during stage 2 (iv) ongoing resource requirements (v) the preferred method for the procurement of construction and other contractors and (vi) an itemised cost breakdown of the resources required to progress to Gateway 3. The report also provided an overview of progress made on sustainability and social value strategies.

Cabinet noted that, as part of Gateway 3 and further milestones, there would be an opportunity to consider updated reporting on market conditions, phasing and design detail before progressing to further phases of the programme, including construction.

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Cabinet gave consideration to the exempt information at Agenda Item 16 (Minute No. 73 refers) prior to the determination of this item.)

RESOLVED –

- 1) That approval be given to proceed to the next stage, in line with the proposals and recommendations as set out in the Outline Business Case.
- 2) That approval be given to proceed in line with the Preferred Way Forward masterplan, and the associated RIBA Stage 2 design.
- 3) That approval be given to the Gateway 2 to Gateway 3 budget of up to £10.5m.
- 4) That authority be delegated to the Strategic Director (Growth and Regeneration), in consultation with the Cabinet Member (Regeneration), to take decisions on the programme timeline so that the Cultural Heart masterplan and the associated strategic objectives can be completed within an appropriate timescale, reflecting the Council's financial position.
- 5) That necessary Council staff and resources be allocated to support the programme, and that it be noted that, in the absence of sufficient internal resources, additional resources will be sourced from existing/future framework agreements.
- 6) That approval be given to extend the appointment of the Strategic Development Partner/Project Manager to Gateway 3 under direct award from the SCAPE, Place Shaping Framework in compliance with Contract Procedure Rules and Financial Procedure Rules.
- 7) That approval be given to extending the appointments of the architect and the engineer to Gateway 3 in compliance with the Contract Procedure Rules and Finance Procedure Rules.
- 8) That authority be delegated to the Strategic Director (Growth and Regeneration) to conclude the construction contractor strategy, as set out at section 2.5, and to progress that strategy for the Cultural Heart to the next stage.
- 9) That authority be delegated to the Strategic Director (Growth and Regeneration) to conclude the strategy on all necessary third party operators, as set out at section 2.6, and to progress that strategy for the Cultural Heart to the next stage.
- 10) That authority be delegated to the Strategic Director (Growth and Regeneration), in consultation with the Cabinet Member (Regeneration) and the Cabinet Member (Corporate Services), to conclude the Social Value Strategy, and then implement the same for the Cultural Heart, to include the mechanism for administration of the trust fund.
- 11) That authority be delegated to the Strategic Director (Growth and Regeneration), in consultation with the Cabinet Member (Regeneration), the Service Director (Legal, Governance and Commissioning) and the Service Director (Finance), to appoint third parties in compliance with Contract Procedure Rules and Financial Procedure Rules.
- 12) That authority be delegated to the Strategic Director (Growth and Regeneration), in liaison with the Head of Procurement, to work within approved budgets to deliver the programme to Gateway 3.

71 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 items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

72 Huddersfield Decentralised Energy Network (HDEN) Outline Business Case Approval

(Exempt information in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely 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.)

The exempt information was noted prior to the consideration of Agenda Item 12 (Minute No. 69 refers).

73 Delivering the Cultural Heart - Gateway 2: Outline Business Case

(Exempt information in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 namely 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.)

The exempt information was noted prior to the consideration of Agenda Item 13 (Minute No. 70 refers).