

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 14th November 2023

Present: Councillor Cathy Scott (Chair)
Councillor Paul Davies
Councillor Graham Turner
Councillor Viv Kendrick
Councillor Jackie Ramsay
Councillor Yusra Hussain
Councillor Moses Crook

Observers: Councillor Martyn Bolt
Councillor Charles Greaves
Councillor Adam Gregg
Councillor David Hall
Councillor Tyler Hawkins
Councillor Musarrat Khan
Councillor John Lawson
Councillor Alison Munro
Councillor Amanda Pinnock
Councillor Mark Thompson

Apologies: Councillor Elizabeth Reynolds
Councillor Mussarat Pervaiz

77 Membership of Cabinet

Apologies for absence were received on behalf of Councillors Pervaiz and Reynolds.

78 Minutes of Previous Meetings

RESOLVED – That the Minutes of the Meetings held on 26 September and 17 October 2023 be approved as a correct record subject to the amendment that Councillor Y Hussain declared an interest in relation to Minute No 73. as a Member of the outside body, Suez.

79 Declaration of Interests

No interests were declared.

80 Admission of the Public

It was noted that all items would be considered in public session.

81 Deputations/Petitions

No deputations or petitions were received.

82 Questions by Members of the Public

No questions were asked.

83 Questions by Elected Members (Oral Questions)

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

Question from Councillor J Lawson

“At the last Council we established that we are downsizing Council and establishing a new relationship with the public. I asked what the road map was, and what the vision was for the new Council. Are we any closer to having a vision of what will be left of Council once the dust has settled?”

A response was provided by the Leader of the Council.

Question from Councillor Greaves

“Regarding the consultation on leisure provision with Kirklees Active Leisure, I was surprised that the consultation process is solely a Council review. Can you clarify how involved KAL is in the consultation and will the review process be looking at how leisure services are designed, delivered and operated within the Borough?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

Question from Councillor Greaves

“Regarding the closure of dementia care homes, have opportunities to redress and restructure the care provision been taken over the past couple of years? How long and why have the homes been running at half capacity? What is the thinking behind how they have been managed?”

A response was provided by the Cabinet Member for Health and Social Care (Councillor Ramsay).

Question from Councillor Bolt

“There are items on the agenda which affect Town and Parish Councils. Some years ago Cabinet signed a Charter giving Town and Parish Councils an opportunity to comment on decisions impacting upon their areas. Could you give an undertaking to uphold the spirit of this Charter?”

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

Question from Councillor Bolt

“In February 2023, I attended Cabinet along with Councillor Lawson and asked questions relating to the Oakenshaw Cross and Kirklees Active Leisure, and was promised a response. Can you tell me when that response will be coming?”

A response was provided by the Leader of the Council.

84 Revision of Car Parking Tariffs / Charges

(Under the provision of Council Procedure Rule 37, Cabinet received representations from local residents Richard Noon, Tina Newsome and Dean Worsnop. Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillor Gregg, Councillor Thompson, Councillor Greaves, Councillor J Lawson, Councillor Munro, Councillor D Hall and Councillor Bolt. Petitions were submitted by Councillors Gregg and Thompson).

Cabinet received a report which sought approval for the revision of parking tariffs, tariffs for on-street parking bays and off-street parking across Kirklees.

Cabinet were notified by the Monitoring Officer that a Notice of Concern had been received regarding this matter, submitted by the Chair of Overview and Scrutiny Management Committee and received in accordance with Section 17 of Overview and Scrutiny Procedure Rules. The Monitoring Officer summarised the concerns that had been set out within the submitted Notice. The Cabinet Member for Culture and Greener Kirklees responded to the Notice of Concern prior to Cabinet giving consideration to the report.

The report set out proposals to increase existing tariffs, retrospectively in line with inflation, from 2009, and also to introduce a comparable rate on car parks that were currently free of charge. Cabinet were advised that a review of short stay and long stay provision would be undertaken in order to reflect the changing demand for retail, commuter and cultural time in towns and villages. It was noted that the increase in charges was proposed to be introduced from January 2024.

Cabinet noted that car parking charges had remained unchanged since 2009 and that benchmarking reflected that the tariffs charged in Kirklees were now significantly lower than in other Yorkshire authorities. The report indicated that the proposed charges would be consistent with parking tariffs in the region.

Table 1 of the report (para 2.4) set out proposed tariffs for the Huddersfield area, whereby current all day provision for £4 would be increased to £6.50. The proposed increase for Dewsbury and other areas was set out at Table 2, and also proposed a charge of £6.50 for an all day tariff.

The report advised that a statutory consultation would be undertaken as part of the legal process required to implement the revised charges and that, following the consultation, a report would be presented to Cabinet Committee – Local Issues for consideration prior to the implementation of the new fees.

Appendix 1 to the report set out a summary of the aims of the Parking Service, which included the management of car parking provision, a reduction in the demand for parking and the setting of appropriate charges. Appendix 2 listed the locations where car parking charges are not currently applied and the number of spaces available in each location.

Cabinet - 14 November 2023

The Cabinet Member for Culture and Greener Kirklees, in response to the public comments at the meeting advised, encouraged input and feedback into the public consultation process and confirmed that an audit process would take place over a period of twelve months which would examine the economic viability of parking provision.

RESOLVED –

- 1) That approval be given to introduce new parking charges and that a statutory consultation process in relation to new charges will be undertaken in order to do this.
- 2) That approval also be given to increase existing parking charges by inflation, retrospectively and that in addition a non-statutory engagement and consultation process in relation to increased charges will be undertaken.
- 3) Note that in accordance with usual procedures, on completion of the consultations, a report will be submitted to Cabinet Committee Local Issues for consideration in relation to the Traffic Regulation Order.
- 4) That authority be delegated to CCLI for the decision prior to implementation of revised charges.
- 5) That it be noted that any future annual revisions of car parking tariffs / charges may be delegated to the relevant Service Director responsible for the Parking Service, in accordance with the Financial Procedure Rules.

85 Housing Growth Update

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

Cabinet received a report which set out an update on the progress of the Housing Growth programme, with specific reference to allocated housing sites at Dewsbury Riverside and Fenay Lane which would deliver both market and affordable housing. The report sought approval relating to funding to support delivery across the housing growth programme. It advised that delivery across the programme was currently estimated at 2,124 units, to be delivered by 2030, and that work was currently on site or in contract for circa 800 homes, including two extra care schemes to provide supported housing for older people.

The report set out a summary of information on (i) Dewsbury Riverside and proposed next steps (ii) Fenay Lane and proposed disposal route (iii) site development, preparation and delivery costs relating to the Housing Growth Programme and (iv) the funding position. Proposed timelines, as set out at paragraph 5, indicated that, in regards to Dewsbury Riverside, the detailed planning and development phase was scheduled for November 2024.

RESOLVED –

- 1) That in relation to Dewsbury Riverside, authority be delegated to the Service Director – Skills & Regeneration, in consultation with the relevant portfolio holder, the Service Director - Finance and the Service Director – Legal, Governance and Commissioning, power to enter into appropriate legal agreements, including an MoU with Homes England and Network Rail, and

undertake the appropriate procurement route required for the appointment of a master developer to deliver the site, including relevant agreements with other land owners and interested parties.

- 2) That, pursuant to (1) above, authority be delegated to the Service Director – Skills & Regeneration, in consultation with relevant portfolio holder, the Service Director - Finance and the Service Director – Legal, Governance and Commissioning, to dispose of the Council’s land as required to facilitate the delivery of the Dewsbury Riverside site (Local Plan Ref: HS61).
- 3) That, pursuant to (1) above, authority be delegated to the Service Director – Legal, Governance and Commissioning to enter into all agreements necessary to effect the disposals referred to at resolutions 1 and 2 above.
- 4) That in relation to Fenay Lane, approval be given to the disposal of the site at ‘less than best consideration’ to the preferred partner when appointed in accordance with the General Disposal Consent (England) 2003.
- 5) That, pursuant to (4) above, authority be delegated to the Strategic Director, Growth and Regeneration to negotiate and agree the terms of disposal for the site with the preferred partner; and determine the appropriate level of discount for the site following a comprehensive assessment of the appointed partner’s development appraisal reflecting the housing mix which receives planning consent.
- 6) That, pursuant to (4) above, authority be delegated to the Service Director, Legal, Governance and Commissioning to enter into and execute any agreement and other ancillary documents necessary to dispose of the site to the preferred partner for use as affordable and market housing dependent on the final housing mix.
- 7) That in relation to site development, preparation and delivery, a grant (Capital Allowances) be added into the Capital Plan to support the delivery of the Housing Growth Programme.
- 8) That, pursuant to (7) above, approval be given to the capital funding from grant (Capital Allowances) up to the maximum available for this activity which is £1.014M in total for Housing Growth site development, preparation, and delivery costs to support progress of sites in the Housing Growth Programme, whereby the capital funding will be drawn down into the capital plan as each element of expenditure is required and when expenditure is approved by the chair of Housing Growth Board.

86 Council Owned Tree and Woodland Management Policy

Cabinet received the revised and updated Council Owned Trees and Woodlands Policy, which had been formulated following a review of the existing policy. The report advised that the Council had adopted a Tree Policy, Tree Risk Framework and Tree Management Guidance in 2020 and that the documents had been reviewed in order to reflect current national policy, best practice and to help focus service delivery with more effective and strategically focussed use of resources.

Cabinet noted that the new policy document consisted of (i) revised policy statements, aligned with existing wider national and local policies (ii) a revised and updated risk framework, aligned with current industry best practice (iii) management standards and (iv) new service standards, setting out priorities, response time for enquiries received and timeframes for works to be completed.

Cabinet - 14 November 2023

The report advised that, subject to adoption, the new policy documents would be rolled out across the management of Council owned trees.

RESOLVED – That the Council Owned Tree and Woodland Management Policy be adopted and that authority be delegated to the Service Director for Highways and Streetscene to make any future updates to the policy document.

87 **Asset Review November 2023**

(Under the provision of Council Procedure Rule 37, Cabinet received representations from local residents Peter McBride, Halina Kasperowicz, Natalie Pinnock-Hamilton, Johnnie Flowers, Paul Lavine, Jason Robinson, Portia Roberts, George Matheson and Phil James in regards to the future of the Hudawi Centre.

Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillor Hawkins, Councillor Khan and Councillor D Hall).

Cabinet received a report which was the second in a series of asset review reports, which identified further opportunities and recommendations to rationalise the estate, reduce costs and forward liability, and to generate capital income through the disposal of property which has been deemed as surplus to needs.

The report summarised the statutory requirements of Assets of Community Value and the position of the Council's current Community Asset Transfer Policy, which was being applied as part of the Council's approach to property disposals. Paragraph 1.14 set out details of the four properties that were currently registered as an asset of Community Value.

Cabinet were advised that the asset review had identified additional surplus property interests to be brought forward for disposal and four properties ((i)1 Beech Street, Huddersfield (ii) DRAM Sport and Community Centre (iii) Hudawi Centre, Huddersfield and (iv) Red House, Gomersal) for specific consideration which were proposed to be declared as surplus to organisational requirements and brought forward for disposal, which would achieve an annual revenue saving of £240k.

Appendix A to the report set out proposed additions to the capital receipts schedule.

RESOLVED –

- 1) That approval be given to the ongoing and planned activity being managed under business as usual, including the surplus declaration of the four identified assets to be brought forward for disposal:

- (i) 1 Beech Street, Huddersfield, HD1 4JN
- (ii) (DRAM Sports & Community Centre, Ridgeway, Dalton, Huddersfield, HD5 9QJ
- (iii) HUDAWI Centre, Great Northern Street, Huddersfield, HD1 6BG
- (iv) Red House, 281 Oxford Road, Gomersal, Cleckheaton, BD19 4JP

Cabinet - 14 November 2023

- 2) That authority be delegated to the Strategic Director for Growth and Regeneration in consultation with the relevant portfolio holder, Service Director – Legal, Governance and Commissioning, to dispose of the identified property assets to support the Council's income targets, irrespective of the value of the site and on such terms as officers deem most appropriate,
- 3) That authority be delegated to the Service Director – Legal, Governance and Commissioning power to enter into all agreements necessary to effect any of those disposals referred to at (1) above.

88 **Data Network**

Cabinet gave consideration to a report which sought approval of the procurement of new corporate data network services. The report advised that the current data network was designed nine years ago, around the provision of a public sector network and underpinned by open public networks provided by City Fibre and Openreach. It was noted that 85% of Kirklees residents now had gigabit capable network connectivity in their homes as a consequence of the previous investment and the report set out details of the decision required to (i) replace the core network hardware and (ii) the data network services between corporate council assets.

The report set out details of the current costs, and estimated future costs, based on a like for like replacement and advised that the cost to change from the existing network to a new contract would be covered by the IT capital refresh budget, as previously agreed on 14 June 2022. It was noted that the contract was proposed to be awarded in March 2024.

RESOLVED –

- 1) That approval be given to proceed with procurements for the core network hardware and the corporate data network services in line with the Technology Strategy and to ensure that procurements are delivered within existing capital and revenue budgets.
- 2) That approval be given to provide data network services into existing library and information centres, children's centres, and community centres and that the contract will include options for more cost effective connections and aim to provide social value tariffs for community based assets across Kirklees.

89 **Corporate Financial Monitoring Report - Quarter 2, 2023-24**

Cabinet received the Corporate Financial Monitoring Report, Quarter 2, 2023/2024. The report provided information on financial monitoring for General Fund Revenue, Housing Revenue Account and the Capital Plan.

In summary, the report set out a forecast overspend of £16.102m for Quarter 2 with savings forecast to be delivered totalling circa £18.7m, against a target of £19.8m. It advised that total usable reserves were forecast to be circa £35 by 31 March 2024 of which unallocated reserves were forecast to be £16m and earmarked reserves were forecast to be £19m.

The report provided information on (i) the forecast General Fund revenue outturn position in 2023/2024 by service area (ii) General Fund reserves and balances movements in year (iii) forecast Housing Revenue Account revenue outturn position,

including movements in Housing Revenue Account reserves in-year (iv) forecast capital outturn position 2023/2024 (v) treasury management prudential indicators.

RESOLVED –

- 1) That the forecast revenue outturn position at Quarter 2 for 2023/24 (£16.1m overspend), and the forecast year end position on the Council's reserves and balances (£47.4 Reserves, of which £35.4m are Usable Reserves) be noted;
- 2) That the Quarter 2 forecast HRA position (£34k surplus) and forecast year-end reserves position be noted;
- 3) That the Quarter 2 forecast capital monitoring position for 2023/24 in regard to Capital (£57.9m underspend) be noted;
- 4) That approval be given to the re-profiling of the 2023/24 capital plan as set out in the slides appended to the considered report;
- 5) That approval be given to £0.32m to purchase three highways tipper vehicles with delivery expected before April 2024;
- 6) That the Quarter 2 treasury management prudential indicators be noted.

90 Withdrawal of Netherton & South Crosland Neighbourhood Plan Forum Designation

Cabinet received a report which sought approval of the withdrawal of the Netherton and South Crosland Neighbourhood Plan Forum Designation on the basis of non-compliance with statutory requirements in relation to the publicity of the forum, and that the forum is no longer meeting to progress a neighbourhood plan.

The report advised that, pursuant to the meeting of Cabinet in November 2021, the Council had been unable to proceed with Regulation 10 to publicise the neighbourhood forum as relevant contact details had not been provided in compliance with statutory requirements. The designation was therefore in non-compliance with Regulation 8(d) of the Neighbourhood Planning (General) Regulations 2012. The report advised that the matter was not likely to be resolved and it was therefore recommended that the designation be removed, as set out at Option 2 of the report (withdrawal of the designation by the Local Authority).

The report advised that, subject to approval, the withdrawal statement would be published on the Council's website.

RESOLVED –

- 1) That approval be given to the withdrawal of the designation of the Netherton and South Crosland neighbourhood Forum in accordance with the Town and Country Planning Act 1990, Section 61F(9).
- 2) That approval be given to the publication of the withdrawal statement in compliance with Neighbourhood Planning (General) Regulation 2012, Regulation 12(2).