

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 2nd June 2015**

Present: Councillor David Sheard (Chair)  
Councillor Jean Calvert  
Councillor Steve Hall  
Councillor Erin Hill  
Councillor Viv Kendrick  
Councillor Peter McBride  
Councillor Shabir Pandor  
Councillor Cathy Scott  
Councillor Graham Turner

**1 Membership of the Committee**

No apologies for absence were received.

**2 Interests**

No interests were declared.

**3 Admission of the Public**

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

**4 Deputations/Petitions**

No deputations were received.

**5 Public Question Time**

No questions were asked.

**6 Member Question Time**

No questions were asked.

**7 Capital Funding of Highway Maintenance**

Cabinet received a report which set out details of changes in external grant funding for highway maintenance, the potential impact upon the development of the road maintenance programme and a revised prioritisation method for streets for repair within the unclassified Road Programme.

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The report indicated that in January 2014 the Department for Transport had announced a review of how the six year national funding package of £5.853 billion for highway maintenance in England (outside London) was allocated. The outcome of the review was that the Department for Transport grant allocation for highway maintenance would change for the 2015/16 year, and also for future years. It advised that the funding package had been top sliced to create two new funds over and above the traditional needs element that were subject to bids and assessments for an authority to attempt to gain some of the top sliced funding back and reduce the cut. Paragraph 2.4 of the report set out a breakdown of the Department for Transport calculation of the needs element of maintenance grant for Kirklees in 2015/2016.

The report proposed that, during 2015/16 and 2016/17, (i) the local community roads budget and the Ward Members Scheme budget are combined into one Unclassified Road Budget (ii) a prioritised list of roads to resurface, reflecting the asset management need, would be prepared for each District Committee (including officer recommendations) whereby District Committees would have the opportunity to add roads they considered to be a priority and would establish and rank a forward programme for Cabinet approval (iii) the available budget to each District Committee would reflect parking income by district (iv) that the Unclassified Road Budget be spent only on either adopted roads or pavements and (v) that a sum of £250k be set aside within the Unclassified Roads Budget for spending on pavements were their condition presents a risk to the authority in terms of the potential for accidents and subsequent claims.

### **RESOLVED -**

(1) That the changes to the DfT grant funding provision for highways maintenance, as detailed in the report, be noted.

(2) That the proposed prioritisation method for streets for repair as set out in paragraph 2.8 of the report be approved.

### **8 Return to Statutory Provision in School Transport**

Cabinet received a report which provided a summary of the first phase of public consultation on the return to statutory provision in school transport. Cabinet noted that the consultation had invited views on the proposal to remove from the Council's Policy for home to school transport arrangements, the provision of transport assistance where children travel to school that has been chosen on the basis on a parents or child's religion or belief. The report also set out the possible impacts that removing this assistance would have upon school admissions and the relevant local transport networks.

The report advised that the Council currently provided transport assistance to 456 pupils who chose to travel to a school based upon religion or belief, the cost of which was £116k per annum. It advised that neighbouring Authorities had previously implemented the removal of such transport provision and that implementing this would therefore put the Council in line with other Authorities.

Cabinet noted that the public consultation had attracted 926 responses, of which 72% agreed that the Council should end the provision of free travel to faith schools.

The report advised that an analysis was currently being conducted by the School Organisation and Planning Service in order to produce a list of the nearest schools with available places for the 456 children currently in receipt of transport assistance to faith schools in order to demonstrate the possible impact on school admissions in the event that parents decided to remove their child from their current school as a result of the free transport provision ceasing.

It advised that early indications showed that most of the 456 pupils would fall under the qualifying distance and would not be entitled to transport support in the future, realising a saving of £111k.

**RESOLVED -**

(1) That the proposed policy as set out at Paragraph 5.4 of the report be supported.

(2) That, pursuant to (1) above, Officers be directed to draft a revised policy for further consideration by Cabinet; and that (i) a report be submitted appraising Cabinet of the implications for Council in relation to the Public Sector Equality Duty and (ii) the draft policy shall expressly refer to the relevant statutory guidance and the Council's legal duties and discretionary powers in relation to school transport.

**9 Kirklees Cares - Transformation Challenge Award project**

Cabinet received a report which provided details of the 'Kirklees Cares' project, which was targeted at helping some of the most vulnerable young people in the area by using a new approach to supporting care leavers. The report advised that Kirklees Cares would create a new peer mentoring service for care leavers, along with making other service improvements, and sought to reinforce the Council's commitment to young people. Cabinet noted that the project was funded via a £400k grant which had been successfully gained from the Department for Communities and Local Government as part of the Transformation Challenge Award. It advised that Kirklees Cares was also closely linked to the Council priority of early intervention and prevention by providing support at an early stage so that people were less likely to need acute services in the future. The project was considered to have a wide range of benefits and had been designed to transform the outcomes for young people who were making a difficult transition into an independent life after being a looked after child/young person. The expected benefits of the approach were set out in paragraph 2.5 of the report.

Cabinet noted that the Kirklees Cares project aimed to achieve its outcomes through (i) providing a new model for leaving care services, integrating voluntary peer and practical support with existing looked after children and care leavers service (ii) providing partnerships with the private sector to provide advice and services to care leavers and (iii) ensuring mobile connectivity for care leavers.

Cabinet noted that the setup of the scheme would take place during April to September 2015, and that it would be delivered from October 2015 onwards.

**RESOLVED** - That the content of the report, the expected benefits of the approach to care leavers, and the Council's community commitment that all young people leaving Council care will be in employment, education or training, be noted.

**10 Proposal to change the upper age range of Ravenshall School from 16 to 19 years.**

Cabinet received a report which set out the outcomes of the non-statutory consultation on the proposal to change the upper age range of Ravenshall School from 16 to 19 years. The report advised that the non-statutory consultation had been carried out over a period of over 4 weeks with key stakeholders and that 126 written representations had been received. Paragraph 6.1 of the report set out an analysis of the responses received. Appendix C of the report provided all responses received and the notes of the Governing Body consultation meeting which had taken place on 1 April 2015. Cabinet noted that, if implemented, the change was expected to be effective from September 2016.

**RESOLVED -**

(1) That the feedback to the non-statutory consultation, and officer commentary addressing the issues raised, as set out in paragraph 6 of the considered report, be noted.

(2) That approval be given for Officers to publish the statutory proposal and notice to change the upper age range of Ravenshall School from 16 and 19 years.

(3) That the timescale for the subsequent stage of the statutory process be noted and that a further report be submitted to Cabinet during October 2015.

**11 Representations received from the published statutory notices on proposals affecting specialist provision for children with special educational needs.**

Cabinet received a report which advised on the outcome of the statutory processes for the statutory proposals by the Council to (i) discontinue the six transitional places for children with speech language and communication needs at Flatts Nursery School and (ii) reduce the number of transitional places for children with physical impairments from 16 to 15 across both Rawthorpe St James CE (VC) Infant & Nursery and Rawthorpe Junior School.

Cabinet noted the non-statutory consultation had been carried out from 7 January 2015 to 3 February 2015. On 10 March 2015 Cabinet had received a report detailing the outcomes of the consultation and the views expressed by stakeholders during a consultation were described in detail within the Cabinet report. At this meeting the Cabinet agreed to proceed with the statutory processes for the proposal for Flatts Nursery School, Rawthorpe St James CE (VC) Infant and Nursery School and Rawthorpe Junior School. During the 4 week representation period no representations were received.

It was noted that, if approved, officers would support and work with the relevant Governing Bodies at Flatts Nursery School, Rawthorpe St James CE (VC) Infant and Nursery School and Rawthorpe Junior School to finalise arrangements for

pupils, parents and staff and other stakeholders in order to ensure that effective plans were formulated in order to implement the proposals from 1 September 2015.

**RESOLVED -**

(1) That the advice of the Kirklees School Organisation Advisory Group regarding the validity of the proposals be noted.

(2) That it be noted that (i) all statutory processes have been carried out and (ii) decisions regarding the proposals will be taken within the statutory time period.

(3) That the outcomes and recommendations of the Kirklees School Organisation advisory Group held on 28 April 2015, and the associated officer recommendations for the proposals, be noted.

(4) That the Human Resource and Financial Implications of approving the proposals be noted.

(5) That approval be given to the following without modification or condition;

(i) The discontinuation of provision of six transitional places for children with speech, language and communication needs at Flatts Nursery School and;

(ii) The reduction of the number of transitional places for children with physical impairments from 16 to 5 at both Rawthorpe St James (VC) Infant and Nursery School.

(6) That it be confirmed that full regard has been given to the Equalities Impact Assessment in terms of meeting the obligations of the Equality Act 2010 and the Public Sector Equality Duty 2011 throughout the statutory process for the proposal including the decision to approve.

**12 Early Review of 2014-15 Council General Fund Revenue Outturn**

Cabinet received a report which set out details of proposals in relation to (i) Capital Funding in relation to short life assets which would generate additional general fund treasury revenue savings of approximately £295k per annum from 2015-2016 onwards and (ii) maximising revenue reserves to roll forward support 2015/2018 medium term financial plan, including the redirect of existing reserves totalling £3m to support 'journey to New Council'. It was noted that the finalised revenue outturn and capital outturn and funding positions for 2014/15 would be reported to Cabinet and Council during July 2015 through the Annual Revenue and Capital Outturn and rollover reports.

Table 1, as set out at paragraph 2.7 of the report, provided an overview of the general fund revenue outturn position for 2014/15 after taking account of the capital funding and reserves proposals set out within the report. Table 2, as set out at paragraph 2.10, provided an overview of the general fund capital outturn and funding position.

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The report advised that the £295k per annum additional treasury management saving from 2015/16 onwards, resultant from the capital funding proposal for short life assets would be factored into the annual review of the Council's 3 year Medium Term Financial Plan, in preparation for 2016 to 2019 it advised that the impact on the prudential borrowing ratio (General Fund) to net revenue stream was an estimated reduction of 0.1% per annum to 13.09% by 2017 to 2018, compared to the current approved capital budget plans over the period.

### **RESOLVED -**

(1) That approval be given to the proposed revenue contribution of £2.1m to support capital funding of short-life assets in 2014/2015, with a corresponding reduction in planned borrowing, resulting in £295,000 treasury management savings over a 7 year period from 2015-2016 onwards.

(2) That it be noted that the savings as referred to in (1) above be factored into the annual re-fresh of the Council's Medium Term Financial Plan for the 2016-2019 period.

(3) That approval be given to the proposed use of reserves as part of the final accounts process 2014-2015, including the re-direct of £3m existing rollover reserve to support the 'Journey to New Council', and maximising the workforce restructure reserve available to support 2015-2016 Medium Term Financial Plan.

(4) That the impact of (1) and (3) above on the overall general fund revenue outturn and capital outturn positions for 2014-2015 be noted and that a report be submitted to Cabinet and Council in July 2015 including 2014-2015 rollover considerations.

13

### **Corporate Performance Report - Quarter 4, 2014-15**

Cabinet received a report which provided an overview of the Council's performance in relation to the Corporate Plan and Service Delivery Plans for 2014/15 as at the end of Quarter 4. Cabinet noted that the report had been based upon (i) an overall summary of the performance information submitted from services and evaluation by the Corporate Performance Team (ii) the production of detailed draft Directorate reports highlighting escalations, risks and good performance (subject to approval by Directorate Management Teams) (iii) identified organisational cross cutting themes based on the analysis and challenge and (iv) a summary of the outcomes and achievements of the 2014/15 delivery plan actions in relation to two key strategies.

Cabinet noted that the report was the fourth quarterly performance for 2014/2015, which demonstrated progress against the Council's Corporate Plan and Service Delivery Plans for 2014 to 2015.

**RESOLVED -** That the Quarter 4, 2014-2015 Corporate Performance Report, be noted.

Contact Officer: Tish Barker

## KIRKLEES COUNCIL

### CABINET

**Tuesday 16th June 2015**

Present: Councillor David Sheard (Chair)  
Councillor Jean Calvert  
Councillor Steve Hall  
Councillor Erin Hill  
Councillor Viv Kendrick  
Councillor Peter McBride  
Councillor Shabir Pandor  
Councillor Cathy Scott  
Councillor Graham Turner

- 14 Membership of the Committee**  
All Cabinet Members were present.
- 15 Minutes of previous meetings**  
Minutes of meetings of Cabinet held on 21 April and 5 May 2015 were agreed as a correct record.
- 16 Interests**  
No interests were declared at the meeting.
- 17 Admission of the Public**  
All items were considered in public session.
- 18 Deputations/Petitions**  
No deputations or petitions were received by Cabinet.
- 19 Public Question Time**  
No questions were asked at the meeting.
- 20 Member Question Time**  
No Member questions were asked at the meeting.
- 21 Sands Recreation Ground, Holmfirth, Extension to Skate Park**  
Cabinet considered a report setting out emergency action taken by the Chief Executive in relation to proposals for the development within the Recreation Ground

on Sands Lane, Holmfirth, next to Holmfirth Pool of an extension to the Skate Park. The considered report set out the funding in the sum of £80k that had been raised by the Friends Group and Cabinet noted that, to allow completion of the Skate Park by the summer holidays 2015, the contract to undertake the work had been let.

Cabinet noted that the fund raising had been undertaken by the Isacc Atkinson Memorial Fund who had set out the intension of building an extension of the Skate Park as a facility for children and young people of Holmfirth and the wider community.

**RESOLVED** - That the information on the letting of the contract for works on the extension to the Skate Park, as set out in the considered report be noted.

**22 Statement of Community Involvement**

Cabinet considered a report seeking the endorsement to consult on a revised draft Statement of Community Involvement, a copy of which was attached at Appendix 1 to the considered report. The draft Statement of Community Involvement set out how the Council would work with communities and stakeholders to develop planning policy documents such as the Kirklees Local Plan or guidance on specific issues.

The report indicated it was intending to go for consultation on the draft statement for a four week period, 1 July to 30 July 2015 and comments received during this period would be analysed and a revised document produced.

**RESOLVED -**

(1) That the draft Statement of Community Involvement (SCI) be endorsed as set out at Appendix 1 to the considered report and that the Director of Place be authorised to commence the consultation exercise.

(2) The Officers be authorised to analyse and revise the document in light of representations received and to produce a revised SCI to be reported to Cabinet for approval as an executive function and Council for adoption, if appropriate.

**23 Business Rates Review**

Cabinet considered a report updating Members on the Council's response to the review of business rates proposed by HM Treasury, produced as a result of concerns from many business rate payers, that business rates are in need of reform to make them fit for purpose in the 21st Century economy. The report set out information on the response that had been made to the consultation exercise and which had been submitted to HM Treasury in accordance with their consultation deadline on 12 June 2015.

**RESOLVED** - That the response to Government as set out in the considered report be noted.

**24 The final report of the West Yorkshire Lower Paid Workers' Group**

Cabinet considered the final report of the West Yorkshire Combined Authority Lower Paid Worker's Group, which had been established and commissioned to explore collective approaches to answer the question as to what more could be done to support our lowest paid workers.



## **Cabinet - 16 June 2015**

The considered report set out the key lines of enquiry of the group, which made ten recommendations in the form of the West Yorkshire Combined Authority Low Paid Charter, which was set out in the considered report.

Cabinet agreed that officers should prepare a response that details progress being made in Kirklees on this issue in response to the ten recommendations set out in the considered report and agreed that the report should be referred to Council for discussion at its next meeting.

### **RESOLVED -**

(1) That the report be approved and that Officers be requested to prepare a response that details the progress being made in Kirklees on this issue in response to the ten recommendations set out in the considered report.

(2) That the report be referred to Council for consideration at its next meeting.



Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 30th June 2015**

Present: Councillor David Sheard (Chair)  
Councillor Steve Hall  
Councillor Peter McBride  
Councillor Graham Turner

Apologies: Councillor Jean Calvert  
Councillor Erin Hill  
Councillor Cathy Scott  
Councillor Viv Kendrick  
Councillor Shabir Pandor

Observers: Councillor Donna Bellamy

**25 Membership of the Committee**

Apologies for absence were received on behalf of Councillors Calvert, Hill, Kendrick, Pandor and C Scott.

**26 Minutes of previous meeting**

**RESOLVED** - That the Minutes of the meeting held on 5 May 2015 be approved as a correct record.

**27 Interests**

Councillor McBride declared an 'other' interest in Agenda Item 13 on the grounds that he is a Board Member of Kirklees Stadium Development.

**28 Admission of the Public**

It was noted that Agenda Item 19 would be considered in private session (Minute no. 43 refers)

**29 Deputations/Petitions**

No deputations or petitions were received.

**30 Public Question Time**

No questions were asked.

**31 Member Question Time**

No questions were asked.

**32 Implications of Supreme Court Ruling on Deprivation of Liberty Safeguards**

Cabinet received a report which provided information on the implications and impact of the continuing increase in the number of Deprivation of Liberty Safeguards applications being received by the Council, arising as a result of a Supreme Court judgement, and the risks associated with this increase.

The report advised that the Government had made £25m available nationally in 2015/2016 as a contribution towards the costs of Deprivation of Liberty Safeguards, and that the potential Kirklees allocation from this funding was £198, 387. In order to secure funding, Local Authorities were required to submit details of the work being undertaken to increase the efficiency of the Deprivation of Liberty Safeguards system, and to evidence where the use of Deprivation of Liberty Safeguards had improved the wellbeing of service users. Cabinet noted that the Kirklees submission had been made to the Department of Health and also the proposals as set out in the report regarding the use of the funds to alleviate the pressures upon the Authority.

The report set out fuller detail regarding the impact of the Supreme Court judgement in March 2014 which had changed the legal definition and the test for the Deprivation of Liberty Safeguards. The report advised of the impact of the judgement, both locally and nationally, and set out the implications for the Authority.

**RESOLVED -**

(1) That the funding received by the Council from the Department of Health as a contribution to the cost of Deprivation of Liberty Safeguards be allocated towards alleviating the pressures as set out within the report.

(2) That it be noted that the allocation of funding would assist the Council in meeting its statutory obligations in respect of Deprivation of liberty Safeguards.

(3) That the contribution of Deprivation of Liberty Safeguards activity to overall pressure on service provision be noted.

**33 Outcomes from the Statutory Consultation on the proposal about Primary Pupil Places in the Huddersfield South West area**

Cabinet received a report which set out the outcomes of the statutory consultation on proposals regarding primary pupil places within the Huddersfield South West area by (i) bringing together Thornton Lodge Nursery School, Dryclough CE (VC) Infant School and Crosland Moor Junior School, to create one all through voluntary controlled primary school for children aged 2 to 11 years, (ii) creating a new primary academy school to be located on the site of Moor End Academy and (iii) retaining Mount Pleasant Primary School.

The report set out details of the existing provision, consultation methodology, responses to the consultation and the financial implications of the proposals. Cabinet noted that, in terms of next steps, the proposed implementation date was from May 2016.

Appendix A to the report set out details of the consultees, and the consultation document was set out at Appendix B. The responses to the consultation were fully detailed at Appendix C.

**RESOLVED -**

(1) That, in regards to the amalgamation of Thornton Lodge Nursery School, Dryclough CE (VC) Infant School and Crosland Moor Junior School;

(a) The feedback in response to the statutory consultation, as set out within the report, be noted.

(b) It be noted that the consultation process has not raised any significant issues that have not previously been considered.

(c) It be noted that the Leeds Diocesan Board of Education are content to act as the Proposer of the new school within the Diocese of West Yorkshire and the Dales, and that the Officers of the Leeds Diocesan Board of Education will work closely with the Local Authority, Governors and staff of the three schools, to successfully implement the proposal.

(d) Approval be given for Officers to move to the next stage of the process and publish the statutory proposals and notices to bring together Thornton Lodge Nursery School, Dryclough CE (VC) Infant School and Crosland Moor Junior School as a single all-through voluntary controlled primary school for children aged 2 to 11 by (i) discontinuing Thornton Lodge Nursery School, Dryclough CE (VC) Infant School and Crosland Moor Junior School and (ii) establishing a new replacement Church of England voluntary controlled primary school proposed by the Diocese of West Yorkshire and the Dales.

(e) Officers be requested to carry out preliminary and preparatory work with Officers of the Leeds Diocesan Board of Education, parents, governing bodies and staff, to enable successful implementation (if the proposals are ultimately agreed) by engaging relevant parties as widely as possible in planning the changes and in building confidence in future cohesive and inclusive provision in the community.

(f) Approval be given for Officers to carry out further engagement with stakeholders as part of the period of representation and invite further comments for consideration prior to final decision making.

(g) The next steps and timescales for the subsequent stage of the statutory process be noted, and that a further report be submitted to Cabinet for decision at a future date.

(2) That, in regards to the establishment of a new primary academy on the site of Moor End Academy;

(a) The feedback in response to the statutory consultation, as set out within the report, be noted.

(b) It be noted that the consultation process has not raised any significant issues that have not previously been considered.

(c) Approval be given for Officers to progress to the next stage of the process and engage with the Department for Education and publish an invitation to bid document, in line with statutory requirements, and proactively seek proposals from academy sponsors.

(d) Officers be requested to carry out preliminary and preparatory work with parents, governing bodies and staff to enable successful implementation (if the proposals are ultimately agreed) by engaging relevant parties as widely as possible in planning the changes and in building confidence in the future cohesive and inclusive provision in the community.

(e) Officers be requested to continue to carry out preliminary and preparatory work in relation to the interim building solution that would be required for September 2016 and the permanent solution that would be required overall to deliver the proposals, if approved.

**34 Establishment of the Kirklees Economy and Skills Board**

Cabinet received a report which set out proposals for the establishment of the Kirklees Economy and Skills Board with the intention of creating effective planning, governance and accountability arrangements to drive the delivery of the Economic Strategy. The report advised that the Board would not have any statutory responsibilities but would have a primary responsibility to maximise the influence of the district within the West Yorkshire Combined Authority and Leeds City Region local enterprise partnerships structures. In addition, the Board would also present a local, consistent, and combined private and public leadership to deliver the economic vision as defined in the Kirklees Economic Strategy.

Cabinet noted that the Membership of the Board would involve partners from the education and private sectors alongside Senior Elected Members and Council officers, comprising a minimum of 5 and a maximum of 9 Members.

The Terms of Reference were attached as an Appendix to the report.

**RESOLVED -**

(1) That the establishment of the Kirklees Economy and Skills Board be approved, and that recruitment to the Board be undertaken as detailed within the report.

(2) That it be noted that the establishment of the Board would strengthen the district's influence and representation in the City Region Local Enterprise Partnership/West Yorkshire Combined Authority structures, and support increased levels of investment in the district.

**35 Term Dates for the Academic Years September 2016 to July 2017 and September 2017 to July 2018**

Cabinet received a report which set out proposed dates for the academic year September 2016 to July 2017, and September 2017 to July 2018. It was noted that the Council, as the Admission Authority, had responsibility for determining the term dates of community, special and voluntary controlled schools.

The specific term dates for the academic years 2016-2017 and 2017-2018 were set out within the context of the report. It was noted that statutory regulations required 195 school days to be identified within any academic year. The Kirklees policy for determining school dates was set out at Appendix 1.

**RESOLVED -**

(1) That it be noted that the Kirklees Policy for school terms dates generates dates for 2016/17 and 2017/18 where there are some variations between the proposed dates in Kirklees when compared with the dates set by neighbouring authorities.

(2) That it be noted that, following consultation, the start date of the autumn term 2016/2017 and 2017/2018 be adjusted to the first Monday in September which supports the learning and attendance for children, and brings Kirklees in line with the majority of neighbouring authorities.

(3) That the collective view of the majority of consultees, supporting the adoption of the term dates, be noted.

(4) That the term dates for the 2016/2017 and 2017/2018 academic years, as set out in appendices 3 and 4 of the report, be approved, and that it be noted that the number of school days is in accordance with the statutory requirements.

**36**

**Proposed introduction of Public Space Protection Orders**

Cabinet gave consideration to a report which sought authorisation to introduce Public Space Protection Orders, as defined in the Antisocial Behaviour, Crime and Policing Act 2004, and for authorisation for future orders to be defined within a schedule of delegated authority. The report explained that the new Public Space Protection Orders proposed would (i) extend controls of street drinking to cover the route of the ale trail, (ii) extend current Dog Control Orders, (iii) allow for easier action to be taken in instances of public urination and (iv) put controls on nuisance caused by amplified busking. It advised that failure to abide by the Order's would result in the issuing of Fixed Penalty of £100 (with an early repayment reduction of £60). Cabinet noted the legal and financial implications of the scheme, as set out in paragraph 3 of the report.

**RESOLVED -**

(1) That a consultation process for the introduction of Public Space Protection Orders be undertaken.

(2) That, following the completion of the consultation exercise, authority be delegated to the Director of Place, in consultation with the Assistant Director (Legal, Governance and Monitoring), to introduce Public Space Protection Orders in accordance with the regulations as set out in the Anti-Social Behaviour, Crime and Policing Act 2014.

**37**

**Council Capital Outturn & Rollover Report 2014-15 and Capital Investment Plan 2015/16 - 2019/20 Inclusive of Rollover**

Cabinet received a report which detailed the Council's capital expenditure and funding for the year 2014-2015, and explained the variances from the capital plan as

approved by Council in July 2014. The report highlighted an underspend of £51.9m, which represented a 38% variance from budget.

Cabinet noted that the capital plan for 2014/2015, as revised by Council on 16 July 2014, totalled £126.7m and that following quarter three adjustments, the capital plan control total was £134.6m. Subsequent amendments, as set out at appendix 1, resulted in a total of £136.5m at the end of the financial year.

Appendix 2 to the report set out the capital plan outturn 2014-2015. An analysis of major variances from the updated capital plan was detailed in appendix three and appendix four set out information relating to prudential indicators.

**RESOLVED -**

(1) That £7 million uncommitted rollover be removed from the Capital Investment Plan as detailed in paragraph 3.10a of the report.

(2) That the £127,000 uncommitted balance of grant (school broadband) be applied against the capital elements of the Digital Infrastructure rollover bid (£444,000) being considered as part of the Revenue Outturn and Rollover report, as detailed in paragraph 3.10a of the report.

(3) That the potential liability for the Business Innovation and Skills grant repayment be transferred to Risks and Pressures, as detailed in paragraph 3.10a of the report.

(4) That £2 million of additional capital investment be included within the Strategic Asset Utilisation priority to meet cost pressures relating to clearance works at strategic sites, as detailed in paragraph 3.12 of the report.

(5) That a new strategic priority be established which provides match-funding for European Grant opportunities and that the priority be allocated £3 million over two years, as detailed in paragraph 3.12 of the report.

(6) That resources of £9 million be included within the Capital Investment Plan so that an option to offer a loan facility to Kirklees Stadium Development Ltd can be explored, as detailed on paragraph 3.14 of the report.

(7) That the updated Capital Investment Plan be approved and referred to the meeting of Council on 29 July 2015.

**38**

**Annual Report on Treasury Management 2014-15**

Cabinet received a report which detailed Treasury Management Activity for the previous financial year, 2014 to 2015, and reviewed borrowing and investment performance. The report provided information on borrowing and investment strategy, investment activity, borrowing requirements and debt management, the economy and interest rates, trends in activity, and risk and compliance issues. Cabinet noted that the effect of reduced borrowing requirements, additional balances and the continuation of low interest rates would be reflected in the revenue budget monitoring reports during the year.



**RESOLVED** - That the review of Treasury Management activity 2014/2015 be noted.

**39 Council General Fund Revenue Outturn & Rollover 2014-15**

Cabinet received a report which was the final in an agreed quarterly cycle of consolidated Revenue Budget Monitoring statements during the financial year. The report presented the revenue outturn figures for 2014-2015, and made recommendations on the levels of rollover to be permitted in 2014-2015, and the use of reserves and balances including the proposed re-designation of existing rollover reserves built up from previous year approvals.

Cabinet noted that the Council's net revenue budget for 2014-2015 was £324.1m and that this approved budget reflected a planned net saving requirement of £14m in 2014-2015. The report advised that there was an net early achievement of savings of £4.5m, equivalent to 1.4%.

Appendix 3 to the report summarised rollover proposals which related to one off developments that would help the Council achieve forward budget plans. Cabinet noted that the rollover proposals recommended a balanced and prudent approach that took risks and challenges into account.

**RESOLVED -**

(1) That the Revenue Outturn Position for 2014-2015, as detailed in Appendices 1 and 2 of the report, be noted.

(2) That the Revenue Rollover Proposals, as set out in the Revenue Rollover Report and Appendix 3, be approved

(3) That the use of other Corporate Reserves be noted.

(4) That recommendations (1) to (3) be referred to Council on 29 July 2015 for approval.

**40 Housing Revenue Account (HRA) - Financial Outturn 2014-15**

Cabinet received a report which provided information on the revenue and capital outturn of the Housing Revenue Account 2014-2015. It was noted that this was the third year of operation under a self-financing arrangement.

The report provided information on the year end reserves position and base summary of the revenue outturn and reserve position at the year end was set out in Appendices 1 and 2. Cabinet were asked to note that the Council Treasury Management Policy which underpinned capital financial charges incurred by the Housing Revenue Account formed part of the wider Council Treasury Management Strategy report, and also that the Capital outturn position form part of the wider capital plan outturn and rollover update report.

Cabinet noted the key budget variances in the Housing Revenue Account outturn budget, as set out in paragraph 2.3 of the report, specifically in relation to repairs and maintenance, which reflected a £3.3m underspend, equating to 14%, and also in relation to housing management which represented a 4% variance of £1.4m.

Information regarding variances to the capital outturn budget were detailed at paragraph 2.5.

**RESOLVED -**

(1) That the 2014-2015 year end Housing Revenue Account Revenue and Capital Outturn be noted.

(2) That the 2014-2015 year end Housing Revenue Account reserves position be noted.

(3) That the Council's Treasury Management Policy underpinning the capital financing charge incurred by the Housing Revenue Account 2014-2015, which forms part of the wider Council Annual Report on Treasury Management, be noted.

(4) That it be noted that the Housing Revenue Account Capital Outturn position forms part of the wider Council Capital Plan Outturn and Rollover update report.

**41 Old Leeds Road Huddersfield: Exit Agreement**

Cabinet received a report which set out the decision of the Chief Executive, through the use of emergency powers, to authorise that the Council enter into an exit agreement with Tesco Stores Ltd and other Tesco Group Companies following the decision by Tesco that it would not be proceeding with the new store development at Old Leeds Road.

The report advised, that following negotiations between the Council and Tesco, the Chief Executive had exercised emergency powers on 8 May 2015 for the Council to enter into an exit agreement to provide for (i) the parties to withdraw from the agreement for sale 2010, (ii) the Council to retain its land at Old Leeds Road, (iii) Tesco to transfer its land at Old Leeds Road to the Council and (iv) an appropriate settlement from Tesco to the Council.

It was noted that the Council, Tesco and other group companies had completed the exit agreement on 18 May 2015 and that consequently, the Council now owned the entire development site between Southgate, Leeds Road and Old Leeds Road.

**RESOLVED -** That the report be noted.

Cabinet gave consideration to exempt information at Agenda Item 19 (Minute number 43 refers) prior to making a determination on this matter.

**42 Exclusion of the Public**

**RESOLVED -** That acting under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for 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, as specifically stated in the undermentioned Minute.

- 43 Old Leeds Road Huddersfield: Exit Agreement**  
(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. It was considered that the disclosure of the information would be contrary to confidential terms and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information and providing greater openness in the Council's decision making.)

Cabinet received exempt information relating to the decision of the Chief Executive for the Council to enter into an exit agreement from the sale of land at Old Leeds Road, Huddersfield.

This information was considered prior to the determination of Agenda Item 17 (Minute number 41 refers).