

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 28th July 2015

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

Apologies: Councillor Erin Hill

In attendance: Councillors Bolt, Holmes, Light, Marchington, Patrick,
K Pinnock, Smith and Smaje

44 Membership of the Committee

Apologies for absence were received on behalf of Councillor Hill

45 Minutes of previous meeting held on 16 June 2015

Item deferred.

46 Interests

No interests were declared.

47 Admission of the Public

It was noted that Agenda Items 21 and 22 would be considered in private session.
(Minute No's 64 and 65 refer)

48 Deputations/Petitions

Cabinet received deputations from;

(a) Jenny Tomlinson Walsh on behalf of The Friends of Mirfield Library (in relation to Agenda Item 19) (Minute No. 62 refers)

(b) Hilary Wainwright on behalf of The Friends of Birstall Library and Information Centre (in relation to Agenda Item 19) (Minute No. 62 refers)

(c) Christopher Marsden on behalf of Huddersfield Civic Society (in relation to Agenda Item 18) (Minute No. 61 refers)

49 Public Question Time

No questions were asked.

50 Member Question Time

No questions were asked.

51 Highways Capital Plan 2015/16

Cabinet received a report which requested that consideration be given to a detailed Highways Capital Plan for 2015/16. The report advised that on 30 June 2015 Cabinet had considered a report on an updated 5 year Capital Investment Plan which included a sum of £17.228m for Highways Services. The Highways Capital Plan as attached at Appendix 1 to the report, added individual scheme detail to the approved summary programme for 2015/2016, as had been set out in Appendix 6 of the report considered at Cabinet on 30 June 2015. Cabinet noted that the proposed detailed Highways Capital Plan was subject to Council approval of the updated Capital Investment Plan at the meeting on 29 July 2015. The report also provided information on a number of new and increased grant funding opportunities for 2015/2016 which were determined at a National or West Yorkshire Combined Authority level and which had a direct influence on the final 2015/2016 Highways Capital Plan.

The report advised that Capital Investment in the 2015/2016 Highways Capital Plan amounted to £6.216m which was funded through prudential borrowing. It was noted that the average cost of financing this level of borrowing was 6.7% per annum, equating to £416k per annum. The report advised that all virements, additions and deletions would be reported retrospectively to Cabinet in accordance with Financial Procedure Rule 3.13, and would bring the management of the Highways Capital Plan in line with other Council Capital Programmes.

RESOLVED -

(1) That the additional £0.861m grant income applied to the highways baseline allocation for 2015/2016 be noted.

(2) That the detailed Capital Plan in the sum of £17.228m, as detailed in Appendix 1 of the report, be approved.

(3) That authority be delegated, in accordance with Financial Procedure Rules 3.12 and 3.13, to the Director of Place to manage the Highways Capital Plan.

52 Development Management Charter

Cabinet received a report which set out details of the Development Management Charter for Kirklees. It was noted that the Charter would set out in one place all current practices and the Council's approach to the various stages of the planning process. It was designed to be a guide to developers, communities and applicants in terms of setting out expectations of the Development Management Service. It also provided an outline of the consultation and notification procedures and practices to be adopted by the Council in respect of its Development Management function. It was noted that the Council would review the Charter periodically in order to ensure that it remained up to date and provide an accurate summary of the Council's Development Management consultation and notification processes. The

Development Management Charter was attached at Appendix A of the report and set out all of the Council's approaches to the various stages of the planning process, particularly in relation to pre-application discussion and consultation, involvement of elected members, approach to applications and conditions, planning performance agreements, methods of notification/consultation and how comments and feedback are utilised. Table 2 of the Appendix A also provided information on the legal notification standards for different types of planning applications. Cabinet were asked to endorse the document and agreed for it to be published on the Council's website.

RESOLVED -

(1) That the Development Management Charter for Kirklees be approved and published on the Council's website.

(2) That developers, communities and planning agents be made aware of the expectations and standards as set out in the Development Management Charter for Kirklees.

53

Parks and Open Spaces Maintenance Standards

(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors K Pinnock, Smaje, Holmes, Patrick, Bolt, Light and Marchington)

Cabinet received a report which provided information on the progress on delivering new service standards to Parks and Open Spaces sites, and also sought approval of recommendations to adopt the new service standards subject to regular review and for District Committees to influence local changes within the allocated resources.

The report explained that, following a budget decision in February 2015 to reduce the budget of Parks and Open Spaces by £1.3m, changes had been required to the operating model in order to enable the scaling of the service and for resources to be targeted where they were needed. The report advised that sites had now been assigned into four categories in terms of reducing maintenance and planting, which ranged from Gold, which received the highest level of maintenance to Silver and Bronze. A copy of the Service Standards, as set out in Appendix A to the report, identified how standards would affect sites and included a list of sites showing which standard had currently been allocated by District Committee area. It advised that the new Service Standards in maintenance started to be introduced from April 2005 in order to allow the impact through the growing season to be monitored and to allow for a period of feedback to identify the impact which the changes may have had upon the landscape and the users of the sites. It was noted that the new Service Standards in terms of planting and floral displays would be implemented by April 2016. Feedback which had been received for each District Committee area was set out in Appendix B to the report.

RESOLVED -

(1) That the new service standards for Parks and Open Spaces Maintenance Standards, as attached at Appendix A of the report, be adopted, and that flexibility to change the service standards identified in Appendix A be devolved to District

Committees to allow changes as required to meet community need within the allocated resource.

(2) That regular reviews be completed at key points to capture all seasons and that information be fed via District Committees.

(3) That the Assistant Director (Physical Resources and Procurement) be delegated responsibility to find the most cost effective solution to the future provision of seasonal plants on order to achieve best value.

(In accordance with Scrutiny Protocol Procedure Rule 18, this decision was subsequently called in for review by the Overview and Scrutiny Management Committee)

54 Consideration of the Adoption of the Sexual Entertainment Licensing Regime
(Under the provision of Council Procedure Rule 36(1), Cabinet received a representation from Councillor Marchington)

Cabinet received a report, prior to its submission to Council on 29 July 2015, which requested that consideration be given to the adoption of a legislative scheme for the control of Sex Establishments in Kirklees as set out in the Amended Schedule 3 of the Local Government (Miscellaneous) Provisions (Act 1982). It was noted that the adoption of this legislation would bring the Authority in line with the four other West Yorkshire Authority areas, all of which had adopted the legislation and have a 'sexual entertainment venue Licensing Policy' in place. The report advised that this approach would prevent applications by undesirable operators who had not been able to satisfy the policies of other Authorities or who fell outside the number of sexual entertainment venues determined for other Authority area policies and had therefore been refused. It was also requested that Council gave consideration to the introduction of a policy relating to sex establishment, and the licensing of a new category of sex establishment called sexual entertainment venue.

It was noted that a period of public consultation had been carried out between 3 December 2014 and 9 January 2015 which had asked partners, relevant stakeholders and the public whether the Council should adopt the legislation and, if so, in which areas of the District any sexual entertainment venue should be located. A short questionnaire had been made available on the licensing website and had been sent to an extensive list of consultees which were identified at Appendix 4 of the report.

It was noted that the meeting of Licensing and Safety Committee, held on 11 February 2015, had resolved that Council be recommended to adopt the Amended Schedule 3 of the Local Government (Miscellaneous) Provisions (Act 1982) for the Kirklees Authority area, along with the proposed policy relating to sex establishments.

RESOLVED - That the report be submitted to the meeting of Council on 29 July 2015 with a recommendation that the legislative scheme and the Sexual Establishment Licensing Policy be adopted with effect from 1 October 2015.

55 Reorganisation of Waste Collection Rounds

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

Cabinet received a report which sought approval for the introduction of new waste collection rounds, working practices, and a change to current policy. It advised that work had been undertaken to develop a set of proposals to deliver frontline waste collection services in a more effective and efficient way. It advised that studying delivery models from Neighbouring and National Authorities, and receiving the experience of industry bodies including APSE and WRAP had provided the opportunity to introduce on board technology to improve operational knowledge, improve productivity through new working patterns and a zonal approach, enable better utilisation of the fleet through a new working pattern and aid in achieving budget reductions with minimal impact upon residents.

The report advised that the key aspects of the proposals were (i) introducing a 38 hour, 4 day bin collection service, operating Monday to Thursday (ii) changes to the day of the week and the time of the collection for residents, an increase in the productivity and reduction in resource requirements, the temporary collection of excess waste from the first grey bin collection to accommodate residents who may be subject to an extended period of time due to the collection changes and clarity in regards to the Council policy for excess waste.

The report advised that the proposals would allow the Council to retain a significant efficiency savings by implementing a new operating model that could adapt to future changes. It advised that this could be achieved without any compulsory redundancies, through collective agreement with Trade Unions and with minimal impact upon the residents of Kirklees.

The report advised that subject to approval, the introduction of this proposal would include (i) the finalisation of a prepared mobilisation plan with an agreed implementation date (ii) the role out of communication and an awareness campaign to inform residents of the changes and how it would affect them (iii) the rollout of on board technology to coincide with and support the introduction of new collection rounds (iv) the activation of changes to terms and conditions of employment and (v) the organisation of excess waste collections.

RESOLVED -

(1) That the proposals for the reorganisation of waste collection rounds, as detailed within the report, be approved in order to deliver efficiencies to support the Medium Term Financial Plan.

(2) That approval be given to the collection of excess waste at the first collection in order to accommodate residents who may have an extended period of time between collections.

(3) That it be noted that the proposed implementation date for the revised collection rounds was week commencing 7 September 2015.

56 District Committees and the Housing Revenue Account Estate & Environmental Works

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Smaje and Marchington)

Cabinet received a report which advised that, since 2008 the Council have identified Housing Revenue Account Resources in order to fund tenant led environmental works on Council owned estates which were managed by Kirklees Neighbourhood Housing. The Cabinet had previously agreed that in 2015/2016 the Housing Revenue Budget - Estate and Environmental Works, which totalled £700k should be determined by District Committees, subject to discussions between the Cabinet Portfolio Holder for Housing and Relief of Poverty, and representatives of tenants and residents. The submitted report provided information on the discussions and set out the final criteria for District Committees to follow in terms of exercising the delegation from Cabinet to allocate the Housing Revenue Account - Estate and Environment Works budget. It was noted that the District Committees would be allocated resources in accordance with the number of Council homes in each district. It was noted that Ward Councillors would work with tenants and residents representatives, Kirklees Federation of Tenants and Residents Association, Kirklees Neighbourhood Housing staff and other services as necessary in order to identify and prioritise schemes which would address the district priorities and desired outcomes, comply with Housing Revenue Account ring-fenced spending requirements, and which were feasible within the resources available. It was noted that Ward Councillors would present prioritised schemes to District Committees for formal approval during September and October.

RESOLVED -

(1) That approval be given to the delegation of the Housing Revenue Account Estate and Environmental Works to District Committees.

(2) That the criteria and process for identifying, prioritising and approving schemes, as outlined in paragraphs 2 and 3 of the report, be approved.

57 Use of New Council Development Resources

Cabinet received a report which sought approval for investment in resources to support the Council's journey to a New Council, through the use of £2.85m New Council Developments reserve.

The report advised that, over the next 3 year period, the Council needed to undergo a significant change programme in order to achieve the fiscal reductions which were currently identified. It stated that the Council would need to realise a further £69m of savings and cuts while redesigning services in order to mitigate the impacts on local people and businesses, and do so in a way that allows Council priorities to be met within the resources available.

The report advised that the meeting of Council in February 2015 had agreed the redesignation of existing Council reserves totalling £3m, to a New Council Development reserve. The meeting of Cabinet on 2 June 2015 had reaffirmed the redesignation of the £3m from existing Council reserves as part of the final accounts process for 2014/2015. The meeting of Budget Council had also approved specific

Cabinet - 28 July 2015

commitments against this reserve totalling £150k for Passivhaus and other energy renewable feasibility studies, leaving a balance of £2.85m reserve which was currently uncommitted.

Cabinet were advised that the Director of Place had considered the support needs identified and requested that Cabinet give delegation to allocate funding from the uncommitted £2.5m against the following categories of spend, identified as critical to the overall success of the Council transformation programme over the 2015-2018 financial plan, (i) procurement and provision (ii) backfilling of officer roles and (iii) support for other areas of the New Council change programme.

The report advised that Cabinet would receive regular reports as part of the normal quarterly revenue monitoring cycle on the use of the New Council Development reserve and the overall work programme of the New Council.

RESOLVED -

(1) That approval be given to the use of currently uncommitted £2.85m New Council Developments reserve against the broad categories of spend as detailed within the report.

(2) That authority be delegated to the Director of Resources to allocate the reserve to specific activities within the broad categories of spend, and to report the use of the reserve in more detail within the quarterly revenue monitoring report.

58

Bradley Business Park

Cabinet received a report which sought approval for the marketing and disposal of the remaining Council owned land for phase 3 of development at Bradley Business Park.

The report indicated that the Council was under a statutory duty to obtain the best consideration that could reasonably be obtained when disposing of land and property and that this would represent the best price reasonably obtainable for the disposal where the principal aim was to maximise the value of receipt. It advised that the unrestricted value should take account of whatever uses might be permitted by the Local Planning Authority. The report advised that the market value of the phase 3 land had been assessed by the Council's external auditors and that a copy of their report was attached as an exempt Appendix.

The report advised that the sale and the subsequent development of the land could result in approximately 14,000 square metres of new business floor space which would be capable of accommodating approximately 200 jobs, and would therefore meet priorities as set out in the draft Kirklees Economic Strategy 2014-2020. It also indicated that the Council would obtain capital receipts from the sale of the land and that the Authority would also receive a proportion of business rates income from future occupiers.

RESOLVED -

(1) That authority be delegated to the Assistant Director (Physical Resources and Procurement), in consultation with the Assistant Director (Investment and Regeneration) to market the land for Business Class B1 (b) research and

development and B1 (c) light industry, with any B1(a) offices being ancillary to B1(b) and B1(c) uses.

(2) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring), in consultation with the Assistant Director (Physical Resources and Procurement) and the Assistant Director (Investment and Regeneration), to negotiate, enter into and execute all appropriate documentation with preferred purchaser(s) of the land for best consideration obtainable following marketing.

59 Update on the progress of the final accounts process for 2014/15, including Bad Debts Write Offs

Cabinet received a report which indicated that the Council's Accounts for 2014-2015 needed to be audited and approved by Corporate Governance and Audit Committee by the end of September 2015. The submitted report provided an update on the progress towards achieving the process by the required date. The report therefore set out an update on progress relating to the final accounts and also provided information on bad debt write offs for 2014/2015. An Appendix to the report set out details of debts written off in 2014/2015, and provided a comparison of those written off in 2013/2014. It also provided a detailed analysis for the reasons for write off in 2014/2015. Cabinet noted that during 2014/2015 £8.9m of debt had been written off, compared to £7.4m in the previous year.

RESOLVED -

(1) That the progress on the final accounts 2014/2015 be noted.

(2) That the information, as detailed in the Appendix to the report, regarding bad debt write offs 2014/15, be noted.

60 Appointment of Panel Members (Educational Admission Appeals)

Cabinet received a report which requested that consideration be given to the reappointment of several members of the Education Admission Appeals Panel. It was noted that the report was brought to Cabinet as Panel Members have to be appointed by the Local Education Authority and that there was no delegation for this below Cabinet level.

The report advised that the appointment of several Panel Members was due to expire shortly and all had confirmed they would wish for their terms of appointment to be renewed. It was noted that the appointment would help in maintaining a suitably sized pool of Appeal Panel Members who were qualified to determine the Local Authority's Admission Appeal decisions.

RESOLVED - That Mr David Longstaff, Mrs Jan Thornton, Mrs Liz Sharp, Mr Santokh Khangura and Mr Steve Readhead be re-appointed to serve as an Appeal Panel Member for a further term of three years.

61 Implications arising from the Education Funding Agency Proposals for the Mount Pleasant Primary School site

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Marchington and Light)

Cabinet - 28 July 2015

Cabinet received a report which provided an update on the current position regarding the new build school for Mount Pleasant Primary School and the associated decant of the whole school into temporary accommodation at Yews Hill Road, Huddersfield.

The report advised that the Education Funding Agency and the Council have been working for the past 2 years to develop a project for the replacement of Mount Pleasant Primary School. It advised that in June 2014 a Section 151 letter had been agreed between the Council and the Education Funding Agency which committed the EFA to the clearance of the existing site and replace with a new build school, with an estimated investment value of £8m -£10m. In return, the Local Authority had accepted responsibility for funding and delivering the decant of the whole school of site for a sufficient period to enable the new build development to occur. The report advised that the estimated cost of the decant was £2m and that at the meeting of the Council on 16 July 2014, Revenue Rollover of £2m to cover the cost of decanting pupils at Mount Pleasant Primary School, pending site refurbishment, was approved.

The report advised that the EFA had appointed Kier Construction to deliver the new build school and amended external layout. Due to the site constraints and complexities in relation to ground levels and existing buildings, the contractor had encountered difficulties in producing a compliant design within the funding envelope provided by the EFA, as a consequence the start date had been moved from summer 2015 to early 2016, and it was estimated that the completion date of all works on site would be May 2017.

The report highlighted that the local community centre and associated clock tower building were a non-designated heritage asset of a local interest on the site and that concerns regarding proposals to demolish the building had already been raised by members of the local community and Huddersfield Civic Society.

RESOLVED -

(1) That approval be given for the implementation of the decant programme for Mount Pleasant Primary School, with a maximum revenue budget of £3.85m, subject to the approval of the rollover bid (as referenced in paragraph 3.3 of the considered report) by Council on 29 July 2015.

(2) That, pursuant to (1) above, Officers be authorised to proceed with implementation and, in particular, to provide direction as to whether the contract for the modular accommodation should be signed in advance of planning permission and EFA financial close for the new build school being achieved, or whether signature should be delayed until planning permission and the EFA financial close is achieved.

(3) That, pursuant to (2) above, if a decision is taken to delay signature of the modular accommodation contract, the Director of Resources be authorised to provide an appropriate Section 151 letter to the Education Funding Agency regarding delay costs as detailed in Appendix B of the report.

(4) That, subject to the approval of funding by Council, Officers be authorised to submit an Application for Prior Notification of Demolition seeking approval for the demolition of the Lockwood Community Centre and associated Clock Tower in its entirety.

(5) That if approval is not given for the project to proceed, Officers be authorised to take all appropriate and necessary action to inform relevant parties and other such steps necessary to withdraw the project

(6) That the Member of Parliament for Colne Valley and other interested community groups be invited to put forward funded proposals for the future use and retention of the clock tower.

62 Library Service Review

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Smaje, Patrick, Light and K Pinnock)

Cabinet received a report in relation to future Library provision which set out the headline results of the consultation on the future development of the Library service.

The report advised that, as part of the Council's need to reduce budgets it had been identified that during the term of the Medium Term Financial Plan the Library service budget was reduced by £1.854m. A period of consultation had been carried out from 19 January 2015, for a 12 week period, by QA Research, who were asked to provide a robust evaluation of the Library service amongst a representative sample of residents throughout the district. The results of the consultation were appended to the report.

The report advised that, in determining a future service there were a number of principals that were important to ensure that the Council (i) met the equality needs of communities by having regard to citizens who suffer disabilities or are disadvantaged because they live in areas of deprivation (ii) put forward a proposal that was financially sustainable in the longer term by ensuring the service offer matches the needs of communities, was flexible and could be delivered in different ways (iii) determined a service offer with regard to how well the existing service is used and the relevant aspects of the service and (iv) would seek to maximise community involvement through volunteers and friends of groups.

It was noted that the report would be submitted to Council on 29 July 2015 in order to enable a debate on the results of the consultation and the development of the principals in developing future Library provision.

RESOLVED - That the outcome of the consultation on the Library Service Review, as detailed in the report be noted, and that the item be referred to the meeting of Council on 29 July 2015 for further discussion.

63 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 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, as specifically stated in the undermentioned Minutes.

64 Bradley Business Park

(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 is considered that disclosure of the information would be contrary to the confidential terms on which it has been provided to the Council, and disclosure could also prejudice negotiations regarding the disposal of land and the Council obtaining best consideration. The public interest in maintaining the exemption which would protect the interest of the Council and the company and individual concerned, outweighs the public interest in disclosing the information and provider greater openness in the Council's decision making)

Cabinet received a valuation report in relation to land at Bradley Business Park (phase 2) prior to the determination of Agenda Items 15 (Minute No. 58 refers)

65 Implications arising from the Education Funding Agency proposals for the Mount Pleasant Primary School Site

(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, as it contains information relating to the financial or business affairs of any particular person (including the Authority holding that information) it is considered that it would not be in the public interest to disclose the information contained at disclosure could potentially adversely affect overall value for money and could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing the information including, greater accountability, transparency and spending public money and openness in Council decision making)

Cabinet received commercially confidential information in relation to implications arising from the Education Funding Agency proposals for the Mount Pleasant Primary School site prior to the determination of Agenda Item 18 (Minute No. 61 refers)

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 25th August 2015

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

Apologies: Councillor Viv Kendrick

In attendance: Councillors Patrick, Stublely and J Taylor

66 Membership of the Committee

Apologies for absence were received from Cllr Kendrick.

67 Minutes of previous meeting

RESOLVED - That the Minutes of the meetings held on 2 June, 16 June and 30 June 2015 be approved as correct records.

68 Interests

No interests were declared.

69 Admission of the Public

It was noted that Agenda Item 15 would be considered in public session (Minute No. 80 refers)

70 Deputations/Petitions

No deputations were received.

71 Public Question Time

No questions were asked.

72 Member Question Time

No questions were asked.

73 Corporate Revenue Financial Monitoring Report, Quarter 1, 2015-16

Cabinet received the first in an agreed quarterly cycle on consolidated revenue budget monitoring statements for the financial year. The report and accompanying

Cabinet - 25 August 2015

appendices, presented an overall forecast revenue outturn for 2015/2016 at Quarter 1, including information on emerging risks and developments. Appendix A to the report also set out a summary update on Council reserves.

The report provided an overview of the Council's general fund, collection fund, housing revenue accounts, and also set out details on the governance arrangements for the Councils New Council Programme Board in relation to budget management.

RESOLVED -

(1) That the forecast position at quarter 1 for the general fund, housing revenue account and collection fund be noted.

(2) That approval be given to the drawdown of £5.6m from earmarked reserves for volume/service pressures.

(3) That approval be given to the use of £246k Special Educational Needs Grant allocation in 2015-2016 to support Children and Families Act implementation, managed through the Learning and Skills Service.

(4) That approval be given to the use of £704k Independent Living Fund, funding transfer from Department of Works and Pensions, to meet transferred client cost commitments, managed through Adults Services.

(5) That it be noted that the Director of Resources had delegated responsibility to the Chair of New Council Programme for overall budget management responsibility of cross-directorate theme related budget activity.

(6) That the £200k commitments to date against the £2.85m New Council Development Reserve be noted.

74 Housing Delivery Plan - Small Sites Project

(Under provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Stubbley and J Taylor. Under provision of Council Procedure Rule 37 Cabinet received representations from Paul Riordan and Andy Lambert)

Cabinet received a report which explained that the Council owned the freehold on a large number of sites which were not being considered as part of the local Plan process. The sites were considered to be key supporting the economic resilience of the district and supporting the growth of the local economy. The review had indicated that, subject to site assessments, the sites had the potential to create in excess of 250 houses.

The sites were listed at Appendix A of the report, it was noted that they were typically vacant and may have informal uses, such as car parking. The report advised that it was intended to sell the sites through a public bidding process and that Cabinet were asked to consider the disposal of the sites.

Cabinet noted the proposed process for the disposal of the sites, as detailed at paragraph 2.3, and budget implications as set out at paragraph 2.4.

Following public representations at the meeting in relation to site no. 18, Cabinet agreed that, upon acquisition of the title deed, further discussions would take place with local residents regarding the future use of the site.

RESOLVED -

(1) That approval be given to the disposal of sites as listed in Appendix A to the report, subject to there being no objections received in response to current notices advertising the disposal of the open space, and that any further objections received as a result of these notices be brought back to Cabinet for consideration and for a decision on the disposal of the site.

(2) That, having considered the objections to the disposal of sites listed in Appendix B, and the analysis of the objections as detailed in section 3 of the report, approval be given to the disposal of the two sites.

(3) That the process for the disposal of the sites as detailed in the report be endorsed and that authority be delegated to the Assistant Director (Physical Resources and Procurement) to negotiate and finalise the terms of any disposal of a site and any ancillary documents and agreements.

(4) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to enter into and execute the instruments of disposition together with any ancillary documents and agreements.

(5) That, notwithstanding the resolutions (1) to (5) above, the disposal of the site at Naylor Street, Batley (site 18), be deferred pending the acquisition of the title deeds and, if acquired, holding a meeting with local residents to further discuss the future of the site.

75 Freehold Asset Transfer of the Public Toilets on Towngate, Holmfirth to the Holme Valley Parish Council

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

Cabinet received a report which set out a proposal to transfer the land and toilets, which currently make up 'the public toilets' situated on Towngate, Holmfirth to Holme Valley Parish Council on a freehold transfer. The report advised that the conditions of the freehold sale would include covenants to ensure that the majority of the building would be restricted to community use only and that the Parish Council would have the right to grant a single lease for 30% of the floor area for commercial use in order to enable funds to be raised to contribute towards the provision of the toilets.

RESOLVED -

(1) That approval be given for the Council to transfer the freehold of public toilets situated on Towngate, Holmfirth to Holme Valley Parish Council for no premium/no consideration and to include covenants to ensure that public toilets situate on Towngate, Holmfirth is a building that is available for community use only.

(2) That, pursuant to (1) above, the transfer shall state that 70% of the floor area of the building is to be used for community use only, though the Parish Council will have the right to grant a single lease of the remaining 30% of the floor area for a commercial use, subject to planning regulations.

(3) That the Assistant Director (Physical Resources and Procurement) and the Assistant Director (Legal, Governance and Monitoring) be delegated authority to negotiate and agree the terms of the freehold transfer that relate to the transfer of the public toilets.

- 76 Freehold Asset Transfer of the Public Toilets on the South east side of the Village Holme, Holmfirth to the Holme Village Residents Association**
(Under the provision of Council Procedure Rule 37, Cabinet received a representation from Shirley Ainsbury, Chair of Holme Village Residents Association)

Cabinet received a proposal which set out details of transferring the land and toilets which currently make up 'the public toilets' situated on the south east side of the Village Holme, Holmfirth, to Holme Village Residents Association on a freehold transfer. The report advised that the condition of the freehold sale would include covenants to ensure that the building was available for community use only. It was noted that the Residents Association was offered a short term full repairing and insuring lease as an interim arrangement in July 2014 with a view to a full freehold transfer of the toilets.

RESOLVED -

(1) That approval be given for the Council to transfer the freehold of the public toilets on the south-east side of the Village Holme to the Holme Village Residents Association for no premium/no consideration and to include covenants to ensure that the building is available for community use only.

(2) That the Assistant Director (Physical Resources and Procurement) and the Assistant Director (Legal, Governance and Monitoring) be delegated authority to negotiate and agree the terms of the freehold transfer that relate to the transfer of the public toilets.

- 77 Revised Independent Sector Residential and Nursing Home Fees 2015/16**
Cabinet received a report which sought approval to increase the fees to independent sector residential and nursing home providers to reflect the impact of the 2015 increase in the national minimum wage.

Appendix 1 to the report set out the proposed fee increases, which would be effective from 5 October 2015. Cabinet noted that fees paid to independent sector providers would need to rise further in April 2016 to take account of the new national living wage which would come into effect in April 2016.

RESOLVED - That the revised Independent Sector Residential and Nursing Home Fees for 2015/2016, as detailed in Appendix 1 to the report, be approved.

- 78 Land at Bradford Road, Dewsbury – former Safeway site**
(Under the provision of Council Procedure Rule 37, Cabinet received a representation from Mr Oxley)

Cabinet gave consideration to a report which sought approval for the marketing and disposal of Council owned land at Bradford Road, Dewsbury, formally occupied by Safeway supermarket. It advised that the site, which the Council had acquired from Lidl in 2008, was now surplus to the Council's requirements and that the Council's title was subject to a restrictive covenant not to use the land for the retail of food and drink within class A1. It was noted that the site was currently unallocated in the Kirklees Unitary Development Plan.

Following the representation to the Cabinet meeting, Cabinet agreed that officers should liaise with adjoining land owners on the site in order to investigate the possibility of future joint developments.

(Cabinet gave consideration to exempt information at agenda item 15 (Minute no. 80 refers) prior to the determination of this item.

RESOLVED -

- (1) That approval be given to the sale of the land, subject to the requirement that the land must be sold by way of tender on the open market.
- (2) That authority be delegated to the Assistant Director (Physical Resources and Procurement), in consultation with the Assistant Director (Investment and Regeneration), to negotiate and agree the terms and conditions of the sale of the land with the successful tenderer.
- (3) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to negotiate and seal and enter into all appropriate documents in relation to the sale of the land with the successful tenderer.
- (4) That it be noted that the development of the site will contribute towards the Council's Economic Strategy and that marketing will ensure that the opportunity to develop the site is exposed to the widest possible audience.
- (5) That, pursuant to representations at the meeting, Officers be asked to liaise with all adjoining landowners to examine the possibility of joint developments on the site.

- 79 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.

- 80 Land at Bradford Road Dewsbury - former Safeway Site**

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. It is considered that disclosure of the information could prejudice

Cabinet - 25 August 2015

negotiations regarding the disposal of the land and the Council obtaining best consideration. The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 13 (Minute no. 78 refers).