

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 15th December 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

- 159 Membership of the Committee**
No apologies for absence were received.
- 160 Minutes of previous meeting**
RESOLVED - That the Minutes of the meeting held on 20 October 2014 be approved as a correct record.
- 161 Interests**
No interests were declared.
- 162 Admission of the Public**
It was noted that Agenda Items 19 and 20 would be considered in private session (Minute numbers 177 and 178 refers).
- 163 Deputations/Petitions**
No deputations or petitions were received.
- 164 Public Question Time**
No questions were asked.
- 165 Member Question Time**
No questions were asked.

- 166 Clarification to Cabinet following Scrutiny Call In - 18 November 2015 - on the Community Asset Transfer of Mirfield Community Centre**
(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillor D Hall and Councillor Stewart-Turner)

Cabinet received a report which set out the decision and recommendations of the Overview and Scrutiny Management Committee following its consideration of a Call-in in respect of the decision by Cabinet on 20 October 2015 regarding the Mirfield Community Centre Asset Transfer.

The findings of the Committee were set out in paragraph 2.6 of the report and, having considered the relevant information, it was the Committee's decision that the decision should be referred back to Cabinet with the amendment 'that Cabinet consider the feasibility and desirability of entering into an agreement/arrangement that would enable the covenant to be released on sale and for the proceeds to be used specifically for the ongoing project to develop the Guilderhall site.'

Cabinet received an overview of the report from the Chair of the Overview and Scrutiny Management Committee and the Chair of the Call-in hearing.

RESOLVED - That the recommendations of the meeting of the Call-In Hearing on Mirfield Community Centre Asset Transfer be received and noted prior to the consideration of Agenda Item 9.

- 167 Overview and Scrutiny Management Committee - Recommendations from Call-In Hearing - Mirfield Community Centre Asset Transfer**
(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Bolt and Light)

Cabinet received a report which provided clarification following the Call-in of a decision to asset transfer Mirfield Community Centre on 20 October 2015. The report advised that, having considered the recommendations of the Call-in, officers considered the original decision to be the most appropriate option and therefore proposed that Cabinet give authorisation to transfer the freehold of land of Mirfield Community Centre to Mirfield Community Trust for no premium/nil consideration, subject to restrictive covenants that will prevent the premises from being used for any other purpose other than community use.

Having regard to both the recommendations of the Call-in and the information set out within the report, Cabinet considered that the decision to asset transfer Mirfield Community Centre be confirmed.

RESOLVED -

(1) That Officers be authorised to transfer the freehold of Wooldale Community Centre to Wooldale Community Association for no premium/nil consideration, including covenants to ensure that (i) the rear of Wooldale Community Centre that is currently occupied by Kidroyds School can only be used as a pre-school and/or nursery and/or for community use and (ii) that the other parts of Wooldale Community Centre can only be used for community use.

(2) That it be noted that the Assistant Director (Physical Resources and Procurement) and the Assistant Director (Legal, Governance and Monitoring) have delegated authority to negotiate and agree the terms of the freehold transfer that relate to the transfer of Wooldale Community Centre to the Wooldale Community Association.

168 Freehold Asset Transfer of Wooldale Community Centre, Robert Lane, Holmfirth

Cabinet received a report which set out details of a proposal to transfer the land and buildings, on a freehold transfer, which currently make up Wooldale Community Centre, Robert Lane, Holmfirth, to Wooldale Community Association.

The report advised that the asset transfer would involve the ownership of land and buildings from a statutory body to a community organisation at 'less than best consideration' in order to further local social, economic and/or environmental objectives.

The Cabinet noted the Community Association had submitted a robust application and business plan in line with the requirements of the asset transfer policy. The application had been assessed using the asset transfer assessment tool which gave consideration to financial matters, impact upon community, risk, the asset, and the strength of the organisation.

The report stated that the transfer of the Community Centre would support the community and recognise the benefit of such groups in sustaining the economic, health and wellbeing of the local community.

RESOLVED -

(1) That Officers be authorised to transfer the freehold of Wooldale Community Centre to Wooldale Community Association for no premium/nil consideration, including covenants to ensure that (i) the rear of Wooldale Community Centre that is currently occupied by Kidroyds School can only be used as a pre-school and/or nursery and/or for community use and (ii) that the other parts of Wooldale Community Centre can only be used for community use.

(2) That it be noted that the Assistant Director (Physical Resources and Procurement) and the Assistant Director (Legal, Governance and Monitoring) have delegated authority to negotiate and agree the terms of the freehold transfer that relate to the transfer of Wooldale Community Centre to the Wooldale Community Association.

169 Town and Parish Council Accommodation

(Under provision of Council Procedure Rule 37 Cabinet received representation from Mr Stephen Baggott. Under provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Bellamy and Patrick)

Cabinet gave consideration to a report which set out proposals for the recharge of Parish and Town Council accommodation costs based on a corporate standard of accommodation costs for both internal and external services covering all utilities, services, repairs and management costs.

The report advised of the gross internal area (GIA) which the Parish and Town Council's occupied and the percentage of the GIA which their occupation takes up.

The report set out proposed recharges for (i) Denby Dale Parish Council at £14,848 per annum (ii) Holme Valley Parish Council at £27,840 per annum (iii) Meltham Town Council at £17,632 per annum and (iv) Mirfield Town Council at £14,848 per annum.

It was noted that Kirkburton Parish Council was currently operating from Burton Village Hall, leasing space from Kirkburton and Highburton Community Association at £4,077.10 per annum which was paid for by the Council.

Cabinet noted that, where practical, the Council would continue to offer Parish and Town Councils access to their own support services to enable to take advantage of facilities such as printing and purchasing, at a mutually agreed price.

RESOLVED -

(1) That, in order to reduce the revenue and capital liabilities of the underutilised buildings, the full costs be recovered from the Parish and Town Councils for the accommodation that they occupy at commercial rates, if agreement can be reached.

(2) That the recharges be effective from 1 April 2016, subject to agreement with the Town and Parish Councils.

(3) That the Assistant Director (Physical Resources and Procurement) and Assistant Director (Legal, Governance and Monitoring) be authorised to negotiate legal occupancy agreements with the Councils at a full market rent where practicable.

(4) That payment by the Council of the leasing fees associated with the agreement for the lease of Burton Village Hall between Kirkburton Parish Council and Kirkburton and Highburton Community Association shall cease with effect from 1 April 2016.

(5) That in the event that any Asset Transfer Agreements with Parish Councils are not concluded by 1 April 2016, it be confirmed that the payment of rent by the Council will cease.

170

Impact of VAT on Theatre Hire charges in Town Halls

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

Cabinet gave consideration to a report which set out changes in VAT expectations for theatre hire in Town Halls and sought approval to increase hire charges to reflect the VAT element, and a voluntary disclosure to the HMRC for backdated VAT payments.

Theatre hire charges for 2016/2017, including the increase with VAT, were attached at Appendix A of the report. The report advised that the Council currently receive

£90,000 in income from theatre hire in Town Halls, and that the additional VAT amount would increase this by £18,000.

It was noted that passing on the VAT charges may be difficult for some hirers and that the service had already sought to mitigate the impact by offering an alternative charging structure whereby hirers could opt out of having all levels of the concert hall open.

The report advised that, with a proposed implementation date of 1 April 2016, the Council would meet the VAT charges up to and including the 31 March 2016.

RESOLVED -

(1) That approval be given to update Town Hall charges for theatre hire to include the 20% VAT charge, with effect from 1 April 2016.

(2) That the additional cost of VAT on room hire up to 31 March 2016 be met by the Council and not referred to hirers as a backdated charge.

(3) That a voluntary disclosure be made to the HMRC for payment of VAT on appropriate hires from 1 December 2014.

171

The Government's Spending Review and Autumn Statement 2015

Cabinet received a report which provided information on the Chancellor of the Exchequer's Autumn Statement and the outcome of the Government's Comprehensive Spending Review.

The report advised that the Council had planned for and achieved savings of £83m between 2011 to 2015 and that last year's budget strategy update report had indicated a further savings requirement of £69m over the 2015 to 2018 period a total of £152m over the period 2011-2018.

The report provided an update position in terms of welfare reform, departmental spending, local government finance, schools and housing. It was noted that the detailed Local Government Settlement was expected around 16/17 December 2015.

RESOLVED -

(1) That the Chancellor's proposals as set out in the Government's Spending Review and Autumn Statement 2015 be noted.

(2) That a meeting be held during January 2016, to which all Councillors be invited, to provide an opportunity for engagement to take place with Councillors and the public on the impact that the Local Government Settlement and draft budget reductions will have upon Services provided by the Council, and that the outcomes from the meeting be used to inform the meeting of Budget Council on 17 February 2016.

(3) That the Director of Resources be asked to produce a report for consideration at the above meeting as referred to in (2) above, setting out the implications of the Local Government Settlement upon Kirklees.

172 Tax Credit and the Autumn Statement

Cabinet received a report pursuant to the Motion agreed at a meeting of Council on 11 November 2015 which requested that the Director of Resources submit a report detailing the impact of cuts to tax credit upon working families in Kirklees.

The report advised that the Autumn Statement, announced on 25 November 2015, included plans to scrap proposals in relation to tax credits. It highlighted the plans to scrap the changes did not at that stage extend to reforms to tax credit that were to be introduced through the Welfare Reform Bill.

The report also provided an update on the rollout of universal credit, advising that to date 1,835 claims had been made in the Kirklees area. It was noted that the rollout of the universal credit was to be accelerated though specific rollout plans were yet to be announced. Officers were currently working on a strategy that sought to tackle poverty through focusing efforts on maximising household income and minimising the outgoings.

RESOLVED - That details of the Tax Credit and Autumn Statement be noted.

173 Quarter 2, 2015/16 Corporate Performance Report

Cabinet received the Quarter 2, Corporate Performance Report 2015/2016, which provided an overview of the Council's performance at the end of Quarter 2.

The report advised that a new approach to performance management had been adopted for 2015/2016 which provided a stronger focus on outcomes in the joint Health and Wellbeing Strategy and the Kirklees Economic Strategy.

An Appendix to the report illustrated the Council's progress in relation to key strategies and the Corporate Plan 2015/2016.

RESOLVED - That the Quarter 2, Corporate Performance Report 2015/2016 be noted.

174 Careers, Information Advice and Guidance Services

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

Cabinet gave consideration to a report which provided details on future commissioning options for Careers, Education, Information, Advice and Guidance Services. The report asked Cabinet to consider the future options for provision and recommended the restructuring of C&K Careers Ltd to become the parent company and the establishment of a subsidiary company of C&K Careers in order to provide a significant and flexible vehicle for partnership between the two controlling Authorities; Kirklees and Calderdale, working in conjunction with Huddersfield University.

The report set out the recommendation of an option which would allow both Councils to take full control of C&K Careers and subsidiary companies which would solve the need for future tendering and would enable operational management to be unaffected.

RESOLVED -

(1) That approval be given to Option C, as detailed within the report, and that the proposed arrangements between Calderdale Council and C&K Careers Ltd for restructuring C&K and the incorporation of the Subsidiary as a teckal company.

(2) That, pursuant to (1) above, approval be given to Kirklees Council's membership of the Subsidiary.

(3) That authorisation be given to the Assistant Director (Legal, Governance and Monitoring) in conjunction with the Assistant Director (Commissioning and Health Partnerships) and the Head of Audit and Risk, to negotiate and conclude all appropriate documentation in respect of the restructuring of C&K, the establishment of the Subsidiary, Kirklees Council's membership of the Subsidiary and the continued provision of CEIAG services through these companies.

(4) That it be noted that this decision is considered the most efficient, effective and practical solution to deliver the benefits as set out in paragraph 2.15 of the report.

(5) That it be noted that this decision is subject to agreement from Calderdale Council that Option C is also the preferred approach prior to the implementation of a decision and that, in the event that Calderdale pursue a different option, a further report will be submitted to Cabinet.

175 2015/16 and 2016/17 Council Capital Plan - Amendments to the detail of the approved 2015/16 Corporate Landlord managed sections of the capital plan and proposed allocation of 2016/17 capital funding.

Cabinet received a report which provided an updated position on the Corporate Landlord managed sections of the Capital Plan.

The report sought approval for projects as detailed in Appendix A in order to enable the projects to be delivered during the financial year and to provide officers with continued delegated authority to manage the programme.

The report also provided information on potential projects to be funded from the Corporate Landlord managed sections of the Capital Plan in 2016/2017, subject to approval by Council on 17 February 2016.

Cabinet were asked to consider and approve the projects as set out in Appendix B so that they could be delivered during the 2016/2017 financial year. Additionally, Cabinet were requested to approve the business cases and Appendices C and D of the report relating to investment in buildings; condition programmes 2016/2017 and asset strategy 2016/2017 works programme.

The Appendices were exempt from publication and were considered prior to the determination of this agenda item.

RESOLVED -

(1) That the amendments to the detail of the approved 2015/2016 Corporate Landlord managed sections of the Capital Plan be noted.

(2) That approval be given to the programmes of work for 2016/2017 subject to the overall allocation being approved at Council on 17th February 2016.

(3) That approval be given to the proposed delegated powers as outlined in paragraphs 2.13 to 2.16 of the report.

176 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.

177 Commissioning Careers, Information Advice and Guidance Services

(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 this information could adversely compromise the confidentiality of the parties financial or business affairs. The public interest in maintaining the exemption, which would protect the confidentiality of the parties of business affairs is considered to outweigh the public interest in disclosing the information and providing greater openness in the Council's decision making)

Cabinet received exempt information in relation to agenda item 16 (Minute No. 174 refers), prior to the determination of that agenda item.

178 2015/16 and 2016/17 Council Capital Plan - Amendments to the detail of the approved 2015/16 Corporate Landlord managed sections of the capital plan and proposed allocation of 2016/17 capital funding.

(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 in the report as disclosure could potentially adversely affect overall value for money and could compromise the commercial confidentiality of the bidding organisation and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including greater accountability, transparency in spending public money and openness in Council decision making)

Cabinet received exempt information in relation to agenda item 17 (Minute No. 175 refers) prior to the determination of that agenda item.