

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Thursday 17th December 2015

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

Apologies: Councillor David Sheard

179 Membership of the Committee

Apologies for absence were received on behalf of Councillor Sheard.

180 Interests

No interests were declared.

181 Admission of the Public

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

182 Deputations/Petitions

No deputations or petitions were received.

183 Public Question Time

No questions were asked.

184 Member Question Time

No questions were asked.

185 The future of the existing Whitcliffe Mount Sports Centre

(Under the provision of Council Procedure Rule 37, Cabinet received representations from Mr G Hird, Mr K Page, Mr A Naley, Dr G Morley, Mr R Hirst, Mr I Abbot, Miss J Templar (Head Teacher Whitcliffe Mount Business and Enterprise College), Mr D Spreadbury, Ms K Johnson, Mr K Shaw, Mr R Sutcliffe, Mr T Healey, Mr P Bignall, Mr G Ackroyd, Mr J Ramsden, Mr M Naylor, Mr D Smith, Ms M Bain, Mr K Ellis, Ms C Kendal, Mr P Kent, Ms M Chisholm, Ms L Bond, Ms C Shield, Mr B Cowell, Ms R Paton, Mr J Roberts and Ms D Whitely.

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Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillor Holmes, D Hall and A Pinnock)

Cabinet gave consideration to a report which requested that further consideration be given to the decision to close Whitcliffe Mount Sports Centre, as a result of a recent Ombudsman Investigation. The report advised that, on 17 December 2013, Cabinet had considered a report which proposed to rebuild Whitcliffe Mount School and close Whitcliffe Mount Sports Centre. Consequently, two complaints were submitted to the Ombudsman regarding the Cabinet's decision making. Both complaints advised that consultation on the proposal had not been undertaken until after the decision had been taken, and that a full Equalities Impact Assessment had not been carried out. It was noted that the meeting was being held as a result of the Ombudsman's recommendation that further consideration should be given to the decision to close the Sports Centre in public to address a previous lack of public consultation. A copy of the Ombudsman's final decision on the two complaints was attached at Appendix 1 of the report. It was noted that the Ombudsman had not issued a formal report as a result of the investigation.

Cabinet were asked to consider two options; (i) to uphold the previous decision to close the Sports Centre, or (ii) to overturn the decision to close the centre, and request Kirklees Active Leisure to keep operating the venue as a Sports Centre. The implications of both options were detailed at paragraph 4 of the considered report. It was noted that, if option (i) was chosen, the Sports Centre would close in May 2016 in order for it to be demolished to enable the building of the new school. If option (ii) was chosen, the Sports Centre would remain open and the Council would negotiate with the operator, Kirklees Active Leisure, to continue to operate the centre and if an agreement could not be reached, the Council would need to consider another operator. Pursuing option (ii) would also require the Council to make a request to the Education Funding Agency (EFA) to delay progress for the new school so that the school could be redesigned and for plans to be submitted, if the EFA did not withdraw the school from the scheme. The report indicated that, in the event that the EFA did withdraw funding, the existing school would remain and plans for new premises would not exist in the short to medium term.

Paragraph 7 of the report set out the Officer's recommendations to Cabinet, which advised (i) that there was a significantly high risk that the EFA would withdraw its funding for the new school if there were to be delays caused by the redesign of the school, and that the Council may be held liable for abortive and additional costs incurred by the EFA and (ii) that improved fitness facilities were being built 1.8 miles away at Spenborough Pool and would open in January 2016.

Having given consideration to the representations received at the meeting, and the content of the considered report, Cabinet were of the view that to overturn the decision made in 2013 would not be an appropriate use of public funds as the Council would incur financial penalties by withdrawing the school from the EFA programme. Additionally, the loss of the funding would mean that a new school could not be built in the near future.

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RESOLVED - That Option 1 as detailed within the considered report be approved and that the development of a new school at the site be endorsed.