

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 17th April 2018

Present: Councillor Shabir Pandor (Chair)
Councillor Peter McBride
Councillor Musarrat Khan
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Graham Turner
Councillor Cathy Scott

Observers: Councillor Eric Firth

Apologies: Councillor David Sheard (Chair)
Councillor Naheed Mather
Councillor Erin Hill (Currently on Maternity Leave)

460 Membership of the Committee

Apologies for absence were received on behalf of Councillors Hill, Mather and Sheard.

461 Minutes of previous meeting

RESOLVED – That the Minutes of the Meeting held on 20 March 2018 be approved as a correct record.

462 Interests

No interests were declared.

463 Admission of the Public

It was noted that Agenda Items 13 and 14 would be considered in private session.

464 Deputations/Petitions

No deputations or petitions were received.

465 Member Question Time

No questions were asked.

466 Special Educational Needs and Disability - Information Advice and Support Service (SENDIASS), known as Kirklees Independent Advice Service (KIAS) and its potential integration with Calderdale SENDIASS

Cabinet received a report which set out proposals to integrate Kirklees and Calderdale Special Educational Needs and Disability Information and Support Services (SENDIASS), with affect from 1 September 2018.

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The report advised of the statutory duty to deliver impartial information, advice and support, and set out the rationale for proposals to integrate services with Calderdale. Information was provided with regards to the (i) the proposed delegation of functions (ii) monitoring arrangements (iii) public sector equality duty and (iv) workforce/contractual implications.

Cabinet noted that a consultation exercise had been carried out with the Kirklees Independent Advice Service Stakeholder Steering Group during December 2017 and that the proposal had been supported. The report advised that a formal consultation with Kirklees Independent Advice Service staff would also be required.

RESOLVED -

- 1) That approval be given to the integration of Kirklees and Calderdale SENDIASS services under a Delegation of Functions Agreement, from 1 September 2018, or on a date to be agreed with Calderdale Council in due course.
- 2) That approval be given to delegate the Council's Executive Functions under legislation, as set out in Section 1 of the considered report, to the Executive of Calderdale Council under Section 9EA of the Local Government Act 2000 (SI2000/22), together with Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012 (SI2012/1019).
- 3) That the Service Director (Legal, Governance and Commissioning) be authorised to (i) negotiate the terms and conditions of a Delegated Functions Agreement with Calderdale Council, and (ii) sign and seal the final Delegated Functions Agreement with Calderdale Council, and to update the Council's constitution accordingly.

467 Memorandum of Understanding with the University of Huddersfield and Arts Council England

Cabinet gave consideration to a report which sought approval for the signing of a Memorandum of Understanding (MoU) with Arts Council England and the University of Huddersfield as a public declaration of commitment to working with other partners to develop the cultural offer in Kirklees.

The report explained that, by working together, it was considered that partners could (i) develop the role of culture in placemaking and develop cultural leadership (ii) collaborate with Kirklees Cultural Education Partnership to promote and support the engagement of young people in arts and culture (iii) promote opportunities to retain cultural graduates in the district (iv) develop programmes to support emerging talent and support the development of skills and knowledge in the cultural sector in Kirklees and (v) support the process of developing creative works for digital platforms and improve the engagement of the public with culture through digital matters.

Cabinet noted the content of the Memorandum of Understanding, which has attached at Appendix 1 of the considered report, which had been produced following

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discussions between the Council, University and Arts Council. The report advised that the MoU was a three year commitment, which would commence in April 2018.

RESOLVED - That approval be given to the signing of a Memorandum of Understanding with the Arts Council England and the University of Huddersfield in order to commit to working in partnership to develop the cultural offer and sector within Kirklees.

468 **Early closedown review 2017/18**

Cabinet received a report which provided an update on the early close down of the Council's accounts for 2017-2018 and set out proposals to capitalise an estimated £8.2m revenue expenditure as part of the 2017-2018 final accounts process.

Further to the report submitted to the meeting of Budget Council on 14 February 2018, it was proposed that up to £6m of qualifying revenue expenditure in 2017-2018, that was to be funded from planned drawdown of earmarked reserves, be capitalised and earmarked from in-year capital receipts, which would enable the equivalent amount of earmarked reserves not now required in 2017-2018 to roll forward into future years, to support future earmarked reserves requirements, particularly in regards to transformation activity and workforce restructure reserves requirements over the 2018-2020 period.

Cabinet also noted that the report set out proposals where capital expenditure was due to be funded from revenue in 2017-2018, totalling approximately £2.2m, to substitute fund with borrowing, which would release equivalent revenue resources to the general fund 'bottom line' in 2017-2018.

The Council's Capital flexible receipts strategy was attached at Appendix A of the considered report. Appendix B set out the total direct funding to support capital spend of £2.2m.

The report advised that, subject to approval, the totality of £2.235m approved direct revenue funding in 2017-2018 be replaced with borrowing.

RESOLVED - That approval be given (i) to apply the Council's flexible capital receipts strategy to eligible revenue expenditure and associated proposals, as detailed within the considered report (ii) to approve the direct revenue funding of capital proposals as set out at Appendix B, in accordance with Financial Procedure Rules 3.10-3.12 and (iii) to approve the replacement of £2.2m revenue funded capital expenditure in 2017-2018 with borrowing and associated proposals.

469 **2017/18 and 2018/19 Council Capital Plan – Proposed allocation of 2018/19 capital funding from the Learning & Early Support baseline and proposed amendments to the 2017/18 approved programme.**

Cabinet received a report which identified potential projects to be funded from the Learning and Early Support Capital Maintenance baseline section of the Capital Plan, and sought approval of the Capital Maintenance Programme and named projects in order to enable them to be delivered in 2018/2019.

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The report also provided an update regarding the delivery of the 2017/2018 Learning and Early Support Capital Maintenance Programme and advised of amendments and virements authorised by officers under delegated powers.

Appendix A to the considered report outlined the process for identifying the condition needs of individual schools, the prioritisation of backlog repairs across all schools and how the 2018/2019 schools' condition programme would be procured, project managed and implemented. Appendix B set out a prioritised list of urgent condition works to be undertaken in schools during the 2018/2019 financial year. Details of amendments, deletions and additions to the original programme set within the overall Cabinet budget for 2017/2018 were set out at Appendix C.

(Cabinet gave consideration to the exempt information at Agenda Item 13 (Minute No. 472 refers) prior the determination of this item.)

RESOLVED -

- 1) That approval be given (i) to the business case at Appendix A of the considered report and (ii) the detailed list of proposed works in schools for 2018/2019 as set out in Appendix B of the considered report.
- 2) That the Service Director (Commercial, Regulatory and Operational Services) be given delegated powers in accordance with Council Financial Procedure Rule 3.12 in order to enable the programme to be managed and the identified works to be implemented within the respective agreed total programme budget.
- 3) That the revised amendments and allocations applied by Officers under delegated powers to the detail of the 2018/2018 Schools Capital Maintenance programme, as set out in Appendix C of the considered report, be noted.

470 2017/18 and 2018/19 Corporate Landlord Asset Investment Capital Plan - Amendments to the detail of the approved 2017/18 Corporate Landlord programme and proposed allocation of 2018/19 capital funding.

Cabinet received a report which identified potential projects to be funded from the 2018/2019 Corporate Landlord Asset Investment baseline section of the Capital Plan, as approved at Budget Council on 14 February 2018. Cabinet were asked to consider and approve the Corporate Landlord programme, along with other projects, in order to enable them to be delivered in 2018/2019, and to authorise delegated powers for the programme to be managed within the overall budget allocation. The report also provided an update on the delivery of the 2017/2018 Corporate Landlord Asset Investment programme and advised of amendments and virements authorised under delegated powers.

The 2018/2019 Corporate Landlord Asset Investment Programme was attached at Appendix A of the considered report. Appendix B provided a schedule of projects which have been either changed, deleted or added to the programme.

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Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 14 (Minute No. 473 refers).

RESOLVED -

- 1) That the amendments to the detail of the approved 2017/2018 Corporate Landlord Asset Investment Capital Plan be approved.
- 2) That approval be given to the programme of work for 2018/2019 as per the overall capital allocation as approved at Budget Council on 14 February 2018.
- 3) That authority be delegated to the Service Director (Commercial, Regulatory and Operational Services) to manage the implementation of the identified works within the respective agreed total programme budget, and that delegated powers shall include authority to (i) add new urgent projects under £250k to the programme without prior Cabinet approval providing that the total cost of the programme remains within the approved capital allocation set by the Council and (ii) slip or delete projects during the course of the financial year to enable the effective management of the programme concerned.
- 4) That all virements, additions and deletions be reported retrospectively to Cabinet in accordance with Financial Procedure Rule 3.14.

471 Exclusion of the Public

RESOLVED – That acting under Section 100(A) 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 Minute.

472 2017/18 and 2018/19 Council Capital Plan - Proposed allocation of 2018/19 capital funding from the Directorate for Children's Learning & Early Support baseline section of the Capital Plan along with details of proposed amendments to the 2017/18 approved programme of works

(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, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). 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 10 (Minute No. 469 refers).

RESOLVED - The information was considered prior to the determination of Agenda Item 10.

473 2017/18 and 2018/19 Corporate Landlord Asset Investment Capital Plan - Amendments to the detail of the approved 2017/18 Corporate Landlord programme and proposed allocation of 2018/19 capital funding

(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, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). 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 11 (Minute No. 470 refers).

RESOLVED - The information was considered prior to the determination of Agenda Item 11.