Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 25th February 2020

Present:
Councillor Shabir Pandor (Chair)
Councillor Viv Kendrick
Councillor Musarrat Khan
Councillor Naheed Mather
Councillor Peter McBride
Councillor Carole Pattison
Councillor Cathy Scott
Councillor Graham Turner
Councillor Rob Walker

Observers:
Councillor Martyn Bolt
Councillor Andrew Cooper
Councillor Alison Munro
Councillor John Taylor
Councillor Elizabeth Smaje

129 Membership of Cabinet
All Members of Cabinet were present.

130 Minutes of Previous Meetings
RESOLVED - That the minutes of the meetings of Cabinet held on 20 and 28 January 2020 be approved as a correct record.

131 Interests
No interests were declared.

132 Admission of the Public
It was noted that Agenda Items 20 and 21 would be considered in private session (Minute No.s 148 and 149 refer).

133 Deputations/Petitions
No deputations or petitions were received.

134 Public Question Time
No questions were asked.

135 Member Question Time
Cabinet received questions from;

(a) Councillor Bolt in regards to (i) revising the flood risk strategy due to recent severe weather conditions, and further considerations in regard to flood mitigation and prevention measures (ii) a request to ban planning permissions on floodplains and (iii) the Cabinet's commitment to the climate emergency, including measures to provide to dwellings of high environmental standards and reducing fuel costs.

(b) Councillor Cooper (i) as to whether the Cabinet would request Government to enable a review the content of the Local Plan and Local Planning Policy Framework due to the recent incidents of flooding and (ii) support being provided to homeowners in terms of flood protection measures.

(c) Councillor Munro in regards to (i) the robustness of tools for assessing flood risk areas and the impact of new homes upon existing homes within flood risk assessments and (ii) the potential for a meeting to take place with Officers and residents affected by flooding in the Fenay Bridge area.

Responses were provided by the Leader of the Council.

136 Collections Development Policy Review

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

Cabinet gave consideration to a report which sought approval for the review and renewal of the Museums and Galleries Collections Development Policy (also known as the Acquisition and Disposal Policy). The report advised that the policy enabled the Council to fulfil its responsibility to ensure that museum collections would exist for future generations and that they are managed appropriately and with adequate resources. The policy also described the current collections, comprising of approx 500k objects, and identified what would be collected in the future.

Cabinet noted that the policy, which was appended to the considered report, was usually reviewed every five years to meet the Museums Accreditation Standard, and set out the Council's commitment to operate within legal and ethical constraints in accordance with established museum industry standards.

RESOLVED - That the Collections Development Policy, as appended to the considered report, be approved.

137 Determination of school admission arrangements for 2021/22

Cabinet gave consideration to a report which sought to determine admission arrangements for all Kirklees Community and Voluntary Controlled Schools for 2021/2022. The admission arrangements for Kirklees Community and Voluntary Controlled Schools, and the Kirklees Co-Ordinated Admission Schemes for 2020/2022, including in-year admissions, were set out as an appendix to the considered report, along with details of Published Admission Numbers (PAN) which included an increased PAN at both Lowerhouses CE (VC) Junior Infant and Early Years School and Hade Edge Junior and Infant School at the request of their

Governing Bodies. Cabinet noted that there had been no significant changes to the admission arrangements for community and voluntary controlled schools, except changes to the priority admission areas for schools affected by the change in age range at Almondbury Community School.

RESOLVED - That approval be given to (i) the Kirklees co-ordinated admission schemes for 2021/2022, including in-year admissions, as set out at Appendix 2 to the considered report (ii) the admission arrangements for Kirklees community and voluntary controlled schools as detailed in Appendix 1 to the considered report and (iii) the Published Admission Numbers as set out in Appendix 1D to the considered report, including changes to Hade Edge Junior and Infant School and Lowerhouses CE (VC) Junior Infant and Early Years School.

138 Small Affordable Housing Sites Programme (SAHS) – Consideration of an objection received to the Section 123 Notice on the proposed disposal of land at Kitson Hill Crescent, Mirfield

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

Cabinet gave consideration to a report which set out details of an objection that had been received following a statutory consultation process which had been carried out under Section 123 (2A) of the 1972 Local Government Act in regards to the disposal of land at Kitson Hill, Mirfield. Cabinet noted that the site was a Council owned site which was to be disposed of to registered housing providers as part of the Small Affordable Housing Sites Programme, as approved by Cabinet in August 2018.

Cabinet were provided with a copy of the received objection and were advised that, as it related to the effect upon a neighbouring property rather than the loss of open space to the community, it should be dismissed.

The report advised that planning permission for six bungalows on the site had been granted on 9 January 2020.

RESOLVED –

1) That the objection to the Section 123 open space consultation be dismissed on the grounds that it relates primarily to planning issues and the effect of the scheme on a neighbouring property, rather than the loss of open space to the community.
2) That approval be given to the disposal of land at Kitson Hill Crescent, Mirfield.
3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to negotiate and agree terms and complete the sale of land at Kitson Hill Crescent, Mirfield.
4) That a detailed update on the Small Affordable Housing Sites Programme be submitted to a future meeting of Cabinet, including the outcome of the Section 123 consultation process for other sites within the programme.

139 Annual RIPA Update

Cabinet received a report which provided an annual update with regards to the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA). The report advised that, arising from the recommendations of the Office of Surveillance Commissioners, a training session had been delivered to relevant staff by independent training company, ACT Now. It was noted that no RIPA authorisations had been granted within the last 12 month period.

Cabinet were also advised that raising awareness of RIPA would be continued, particularly with regards to the use of social media to obtain intelligence, and that a Social Media Policy for RIPA was to be drafted.

RESOLVED -

1) That the Annual RIPA update be noted.
2) That authority be delegated to the Senior Responsible Officer to finalise the RIPA Social Media Policy.

140 Early Education and Childcare SEND Inclusion Funding Policy

Cabinet gave consideration to a report which sought approval of the Special Education Needs and Disabilities (SEND) Inclusion Funding Policy. Cabinet were advised that, as a consequence of an earlier scoping exercise, and subsequent funding decisions made in relation to increasing capacity within the Early Years Special Educational Needs Team, the policy relating to early years SEND funding for inclusion needed to be considered and had been produced in accordance with statutory guidance. It was noted that the meeting of Cabinet on 23 January 2018 had made a decision to invest in early years specialist outreach support as part of the early help offer and that work would commence to determine the investment strategy for capacity building in the Access Fund. Pursuant to this, the Council had continued to have an enhanced non-statutory offer (SENDIF+) for parents and carers who are working.

Cabinet were advised that the policy, which set out the parameters regarding access to SENDIF and SENDIF+, and provided clarity to early years providers and parents/carers.

RESOLVED - That approval be given to the Special Educational Needs and Disability Inclusion Fund Policy.

141 Kirklees Youth Alliance Holiday Programme

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

Cabinet received a report which provided detail of the 2019 Kirklees Youth Alliance Healthy Holiday Programme, which was a co-ordinated school holiday activity programme aimed at engaging children in informal learning during the six week holiday period, including enrichment programmes, physical activities and healthy food. Cabinet were informed that there had been over 11,000 attendances at the sessions and that the programme had been funded by the Council at a cost of £225k, being targeted at communities with higher levels of deprivation and designed

to support good outcomes for children. The report sought approval for recurring funding for the programme at the same level for future years and advised that, if approved, work would be undertaken to develop a holiday programme from April 2020 onwards.

RESOLVED –

1) That the impact of the 2019 Kirklees Youth Alliance Healthy Holidays Programme be noted.
2) That support be given to the continuation of work with Kirklees Youth Alliance and the development of the programme in order to achieve positive outcomes for children, particularly those living within the most deprived communities.
3) That approval be given to the offer of a grant to Kirklees Youth Alliance in order to enable the scheme to be operated, in accordance with a process to be agreed with the Service Director (Resources, Improvement and Partnerships) under Financial Procedure Rule 20.8a.

142 Kirklees Flood Recovery Support Scheme

Cabinet gave consideration to a report which sought approval to create a local Flood Recovery Support Scheme for businesses and households' following the extreme incidents of flooding which occurred and severely affected several communities, including occurrences of internal residential flooding. The report proposed a package of financial and other measures to support households, businesses and charitable organisations in meeting immediate costs associated with the clearing up of premises, and for the provision of a free bulky waste collection for residents affected by flooding. Cabinet noted the package of support measures that had been developed in line with the Government's Flood Recovery Framework and endorsed the proposed flood recovery grant scheme which was intended to support immediate recovery and clean up costs through the provision of fixed grants to enable eligible households (£750) and business/community organisations (£3000).

RESOLVED –

1) That approval be given to the implementation of the proposed package of financial support measures for households, businesses and charities that are severely affected by flooding, as outlined in section 2 of the considered report.

2) That authority for implementation and monitoring of the Flood Recovery Grant scheme be delegated to the Strategic Director Economy and Infrastructure and the Service Director (Finance).

3) That authority be delegated to the Service Director (Finance) to award Council Tax Reductions under s13A(1)(c) of the Local Government Finance Act 1992 in any case where properties have experienced internal flooding, as defined in section 2 of the report, and that such reductions be limited to a maximum of three months.

4) That authority be delegated to the Service Director (Finance) to award Business Rate Discounts under s47 of the Local Government Finance Act

1988, as amended by the Localism Act 2011, in any case where properties have experienced internal flooding as defined in section 2 of the report, and that such reductions be limited to a maximum of three months or until the business is able to resume trading from the premises if longer.

5) That authority be delegated to the Strategic Director (Economy and Infrastructure) and the Service Director (Finance) in consultation with the Leader of the Council for the monitoring of the programme and development of further financial and other measures to support recovery from severe weather events

6) That authority be delegated to the Service Director (Finance) to negotiate with the Ministry for Housing, Communities and Local Government in relation to the recovery of any eligible costs arising from the implementation of the Flood Recovery Grant scheme, Council Tax and Business Rate Discounts; and the reimbursement of the Council's uninsurable costs under the Bellwin Scheme.

143 Huddersfield Blueprint - Next Steps

Cabinet received a report which sought approval of the Huddersfield Blueprint and to proceed with the statutory planning process to convert the Blueprint to a Supplementary Planning Document (SPD), which would provide greater support in the delivery of the Huddersfield Town Centre Regeneration Programme. It set out areas of change to the original blueprint arising from the consultation processes carried out during 2019 and also provided the timetable to convert the blueprint to an SPD.

The report advised that, subject to approval, a four week consultation process would commence on 2 March and that the responses would be analysed prior to a decision on the Huddersfield Town Centre blueprint SPD being taken in May/June 2020. The proposed amendments to the blueprint were set out at Appendix 1 to the considered report.

RESOLVED –

1) That approval be given to the Huddersfield Blueprint and that it be endorsed as a Council document.
2) That approval be given to proceed with the statutory planning process to convert the Blueprint to a Supplementary Planning Document, with consultation commencing 2 March 2020.
3) That authority be delegated to the Strategic Director (Economy and Infrastructure) to make any further additional modifications that relate exclusively to factual updates, grammatical and formatting corrections, in the process of publishing the Huddersfield Town Centre Blueprint SPD.

144 Corporate Finance Report Quarter 3

Cabinet gave consideration to the Corporate Financial Monitoring Report, Quarter 3, 2019/2020, which provided financial monitoring information for General Fund Revenue, the Housing Revenue Account and Capital Plan.

The report advised that strong progress at Quarter 3 in terms of delivering overall spending plans within available resources and that the Q2 overspend of £0.9m had been reduced to a forecast £0.5m overspend and that it was expected that overall spending plans would be within budget by year end. The forecast revenue outturn at Quarter 3 was summarised at Appendix 1 of the considered report, and a summary of all key variances were set out at Appendix 4. The report provided an overview of information in regards to (i) General Fund Reserves (ii) the Collection Fund (iii) the North and West Yorkshire Business Rates Pool (iv) the Housing Revenue Account and (v) capital.

RESOLVED –

1) That the roll forward of £11.2m High Needs overspend through the Dedicated Schools Grant mechanism be noted.
2) That the 2019/2020 forecast revenue overspend of £0.5m as at Quarter 3, net of (1) above, be noted.
3) That it be noted that Strategic Directors will work to identify opportunities for spending plans to be collectively brought back in line with the Council's overall budget by year end.
4) That the forecast year end position on corporate reserves and balances be noted.
5) That the forecast position on the Collection Fund as at quarter 3 be noted.
6) That the Quarter 3 forecast Housing Revenue Account surplus and forecast year-end reserves position be noted.
7) That the Quarter 3 forecast capital monitoring position for 2019/2020 be noted.
8) That approval be given to the re-profiling across years of the capital plan, as outlined at para. 1.10.2 of the considered report.
9) That the increased capital expenditure budget for the works at Cliffe House, as outlined at para 1.10.9 of the considered report.

145 The Arcade, Market Place Dewsbury

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

Cabinet gave consideration to a report which sought authority for the purchase of The Arcade, Market Place, Dewsbury. The report advised that The Arcade, which was a Grade 2 listed Victorian Arcade in the centre of Dewsbury, had been closed and vacant since 2016 and presented a poor visual appearance in the town centre due to general deterioration.

Cabinet were informed that the re-opening the Arcade was part of the Council's scheme to regenerate the town centre and that a programme of repairs needed to be undertaken in order to ensure that the condition of the building does not

deteriorate further. The report advised that Officers had recently agreed terms to acquire the property from its owners and that approval was therefore now sought for both its purchase and for funding to carry out repair works to the building, while entering into discussions with third parties with a view to reopening the Arcade with a mix of uses.

(Cabinet gave consideration to the exempt information at Agenda Item 20 (Minute No. 148 refers) prior to the determination of this Agenda Item).

RESOLVED –

1) That approval be given to the acquisition of the Arcade by the Council on the terms as outlined in Part B of the considered report.
2) That, pursuant to (1) above, approval be given to the subsequent grant by the Council of a lease of the Arcade to a third party to manage and operate the Arcade, and that the Council enter into any supporting or ancillary agreement to that lease with the third party.
3) That authority be delegated to the Strategic Director (Economy and Infrastructure) in consultation with the Cabinet Member (Regeneration Portfolio).
4) That approval be given to the funds required to purchase the building and carry out works to the building, as set out in Appendix 6 (exempt) of the considered report.

146 Dewsbury Riverside Development Strategy

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

Cabinet received a report which set out the progress of the Dewsbury Riverside Scheme since its approval on 19 March 2019, and now sought approval of (i) detailed proposals for the development of land in the Council's ownership within the Central Gateway and (ii) the acquisition of additional land to support the overall delivery strategy to meet Local Plan targets.

The report set out information regarding infrastructure requirements in respect of Lees Hall Road junction (Eastern Gateway), Forge Lane junction (Central Gateway) and Ravensthorpe Road junction (Western Gateway), and information regarding the proposed delivery framework. It was noted that the overall approach to accelerating the delivery of the Dewsbury Riverside site may involve the Council acquiring other land interests, which were detailed within the exempt appendix to the report.

(Cabinet gave consideration to the exempt information at Agenda Item 21 (Minute No. 149 refers) prior to the determination of this Agenda Item).

RESOLVED –

1) That the approach as outlined within the report be endorsed in order to bring Council owned land within the Central Gateway of the Dewsbury Riverside site forward as the first phases of development.

2) That approval be given for the Council to acquire 11.5 hectares of land currently owned by Leeds Diocese, subject to the parameters as set out at the (exempt) appendix to the report.
3) That approval be given for the Council to acquire land interests within the Dewsbury Riverside within the cap, subject to the parameters as set out at the (exempt) appendix to the report.
4) That approval be given to capital expenditure of up to £1,050,000 in the 2020/2021 and 2021/2022 financial years in order to (i) facilitate the relocation of the Council owned Ravenshall allotments (ii) procure the preparation of a detailed and costed delivery plan for the development of Council owned land within the Dewsbury Riverside site and (iii) prepare detailed designs and invite tenders for the construction of the Forge Lane junction, spine road and associated drainage.

147 Exclusion of the Public

RESOLVED - That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of 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.

148 The Arcade - Market Place

(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 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 17 (Minute No. 145 refers).

149 Dewsbury Riverside Development Strategy

(Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, namely that the report contains information relating to the financial and business affairs of the Council and third parties. It is considered that disclosure of the information would adversely affect negotiations with third party landowners and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Council, 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 18 (Minute No. 146 refers).