

CAB13

Contact Officer: Andrea Woodside Tel. 01484 221000

KIRKLEES COUNCIL

CABINET

Tuesday 3 December 2013

Present: Councillor Sheard (in the Chair)
Councillors Calvert, Harris, McBride, O'Neill, Pandor and C Scott

164 Membership of the Committee

Apologies for absence were received on behalf of Councillors Khan and Walton.

165 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 23 October 2013 be approved as a correct record.

166 Declarations of Interests

No interests were declared.

167 Admission of the Public

It was noted that Agenda Items 15 and 16 would be considered in private session.

168 Deputations/Petitions

No deputations or petitions were received.

169 Public Question Time

No questions were asked.

170 Member Question Time

No questions were asked.

171 Consultation Response – West Yorkshire Combined Authority

Cabinet received a report which provided an update on the proposed approach in regard to responding to the constitutional arrangements and functions of a Combined Authority in the area of West Yorkshire, as set out in the Government Consultation.

Pursuant to the decision of Cabinet and Council in July 2013 to endorse the final Governance review and scheme for a Combined Authority for the area of West Yorkshire, and its submission to the Secretary of State for Communities, Local Government and Transport, the report provided an update on developments since its submission, including the publication of

the Government's Consultation document. The report outlined the proposed approach to responding to the consultation, along with details of next steps and timetable of progress.

RESOLVED –

That the report be endorsed and submitted to Council with the following recommendations;

(a) That the publication of the Government Consultation Paper which invites the submission of views by Thursday 2 January 2014 be welcomed;

(b) That the proposed constitutional arrangements and functions of the Combined Authority as set out in the consultation paper be endorsed;

(c) That the proposed approach to responding to the consultation be approved;

(d) That the Chief Executive (in consultation with the Assistant Director for Legal, Governance & Monitoring and Leader) be authorised to make a formal response to DCLG confirming the Council's support for the establishment of the Combined Authority and take such other steps as are considered appropriate to facilitate the preparation of the Order; and

(e) That the next steps and timetable be noted; and that it be noted also that providing Government is satisfied that the proposals for a Combined Authority for West Yorkshire command wide local support and meet the required statutory conditions, the Secretary of State will invite Parliament to approve the Order establishing the Combined Authority.

172 Social Value Policy and Guidance

Cabinet received a report which sought approval of a corporate approach to 'social value' as a core element of the Council's transformation agenda, and the adoption of Kirklees Social Value Policy Statement. It explained that the corporate strategic approach to social value would deliver significant change by focusing on the two Social Value objectives of 'Supporting the Kirklees Economy' and 'Reducing Demand for Public Services in Kirklees'.

The report set out key features of the proposed approach and detailed the outcomes which were intended, which included supporting the creation of jobs, providing skills and training opportunities and increasing community lead activity, resilience and local problem solving.

RESOLVED – That the 'Social Value' Policy Statement be formally adopted.

173 Children and Young People Plan 2013-2016

Cabinet received a copy of the Children and Young People Plan for 2013-2016. It was noted that the plan had been produced and agreed by the

Children's Trust Board, and aimed to both continue with priorities as set out in the previous plan, as well as introducing new priorities. The report set out details of the priorities that had been identified by the Trust as areas that required specific focus and partnership action, which included improving life chances for Looked After Children and care leavers, young people, disabled children and child sexual exploitation.

RESOLVED – That the Children and Young People Plan 2013-2016 be endorsed and submitted to Council with a recommendation of approval.

174 Use of 20mph Zones and 20mph Speed Limits

Cabinet received a report which responded to a motion to Council regarding the feasibility of a 20mph speed limit on unclassified roads and adjacent to schools. Pursuant to the Motion, a study was undertaken into the purpose, use and effectiveness of 20mph zones and 20mph limits. The report contained a summary of the study findings and the full study was appended at Appendix 1 of the report.

RESOLVED –

(1) That decisions taken in relation to 20mph zones, and advisory 20mph speed limits, be taken in accordance with the principles as set out below;

(a) 20 mph speed limits:

- (i) Are only deployed on those on residential streets where speeds are low and a general level of self-compliance can be achieved without enforcement or physical calming measures. i.e – Current mean speeds would need to be in the region of 24mph or below
- (ii) Require Road safety education to be included in schemes to support desired behavioural change
- (iii) Will not be proposed on main A/B class or busy distributor roads
- (iv) Will not be funded through mainstream highway budgets
- (v) Promoters would need to fund a 20mph speed limits

(b) 20mph zones:

- (i) Continue to be promoted using mainstream highways budgets, where there are safety issues, evidence of casualties and/or excessive/inappropriate speeds. In all other circumstances promoters would need to fund a 20mph speed zones.
- (ii) Will not be proposed on main A/B class or busy distributor roads unless these are within a village/town centre environment where there is considerable road side activity
- (iii) Will have a careful choice of physical measures incorporated within each zone based on the specific needs of the location
- (iv) Will have a minimal number of features used to ensure schemes are self-enforcing without over reliance on traffic calming
- (v) Require Road safety education to be included in schemes to target road user education

- (c) Advisory 20mph speed limits:
 - (i) Are only promoted using mainstream highways budgets, where there are safety issues, evidence of casualties and/or excessive/inappropriate speeds. In all other circumstances promoters would need to fund Advisory 20mph speed limits.
 - (ii) Are only deployed outside schools where mean speeds are relatively low at school peak times (<26mph)
 - (iii) Are not suitable for higher speed roads CAB-13-028 Use of 20mph Zones and 20mph Speed Limits
 - (iv) Should have road safety education included in these schemes to support desired behavioural change
 - (v) Site specific issues are considered including times of Operation
- (2) That an enforcement partnership with West Yorkshire Roads Policing and West Yorkshire Neighbourhood Policing Teams be pursued where;
 - (i) Priorities and how communities can be involved in highlighting locations is agreed
 - (ii) Intelligence is gathered through service requests, seat belt surveys, accident studies, data from SID's, etc
 - (iii) Shared targets are areas of greatest needs, and have standard responses that demonstrate that targeted enforcement does happen.
 - (iv) Police activities are linked into publicity such as the council's Facebook and twitter pages, so that information is relayed into communities to give confidence that enforcement happens
 - (v) Work can be undertaken with PCSO's and Traffic Police to agree processes and encourage consistency across Kirklees.
- (3) That the Leader of the Council be recommended to amend the delegation scheme to delegate all matters in relation to the implementation of 20 MPH zones and speed limits, as detailed in (1) and (2) above, to Cabinet Committee – Local Issues.

175

Dearne Valley Sports Project

(In accordance with Council Procedure Rule 37 the Cabinet received a representation from Mr P Ward - Chair of Parkgate Sports and Community Trust Ltd)

Cabinet received a report which set out details of a request from the Parkgate Sports and Community Trust Ltd with regard to the Dearne Valley Sports Project to vary a previous Cabinet decision in relation to a lease grant.

Cabinet were asked to give consideration to two options, either to reaffirm a previous decision taken (as detailed in paragraph 2.1.3 of the report) or to approve entering into a 35 year conditional lease agreement with the Trust subject to conditions.

RESOLVED –

(1) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to enter into and execute all relevant documentation to enter into a 35 year conditional lease agreement with Parkgate Sports and Community Trust Ltd subject to (i) the grant of satisfactory planning permission for the sports and community facilities and (ii) the award of sufficient external funding for the implementation and delivery of the planning permission.

(2) That authority be delegated to the Assistant Director (Physical Resources and Procurement) to negotiate the terms of the agreement for lease, the lease, and all other ancillary documents.

176

Revised Development Agreement – Land at Owl Lane, Dewsbury

Cabinet received a report which requested that consideration be given to a revised development agreement in respect of land at Owl Lane, Dewsbury, and sought authority for the Council to vary the terms of the existing agreement.

Paragraph 3 of the report set out details of a negotiated development agreement and advised that all Ward Members had been informed of the proposed revised terms of the agreement.

RESOLVED –

(1) That approval be granted for the Council to vary the development agreement dated 6 June 2008 and made between (i) the Council of the Borough of Kirklees & (ii) Stirling Investment Properties LLP and Scotfield RBS by entering into a revised agreement with Stirling Investment Properties LLP & Scotfield Limited RBS, Harron Homes Limited and Dewsbury Rams.

(2) That approval be granted for the Council to transfer the freehold reversion of the existing long Lease to Stirling Investment Properties LLP and Scotfield RBS of that part of the Site that will form the residential development with supporting public open space if Stirling Investment Properties LLP and Scotfield RBS, Harron Homes and Dewsbury Rams enter into the revised development agreement and if planning permission for residential development is granted.

(3) That approval be granted for the Council to grant a lease to Dewsbury Rams of the community facilities to be built on the Site if Stirling Investment Properties LLP and Scotfield RBS, Harron Homes and Dewsbury Rams enter into the revised development agreement and if planning permission for residential development is granted.

(4) That approval be granted for the Council to grant a long lease of the land to the east of Bywell Close to Harron Homes for the purposes of construction and maintenance of drainage works and for use as public

open space if Stirling Investment Properties LLP and Scotfield RBS, Harron Homes and Dewsbury Rams enter into the revised development agreement and if planning permission for residential development is granted.

(5) That approval be granted for the Council to grant a long lease to the Dewsbury Rams of that part of the new stadium car park that is to be built on land that is not currently in their ownership if Stirling Investment Properties LLP and Scotfield RBS, Harron Homes and Dewsbury Rams enter into the revised development agreement and if planning permission for residential development is granted.

(6) That authority be delegated to the Acting Assistant Director Investment & Regeneration Service in consultation with the Assistant Director Physical Resources and Procurement to negotiate and agree the terms of the revised development agreement, the terms of the leases and any other collateral or supporting agreements to the revised development agreement.

(7) That authority be delegated to the Assistant Director Legal Governance & Monitoring to enter into and execute the revised development agreement, the leases and any other collateral or supporting agreements to the revised development agreement.

177 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 they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the under mentioned Minutes.

178 Revised Development Agreement – Land at Owl Lane, Dewsbury
(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government Act (access to information)(variation) Order 2006, as it contains information relating to the financial business 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 compromise confidentiality of financial matters relating to a third party)

Cabinet received exempt information in relation to Agenda Item 13 (Minute No. 176 refers).

179 Land at St Peg Lane, Cleckheaton
(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government Act (access to information)(variation) Order 2006, as it contains information relating to the financial business 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 affect the overall value for money of any potential procurement process and this is considered to outweigh the public interest in disclosing information including great accountability, transparency and spending public money and openness in Council decision making)

Cabinet gave consideration to a report which sought approval of compensation relating to the acquisition of land for the replacement site for Whitcliffe Road First and Nursery School, Cleckheaton.

RESOLVED - That the Assistant Director (Legal Governance and Monitoring), be authorised to pay compensation to the complainant in full and final settlement of all claims that Tesco have under the Kirklees Council (St Peg Lane, Cleckheaton) Compulsory Purchase Order 2005, together with payment of their reasonable legal and surveyor fees.

CAB14

Contact Officer: Andrea Woodside Tel. 01484 221000

KIRKLEES COUNCIL

CABINET

Tuesday 17 December 2013

Present: Councillor McBride (in the Chair)
Councillors Calvert, Harris, O'Neill, Pandor and C Scott

Observer: Councillor Hughes

180 Membership of the Committee

Apologies for absence were received on behalf of Councillors Khan and Sheard.

181 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 19 November be approved as a correct record.

182 Declarations of Interests

No interests were declared.

183 Admission of the Public

It was noted that Agenda Items 13 and 14 would be considered in private session (Minute No. 192 and 193 refer).

184 Deputations/Petitions

No deputations or petitions were received.

185 Public Question Time

No questions were asked.

186 Member Question Time

No questions were asked.

187 Corporate Performance Report - Quarter 2, 2013/14

Cabinet received a report which set out an overview of the Council's performance in relation to the Corporate Plan and Service Delivery Plans for 2013/14 at the end of Quarter 2. The fully detailed report was also appended. The overview report set out key points in terms of the delivery of Corporate priorities and identified emerging themes, including shared services and West Yorkshire wide working.

The report advised that there was a reported forecast net savings position of £6m or 1.8%, against the £335.9m revenue budget, which reflected an achievement of substantial Council savings required over the 2013-2016 Medium Term Financial Plan.

Cabinet noted that the report would be submitted to Overview and Scrutiny Management Committee at its meeting on 14 January 2014.

RESOLVED – That the Quarter 2 (2013/2014) Corporate Performance Report be noted.

188 Dewsbury Minster External Lighting Scheme

Cabinet received a report which sought approval for an external lighting scheme at Dewsbury Minster Church.

The report explained the difficulties that had occurred since the installation of lighting funded by a grant from the Dewsbury Single Regeneration Budget in 2000 and the subsequent issues that had arisen.

The report advised that, during December 2009, Cabinet had agreed to commission feasibility and design work to determine how best to reinstate and upgrade the existing lighting, which resulted in the publication of a feasibility report during 2010. It was noted the estimated cost of replacing the in-ground luminaries was £25,000. The report stated, that prior to the works starting a future maintenance agreement would be drawn up to help ensure longevity of the new installation, and that the Minster would be responsible for the cost of future maintenance.

Cabinet noted that the scheme was to be funded from the baseline budget for Dewsbury Town Centre within the Investment And Regeneration Services Capital Investment Plan 2013/14.

RESOLVED – That the proposed lighting scheme for Dewsbury Minster, as detailed within the report, be approved and that the implementation of works be authorised.

189 Proposed controls on street based advertising such as A-Boards and goods for sale

(Under the provisions of Council Procedure Rule 37 the Cabinet received a representation from Mr C Marsden)

Cabinet gave consideration to a report which sought approval to implement controls regarding highway obstructions caused by advertising media such as A-Boards or on-street displayed goods. The report acknowledged that, while businesses needed to attract custom, such methods of advertising could cause obstructions to pedestrian flow and also presented a risk to those with visual impairment, as well as creating difficulties to persons with mobility issues.

Cabinet noted that there was ongoing concern from Town Centre Management Groups regarding the increase in the number of A-Boards, and goods being displayed outside of shop premises, which were detracting from the visual amenity of the retail environment and having a negative impact upon footfall and economic activity.

The report set out a number of options in terms of addressing the concerns raised and it was noted that a public information exercise involving town centre partnerships and businesses throughout the district to explain the reasons for the changes and how they would be instigated. It was anticipated that the enforcement process would commence in approximately 3 months' time, once the public information process had been completed.

RESOLVED – That an approach be proposed based upon a mixture of the available options as set out in paragraph 2.5 of the report and that a consultation exercise be undertaken involving town centre partnerships and businesses prior to the implementation of the scheme in approximately three months' time.

190 Kirklees Family and Friends (Connected Persons) Policy

Cabinet received a report which outlined the details of the support and services that connected persons carers and young people in these placements could expect to receive in line with the Care Planning, Placement and Case Review Regulations 2010. A copy of the Kirklees Family and Friends (Connected Persons) Policy was appended to the report. Cabinet noted that providing the levels of support as set out in the documentation would be part of the strategy to reduce the number of Looked After Children and ensure that children are able to achieve permanent and stable homes.

RESOLVED – That the Kirklees Family and Friends (Connected Persons) Policy be approved and adopted.

191 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 under mentioned Minutes.

192 ECO Funding and Kirklees Energy Saver Update

(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government Act (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 as it would compromise the Council's ability to maintain confidentiality)

Cabinet received a report which provided an update on changes to energy company obligation funding for energy efficiency measures for private sector households and the resorting implications for the Kirklees Energy Saver Schemes 1 and 2.

RESOLVED - That the proposed Kirklees Energy Saver 2 Scheme be deferred in order to enable focus and resources to be targeted at the Leeds City Region Scheme.

193 Education Funding Agency proposals for the Whitcliffe Mount School Site

(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government Act (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 the 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 information including greater accountability, transparency and spending public money and openness in Council decision making)

Cabinet received a report regarding proposals being brought forward to the Education Funding Agency in relation to the Whitcliffe Mount site and the implications for Whitcliffe Mount - Specialist Business and Enterprise College, Whitcliffe Mount Sports Centre and land ownership of the site.

RESOLVED -

(1) That Whitcliffe Mount Sports Centre be closed in late 2016, on a date to be agreed by the Education Funding Agency as part of the contract for the demolition of the site and its replacement with a new build school.

(2) That negotiations take place with Trustees to achieve an exchange of land that provides the Council with a parcel of land for disposal, and that this land be unfettered with buildings.

(3) That Officers be authorised to continue discussions with the Education Funding Agency and the Trustees regarding the outcomes arising from the Memorandum of Understanding being signed (as a non-legally binding document not requiring any further or additional authority) and the land swap (as referred to in 2 above) and that the Assistant Director (Physical Resources and Procurement) and the Assistant Director (Legal, Governance and Monitoring) be given delegated authority to agree the final negotiated settlement together with any required ancillary documentation and negotiate/conclude all appropriate deeds and documents that may arise from negotiations.

(4) That Officers (Communities & Leisure Services/Physical Resources and Procurement) be authorised to review the availability and sustainability of sports facilities in Spen and the North Kirklees area, and propose options for future provision.