

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 12th March 2024

Present: Councillor Cathy Scott (Chair)
Councillor Paul Davies
Councillor Graham Turner
Councillor Viv Kendrick
Councillor Jackie Ramsay
Councillor Moses Crook
Councillor Aafaq Butt
Councillor Karen Allison
Councillor Andrew Cooper
Councillor Will Simpson

Observers: Councillor Susan Lee-Richards
Councillor Karen Allison
Councillor Andrew Cooper
Councillor Will Simpson

Apologies: Councillor Elizabeth Reynolds
Councillor Mussarat Pervaiz

153 Membership of Cabinet

Apologies for absence were received on behalf of Councillor Elizabeth Reynolds and Councillor Mussarat Pervaiz.

154 Minutes of Previous Meetings

RESOLVED - That the Minutes of the Meetings held on 13 February 2024 and 20 February 2024 be approved as a correct record.

155 Declaration of Interests

No interests were declared.

156 Admission of the Public

Cabinet noted the submission of exempt information, as set out at Agenda Items 13 and 15 (Minute Nos 165 and 167 refer)

157 Deputations/Petitions

Cabinet received a deputation from Susie Pavey on behalf of UNISON regarding the Customer Service Centres, the integration with library staff and upskilling of the public to reduce face to face enquiries.

A response was provided by the Cabinet Member for Corporate (Cllr Paul Davies)

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Cabinet received a deputation from Heather Peacock on behalf of Save the Trees Kirklees regarding the trees that had been removed at Queensgate Market, and future removal of trees on Queen Street.

A response was provided by the Cabinet Member for Finance and Regeneration (Cllr Graham Turner)

No petitions were received.

158 Questions by Members of the Public

Cabinet received questions in accordance with Executive Procedure Rule 2.3.

Question from Sarah Newton

“What protection will Kirklees provide for long term dementia care in the later stages where it is no longer safe to live at home? For example Does the option of transferring care include restrictions on changing the use of the home from dementia care only to residents without dementia within a 20-year period?”

A response was provided by the Cabinet member for Health and Social Care (Councillor Ramsay)

Question from Sarah Newton

“What protection will Kirklees provide for our vulnerable loved ones from the private sector closing these homes. For example does the option of transferring care include restrictions on closing the home within a 20-year period?”

A response was provided by the Cabinet member for Health and Social Care (Councillor Ramsay)

159 Questions by Elected Members (Oral Questions)

Cabinet received oral questions under Executive Procedure Rule 2.3

Question from Councillor W Simpson

“I’d like to thank the volunteers of Denby Dale Ward that work in our local libraries. In taking note of their anxiety about the consultation on libraries, can we remind them that we value their contribution and that they will be at the heart of the consultation?”

A response was provided by the Cabinet Member for Corporate (Councillor Paul Davies).

Question from Councillor A Cooper

“In relation to Care Homes, what is regarded as a reasonable restriction on the contract with a private provider to protect the care and the rights of the residents in those care homes?”

A response was provided by the Cabinet Member for Health and Adult Social Care (Councillor J Ramsay)

Question from Councillor S Lee-Richards

“In relation to the Level 4 devolution, what information will be provided to Councillors before that process continues?”

A response was provided by the Leader of the Council (Councillor C Scott)

Question from Councillor W Simpson

“The minutes of the meetings of Denby Dale Parish Council do not note the interest of a Parish Councillor as a local landowner when land belonging to her was discussed. This Councillor currently sits on the Planning Committee of the Parish Council. Can you seek guidance of the Monitoring Officer as to whether the appropriate declarations have been made, and if they have, is a review needed into what declarations are required under the Nolan Principles if the public cannot see the transparency and openness that they have a right to expect, on matters such as this?”

A response was provided by the Leader of the Council (Councillor C Scott)

Question from Councillor A Cooper

“In relation to the Customer Service changes, has the impact of the closure of the Citizens Advice and Law Society been looked along with the impact of losing the advice services, and how much money will be lost in the economy from the public not receiving what they are entitled to?”

A response was provided by the Cabinet Member for Corporate (Councillor P Davies)

160

Future Arrangements for the Council-Run Long Stay Dementia Care Homes

Cabinet considered a report which set out the future arrangements for the Council run long stay dementia care homes.

Cabinet noted the findings of the consultation, the impacts of the proposals on affected residents, family, carers, staff, and the wider local communities along with the mitigating options.

Cabinet was informed that the consultation was based on the preferred option of the closure of both Claremont House and Castle Grange, however also considered was a proposal to maximise bed occupancy, close one home and retain the other with all residents being relocated to the retained home along with securing funding from the NHS.

The report advised that out of the 400 respondents to the consultation, almost 80% said they strongly disagreed with the closures, and as such it was recommended

that the running of the care homes by the independent sector be explored, which if successful would ensure clients being able to stay in their current home and be cared for by the staff currently providing their care.

RESOLVED –

- 1) That the consultation process followed and the feedback and impact from the consultation be noted.
- 2) That authority be given to explore potential opportunities to transfer the dementia care homes to an independent sector provider.

161 Future of Council provided Supported Living Services

Cabinet considered a report which presented it with the findings from a recent consultation on supported living services provided via The Mews (Mirfield), Brighton Court (Heckmondwike) and Wilton Terrace (Cleckheaton).

Cabinet noted the summary findings of the consultation and the viable options considered for the future of services, based on the consultation and subsequent changes in relation to The Mews. Options being considered, based on the findings of the consultation, were outlined in section 6.1 of the considered report.

Cabinet was advised that the retention of the Mews, and the continuation of provision of care across all the schemes was the preferred option but this would require the reconfiguration of the service model to focus resources in supporting more complex service users. For some of the existing tenants, this would involve a review of their individual needs with these needs being met through alternative solutions, as part of a social work reassessment undertaken in accordance with relevant regulations.

RESOLVED –

- 1) That the outcome of the consultation process with stakeholders and Key Partners be noted.
- 2) That the options appraised as part of the consultation process be noted.
- 3) That authority to retain The Mews and to act as care provider across all three schemes including Wilton Terrace and Brighton Court, as consulted upon, be given.
- 4) That authority be given to redesign the current service model, focusing resources in all three schemes to offer support for service users with high levels of complex needs, and create opportunities for those currently placed out of area to return.

162 Redesign of short break, respite and support provision

Cabinet considered a report which sought approval to proceed with the transformation of short breaks, respite and support services for disabled children, young people, and their families moving towards a more personalised flexible, locality-based approach.

Cabinet was advised that the transformation would lead to improved outcomes for children and families, as the service would take a more personalised and enabling

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approach, with services delivered closer to where people lived. It would also develop, enhance, and improve accessibility and engagement with local community groups and voluntary sector provision.

Cabinet noted at Appendix A of the considered report, the consultation that had taken place with all relevant stakeholders and noted the targeted engagement that took place with the Parent Carer Forum, Parents of Children with Additional Needs (PCAN), staff at YPAT and Orchard View.

Cabinet was informed that during the development of the proposed model, several different options had been considered, none of which would fully meet the emerging and identified needs of families or realise the financial efficiencies required.

RESOLVED –

- 1) That the views arising out of the consultation and the proposal to move to a personalised flexible, locality-based approach be noted.
- 2) That the Integrated Impact Assessment be noted.
- 3) That authority be given to the Strategic Director – Children and Families to take all necessary steps to implement the transformation of short breaks, respite and support services for disabled children, young people, and their families in Kirklees.

163 Increasing the number of places available at Woodley School and College - Final Decision

(Under the provision of Council Procedure Rule 37, Cabinet received a representation from Ruth Hobson, Chair of Governors – Woodley School and College).

Cabinet considered a report which sought a final decision on the proposal to create additional special school places at Woodley School and College ahead of, and leading up to, the completion of construction on a new and larger school building.

The report advised that Complex Communication and Interaction (which included complex autism) was an area of need where demand was growing with many children and young people with SEND making better, more sustained progress when they attended an appropriate specialist setting with access to specialist teaching and support staff and resources.

Cabinet was advised that satellite opportunities, like the one proposed, in addition to Additionally Resourced Provisions and special school rebuild projects, were intended to increase provision for some areas of need and improve the geographical spread of specialist places across Kirklees, ensuring the needs of more children and young people with SEND across the whole of Kirklees can be met.

Cabinet noted that building on existing good quality provision helped ensure a broad and balanced curriculum, within a learning environment where children could be healthy and stay safe and also provided better value for money than reliance upon independent school provision.

RESOLVED –

- 1) That it be noted that the advice of Kirklees School Organisation Advisory Group that the proposal to increase the number of special school places at Woodley School and College to 194 places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild is valid and that the required statutory process has been carried out correctly.
- 2) That the decision to increase places be taken within the statutory time period, two months from the end of the representation period.
- 3) That the outcomes and recommendations of the Kirklees SOAG meeting on 22 February 2024 and the associated officer recommendations for the proposals be noted.
- 4) That the financial implications of approving the increase in places be noted.
- 5) That it be noted that regard has been given to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 and the Integrated Impact Assessment.
- 6) That approval be given, without modification or condition, to increase the number of special school places at Woodley School and College to 194 places gradually over time, using satellite provision, ahead of and leading up to the new school rebuild.
- 7) That officers of the Council support and work closely with the governing body of Woodley School and College to finalise arrangements for pupils, parents, staff, and other stakeholders in order to implement the decision in line with the timelines in the considered report.

164 Funding associated with Huddersfield Open Market, Penistone Rail Line, Dewsbury Long-term plan and West Yorkshire Investment Zone; and delivery of Growth & Regeneration portfolio

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

Cabinet gave consideration to a report which sought approval to accept funding and move forward programmes and projects relating to recent grant allocations and announcements, and to put in place the necessary resources to support the delivery of these and projects and programmes and the wider portfolio of schemes.

Cabinet noted that the Council had been successful in securing significant inward investment and funding allocations, in particular from the Government and WYCA. As a result, there was a significant portfolio of projects to be developed and delivered over the next 10 years.

Cabinet was provided with a summary of the Growth & Regeneration portfolio, recent investment announcements along with details of the need to progress with delivery support. The report recommended that Cabinet accept the external funding as not doing so would have significant impact on project delivery and reputational risk. Cabinet was also asked to approve the procurement of a new Strategic Delivery Partner as piecemeal arrangements would present a risk in terms of non-delivery.

RESOLVED –

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- 1) That the external Levelling Up Funding Round 3 of £16,649,855 from Department of Levelling Up, Housing and Communities (DLUHC) to support the delivery of Huddersfield Open Market Hall Levelling Up project, subject to the terms and conditions of the grant funding agreement, be accepted.
- 2) That the external Levelling Up Funding Round 3 of £47,917,122 from DLUHC to support the delivery of Penistone rail line upgrade, subject to the terms and conditions of the grant funding agreement, be accepted.
- 3) That the external funding of up to £20m (£15m for Capital, and £5m for Revenue) from DLUHC for the development and delivery of the Long-term plan for Dewsbury, subject to the terms and conditions of the grant funding agreement be accepted and that upon acceptance, the £15m would form part of the Council's Capital Plan.
- 4) That the external capital funding of up to £17m from DLUHC, via West Yorkshire Combined Authority (WYCA) as Accountable Body, to develop and deliver Kirklees projects within the West Yorkshire Investment Zone, subject to the terms and conditions of the grant funding agreement be accepted and that upon acceptance, this would form part of the Council's Capital Plan.
- 5) That in accordance with Sections 22.4 to 22.8 of the Financial Procedure Rules grant funding would be accepted for external capital and revenue funding for Kirklees projects within the West Yorkshire Investment Zone from DLUHC via WYCA as Accountable Body, should this become available and subject to any related terms and conditions.
- 6) Pursuant to (5) above, subject to this funding, authority be given to officers to progress projects within the Investment Zone.
- 7) That authority be delegated to the Strategic Director Growth and Regeneration and the Service Director Legal, Governance and Commissioning, in consultation with relevant Portfolio holders, to finalise and execute all necessary legal agreements and to put in place the necessary governance and assurance arrangements including entering into any grant agreements with DLUHC and WYCA to facilitate delivery of the above projects.
- 8) That authority be delegated to the Strategic Director Growth and Regeneration, in consultation with relevant Portfolio holders, to develop and deliver the identified schemes for Huddersfield Open Market, the Penistone rail line upgrade and Kirklees projects within the West Yorkshire Investment Zone.
- 9) That pursuant to (8) above, to include the preparation and submission of necessary statutory consents to ensure delivery and undertake the necessary procurement exercises, including the award of related contracts to deliver the projects, subject to necessary consents and approvals being in place and in accordance with the Council's Contract and Financial Procedure rules.
- 10) That authority be delegated to the Strategic Director Growth and Regeneration, in consultation with the Portfolio holder, to work with the existing Dewsbury Town Deal Board to establish a new Town Board by 1 April 2024, with the Council continuing to act as Accountable Body, and for officers to work with the Board and Portfolio holder to develop and submit a Long-term Plan by 1st August 2024.
- 11) That authority be delegated to the Strategic Director Growth and Regeneration, in consultation with relevant Portfolio holders, to progress all

necessary delivery arrangements including procurement and award of a contract to a Strategic Delivery Partner to provide professional services that facilitate the effective delivery of the project portfolio, and that authority be given to the Strategic Director for Growth & Regeneration, in consultation with the Portfolio Holder and the Service Director Legal, Governance and Commissioning to finalise and execute all necessary contract agreements.

165 Buxton House high-rise block - site assembly

The exempt information was noted prior to the consideration of Agenda Item 13.

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

Cabinet considered a report which updated on the progress with the scheme to remodel Buxton House high-rise block, Huddersfield.

The report sought approval to acquire key interests including the headlease and sublease interests relating to a property at Buxton House, Buxton Way, and Albion Street to facilitate the remodelling scheme. Authority was also sought to begin the process leading to the Council making a Compulsory Purchase Order (CPO), in tandem with negotiating the acquisition of land interests, as a contingency measure.

Cabinet noted the acquisition of the land interests and rights, as outlined at 2.10 of the considered report, would be funded from the £16m budget envelope for the Buxton House project that formed part of the overall £57m High-Rise Programme which had previously been approved.

Cabinet noted that whilst every effort was being made to acquire the interests by negotiation, it was requested to authorise the Strategic Director of Growth and Regeneration to take the necessary preliminary steps required for the Council to make a Compulsory Purchase Order.

RESOLVED –

- 1) That authority be delegated to the Strategic Director Growth and Regeneration to negotiate and agree terms to acquire the interests and rights identified in paragraph 2.10 of the report and as within the terms outlined in the Private Appendix.
- 2) That authority be delegated to the Strategic Director Growth and Regeneration to negotiate and agree terms to acquire any further interests or rights subsequently identified which are required to deliver the remodel of Buxton House, provided that the values are within those contained in the Scheme of Delegation for Corporate Landlord & Capital, and that the cost of such could be met within the allocated project budget.
- 3) That authority be delegated to the Strategic Director of Growth and Regeneration to take the necessary preliminary steps required for the Council to make a Compulsory Purchase Order (“CPO”) including:-
 - (i) The service of statutory requisitions for information from owners/occupiers of land within the proposed CPO area.

- (ii) Instructing land referencing agents to begin liaising with affected landowners/occupiers and to identify the full extent of the land required (either to be acquired permanently or temporarily) and any rights to be acquired as part of the CPO (e.g. rights of way, light, support, easement, or restrictive covenants over the land required as required).
- 4) That authority be delegated to the Service Director Legal Governance and Commissioning to finalise and enter into all appropriate contracts, deeds and documents required.
- 5) That should it prove necessary to make a CPO, a further report would be brought for consideration.
- 6) That it be noted the acquisition of required land interests, and any potential CPO process will be funded from the high-rise budget approved by Cabinet on the 27 July 2021.

166 Council Housing Fire Safety Management Plan and Policy

Cabinet considered a report which provided a Council Housing Fire Safety Management Plan and revised Fire Safety Management Policy both of which were appended to the considered report.

Cabinet noted that the existing Fire Safety Management Policy was produced in October 2017, then revised and approved in July 2022. The Fire Safety Management Policy had been updated to reflect changes in law that have occurred since approval.

Cabinet was advised that the Fire Safety Management Plan had been produced to provide more detailed guidance and procedures to support delivery of the Policy and ensure regulatory compliance. The Plan enables the development and implementation of operational guidance that represents consistent, proportionate, and appropriate processes to manage safety in council housing.

RESOLVED – That the Housing Fire Safety Management Plan and updated Fire Safety Management Policy be adopted.

167 Homes and Neighbourhoods Housing Management IT System Replacement

The exempt information was noted prior to the consideration of Agenda Item 15.

Cabinet considered a report which appraised it on the issues encountered during the implementation of the new Housing Management IT System in Homes and Neighbourhoods and set out the proposed way forward and the additional resources and budget required to successfully deliver the project.

Cabinet was asked to approve the extension of the delivery timetable by eighteen months to approximately September 2025 with an additional budget of £1,279,602.82 capital, funded from the Housing Revenue Account. Cabinet was advised that the implementation of Civica Cx enabled the necessary work on process redesign, data cleansing and data migration to be completed to successfully deliver the implementation of the new system.

RESOLVED – That authority be given to continue with the implementation of Civica Cx and to extend the delivery timetable by eighteen months to approximately September 2025 with an additional budget of £1,279,602.82 capital, funded from the Housing Revenue Account.

168 Council Housing Asset Strategy and Investment Plan

Cabinet considered a report which sought approval to adopt the Asset Management Strategy for Council Housing, which was appended to the considered report and to the capital plan to support delivery of the strategy.

Cabinet was advised that the 5-year Asset Management Strategy for Council Housing would provide a framework for service improvement to enable compliance with statutory requirements and support improved outcomes for residents living in council housing. The 5-year capital plan represented the investment needed to support delivery of the Strategy and to provide safe, good quality homes for council tenants.

The report outlined the proposed 30-year capital plan required an additional £71.2 million investment in Council housing. This would be financed through the Major Repairs Reserve and revenue contributions to capital outlay from the Housing Revenue Account with any additional amounts being financed through new borrowing and reductions to capital proposals for new builds and development activity to support the plan.

RESOLVED –

- 1) That the Asset Management Strategy for Council Housing 2024-2029 be adopted.
- 2) That the 5-year capital plan and the additional £4.4m from the HRA required to fund the strategy be approved.
- 3) That approval be given to the approach of asset option appraisal.
- 4) That authority be delegated to the Strategic Director, Growth and Regeneration and the Service Director Finance to agree annual capital plans and programmes in line with the approved 5-year capital plan.
- 5) That authority be delegated to the Service Director, Homes and Neighbourhoods in consultation with the Service Director Legal, Governance and Commissioning, to agree and negotiate the terms of and to enter into any Funding Agreements and other documentation to enable individual projects and schemes to proceed.
- 6) That authority be delegated to the Service Director, Homes and Neighbourhoods in consultation with the Service Director Legal, Governance and Commissioning, to agree and negotiate the terms of and to enter into any Funding Agreements and other documentation to enable individual projects and schemes to proceed.
- 7) That authority be delegated to the Strategic Director, Growth and Regeneration in consultation with the Service Director Legal, Governance and Commissioning to award future tenders for works within the approved 5-year capital plan, subject to the production of robust and affordable business cases.

169 Level 4 Devolution

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

Cabinet considered a report which provided an overview of the Level 4 Devolution Framework, through which the Combined Authority could apply to access new powers, functions and flexibilities, and the associated readiness conditions. The report also updated on the work that had taken place since November 2023 to develop the West Yorkshire response and the Combined Authority's submission to Government, including the partnership principles.

The report set out the Level 4 Devolution Framework, appended to the considered report, for information which set out the powers and functions available to eligible institutions, across a range of policy areas.

Cabinet noted the key highlights on offer through the Framework being (i) Funding (ii) Transport (iii) Employment and Skills (iv) Housing and Land, (v) Net Zero, Climate Change and Natural Capital, and (vi) Public Health.

RESOLVED –

- 1) That the recent publication of the Government's Level 4 Devolution Framework which sets out guidance and the powers and flexibilities on offer through a Level 4 Devolution Deal and the associated readiness conditions be noted.
- 2) That the work that has taken place across the partnership to consider the opportunities presented through the Level 4 Devolution Framework and activity undertaken to develop the West Yorkshire response, including the partnership principles be noted.
- 3) That approval be given to the Council's support for the Combined Authority's application to begin talks on adopting new Level 4 Devolution powers.

170 Marsden Masterplan - proposed approach

Cabinet considered a report which set out the revised approach to the Marsden Masterplan that included a community led, place based way of working.

The report outlined the need to develop a masterplan for Marsden to holistically consider the planned investments and help both the community and Council envision a longer-term future of Marsden and effectively steer development of the centre while preserving its unique character.

Cabinet was advised of the need to build on the high level of community interest, and in consultation with ward councillors and the Marsden community, the proposal was to establish a community partnership to embed the community and place led approach to shape the masterplan. This would help to maximise local engagement and develop long-term ownership.

RESOLVED –

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- 1) That approval be given to develop a Masterplan for Marsden and proposed timescales.
- 2) That the 'Marsden Community Partnership' approach with the Council acting as Accountable Body to re-engage with Ward Councillors and the community and to develop the Partnership, including a Terms of Reference, be approved.
- 3) That authority be given to use £60,000 UKSPF funding and a maximum of £60,000 from local centres capital funding for the development of the masterplan.
- 4) That authority be delegated to the Strategic Director for Growth and Regeneration in consultation with the Portfolio Holder to finalise and execute all necessary agreements to progress development of the Masterplan.
- 5) That authority be delegated to Strategic Director for Growth and Regeneration in consultation with the Portfolio Holder to resource, procure, set up governance arrangements including an agreed Terms of Reference and to any necessary revisions thereto for the oversight and delivery of the project.

171 **Local Plan Documents: Statement of Community Involvement and Local Plan Timetable**

Cabinet considered a report which set out the statutorily required Planning Policy documents, the Statement of Community Involvement (SCI) and the Local Plan Timetable (LPT).

The report advised that although there was no statutory requirement to consult on an SCI, it was felt important to engage with local communities and stakeholders. A consultation ran from 20 November 2023 to 5 January 2024 in which 18 representations were received. A Consultation Statement had been prepared and was appended to the considered report. The LPT was also not subject to formal consultation, however, the Local Plan Timetable would be launched as part of the early engagement to ensure the local communities and other stakeholders were aware of when they can expect to be consulted.

RESOLVED –

- 1) That the Statement of Community Involvement be adopted and published on the council's website.
- 2) That the Local Plan Timetable be adopted and published on the council's website.
- 3) That authority be delegated to the Strategic Director for Growth & Regeneration to make any necessary minor amendments and corrections to the Statement of Community Involvement and the Local Plan Timetable.