

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

The Democracy Service

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Please ask for: Andrea Woodside

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Monday 28 February 2022

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **3.00 pm** on **Tuesday 8 March 2022**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

Cabinet Members:-

Member	Responsible For:
Councillor Shabir Pandor	Leader of the Council
Councillor Paul Davies	Cabinet Member – Corporate
Councillor Eric Firth	Cabinet Member – Town Centres
Councillor Viv Kendrick	Cabinet Member - Children (Statutory responsibility for Children)
Councillor Musarrat Khan	Cabinet Member - Health and Social Care
Councillor Naheed Mather	Cabinet Member – Environment
Councillor Peter McBride	Cabinet Member – Regeneration
Councillor Carole Pattison	Cabinet Member - Learning, Aspiration and Communities
Councillor Cathy Scott	Deputy Leader and Cabinet Member - Housing and Democracy

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

To receive any apologies for absence from Members of the Cabinet.

2: Declarations of Interest

1 - 2

Cabinet Members will be asked to advise if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or participating in a vote upon the item, or any other interests.

3: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether Cabinet will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

4: Deputations/Petitions

The Cabinet will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

5: Questions by Members of the Public

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions shall not exceed 15 minutes.

6: Questions by Elected Members (Oral Questions)

Cabinet will receive any questions from Elected Members.

In accordance with Executive Procedure Rule 2.3 (2.3.1.6) a period of up to 30 minutes will be allocated.

7: Annual RIPA Update

3 - 6

To receive the Regulation of Investigatory Powers Act Annual Report.

Contact: David Stickley, Legal Services

8: Proposed changes to West Yorkshire Joint Services (WYJS) Agreement

7 - 36

To consider proposed governance changes at West Yorkshire Joint Services.

Contact: David Stickley, Legal Services

9: Specialist Accommodation Strategy 2022-2030

37 - 80

To consider the adoption of the Council's Specialist Accommodation Strategy 2022-2030.

Contact: Chris Porter, Service Development Manager

- 10: Cross Council Corporate Safeguarding Policy** 81 - 110
- To consider the adoption of the adoption of the Corporate Safeguarding Policy.
- Contact: Alexia Gray, Head of Quality, Standards and Safeguarding Partnerships – Adults and Health
-
- 11: Leeds City Region (LCR) Business Rates Pooled arrangements for 2022/23** 111 - 126
- To consider the ratification of the Council's membership, and arrangements for the operation and governance and of, the Leeds City Region (LCR) Business Rates Pool for 2022/23.
- Contact: James Anderson, Head of Accountancy
-
- 12: Strategic Investment in Town Halls - 2021/22 - 2025/26** 127 - 136
- To consider the proposed allocation of capital funding.
- Contact: Jenny Frear, Head of Venues
-
- 13: Corporate Financial Monitoring Report Quarter 3 for 2021-22** 137 - 180
- To receive financial monitoring information for General Fund Revenue, Housing Revenue Account (HRA) and Capital Plan, as at Quarter 3 (month 9), 2021/22.
- Contact: James Anderson, Head of Accountancy
-
- 14: Disposal of Open Space at Carrside Crescent, Batley** 181 - 208
- To give consideration to the disposal of open space.
- Contact: Corinne Wilson, Disposals and Acquisitions Officer
-

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KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Name of meeting: Cabinet

Date: 8th March 2022

Title of report: Annual RIPA update

Purpose of report

To brief Cabinet on the use of the Regulation of Investigatory Powers Act 2000 by the Council since the last report on use in January 2021.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall – 2nd Feb 2022
Is it also signed off by the Service Director for Finance	Eamonn Croston – 2nd Feb 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft – 2nd Feb 2022
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 The role of Cabinet in Regulation of Investigatory Powers Act (RIPA) 2000 matters is to provide strategic oversight and to keep the Council's use of surveillance under review. This is the annual report on the Council's use of RIPA to Cabinet.
- 1.2 As a result of the view of the Investigatory Powers Commissioner's Office (IPCO) that the use of RIPA should be considered more often than annually by Local Authorities the Council's Corporate Governance and Audit Committee considers and monitors

any RIPA related matters during the year as part of its quarterly audit reports. The process followed is that any reports are to be brought back to cabinet to be considered during the year as necessary. There were no incidents which required RIPA to be used in the period since the last report to Cabinet and therefore no reports were required to be brought back to Cabinet during the last twelve months or so.

2. Information required to take a decision

- 2.1 The Council is subject to the requirements of RIPA, which sets out how and when a local authority can engage in covert surveillance. RIPA regulates three types of surveillance, these being directed surveillance, the use of covert human intelligence and the obtaining of communications data. The current policy was adopted in January 2019 when it was amended in line with the implementation of GDPR and the Data Protection Act 2018.
- 2.2 The annual return to IPCO for 2021 has been completed. This is a report to the Commissioner on the Council's use of investigatory powers.
- 2.3 The number of RIPA authorisations granted in the last 12 months is 0.

3. Implications for the Council

3.1 Working with People N/A

3.2 Working with Partners West Yorkshire Police – this will most often be a formal request for access to CCTV information held by the Council and is provided on the basis of a formal written request.

West Yorkshire Trading Standards– this will usually be within the context of test purchase operations, typically involving sales of age restricted goods to minors.

3.3 Place Based Working N/A

3.4 Climate Change and Air Quality N/A

3.5 Improving outcomes for children N/A

3.6 Other (eg Legal/Financial or Human Resources) Training needs and resources – a flexible approach to training will mean that external training providers can be engaged where the need arises, with the associated costs, but that training is also likely to be provided internally where feasible.

4. Consultees and their opinions

- 4.1 The following have been consulted on the contents of this report and have approved them:

4.1.1 The Service Director – Legal, Governance and Commissioning, as Senior Responsible Officer

4.1.2 The Head of Legal Services, as RIPA Monitoring Officer

4.1.3 The Cabinet member for Corporate Services

5. Next steps and timelines

- 5.1 To continue to review the RIPA training programme and to keep training requirements under review in light of developments in the law. To continue to keep the Council's regulated investigatory activities under review and keep Cabinet informed of these. Quarterly updates to the Corporate Governance and Audit Committee will continue.
- 5.2 To continue to raise RIPA awareness, particularly with regards to the use of social media to obtain intelligence.

6. Officer recommendations and reasons

- 6.1 That members note the report.

7. Cabinet portfolio holder's recommendations

- 7.1 That members note the report.

8. Contact officers

David Stickley david.stickley@kirklees.gov.uk
Senior Legal Officer 01484 221000

John Chapman john.chapman@kirklees.gov.uk
Head of Legal Services 01484 221000

9. Background Papers and History of Decisions

2021 Annual RIPA report to Cabinet - [Agenda Document for Cabinet, 19/01/2021](#)

2020 Annual RIPA report to Cabinet - [Agenda Document for Cabinet, 25/02/2020](#)

Quarterly reports to Corporate Governance and Audit

10. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
01484 221000
julie.muscroft@kirklees.gov.uk

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Name of meeting: Cabinet

Date: 8th March 2022

Title of report: Proposed changes to West Yorkshire Joint Services (WYJS) Agreement

Purpose of report

To brief Cabinet on the proposed changes to the WYJS Legal Agreement and to seek agreement for their adoption.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall - 10 th February 2022
Is it also signed off by the Service Director for Finance	Eamonn Croston – 9 th February 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft – 28 th February 2022
Cabinet member portfolio	Cllr Shabir Pandor

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

1.1 This report seeks approval for governance changes at West Yorkshire Joint Services and for changes to the underpinning legal agreement.

1.2 In recent years the non-statutory activity of Joint Services has contracted.

1.3 The Committee are recommending the adoption of a slimmed down model of governance which will still deliver the statutory functions of the 5 councils whilst minimising bureaucracy and increasing accountability and visibility of the service to and in each council.

2. **Information required to take a decision**

2.1 WYJS is governed by a Joint Committee to which each Council currently appoints 3 members plus the Leader of each council. Wakefield MDC acts as the lead authority for WYJS and provides services to it. The Council's Chief Finance Officer and Chief Legal Officer act as s151 Officer and Monitoring Officer of WYJS respectively.

2.2 Some of the services provided through WYJS fulfil statutory duties for all 5 councils such as Trading Standards, Weights and Measures, Archives and Archaeology Advisory Services whilst others, such as Archaeological Services are provided on a commercial basis. In 1986 many of the services that now form part of WYJS were part of the West Yorkshire County Council.

2.3 In January 2021 the Joint Services Committee considered a paper on governance arrangements. The report outlined the findings of a governance review that had been undertaken by the district legal officers group (WYLAW) in light of changes to the operation and closure of some of the non-statutory functions of the organisation. Members were advised that there were no fundamental legal issues with the current governance arrangements but it had been some time since the WYJS agreement was last reviewed. The arrangements had pre-dated the current Leader/Cabinet governance models in each council and this would be an opportune time to make updates alongside any desired governance changes.

2.4 The report confirmed that if Members were minded to approve a refresh of the WYJS agreement, each council would need to agree any changes to ensure that adequate oversight is maintained; particularly in relation to performance and finance across all five councils.

2.5 Members considered the outcome of the review and options available and resolved to ask Officers to refresh the Joint Services Agreement and accompanying Memorandum of Understanding on the basis of a slimmed down Committee and asked that these documents be brought back to the Committee for approval.

2.6 Following that resolution, the WYJS Monitoring Officer worked with Heads of Legal and/or Monitoring Officers in each Council through WYLAW to give effect to it. The draft revised Joint Services agreement and Memorandum of Understanding is attached at Appendices A and B.

2.7 The principal amendment is to reduce the number of members from each Council on the Committee from 4 including the Leader to 2. The Leaders rarely if ever attend the meetings. The provision predates the five councils adopting Leader/Cabinet governance models when the role of Leader was very different to the current role. Reducing from 3 to 2 other councillors encourages continuity of attendance and thereby understanding of the contribution of WYJS to each Council's functions. Some of the language has been modernised and a clear explanation of the role of the Committee in agreeing a service plan and in monitoring performance and spend (value for money) has been included. Once the Committee has considered a quarterly report on performance and budget it will be sent to each constituent Council for information and scrutiny if required.

- 2.8 The WYJS Committee considered the revised draft in January 2022 and directed the Monitoring Officer to send it to each Council with a recommendation from the Committee that it be approved. In making this decision the Committee noted that there is a further ongoing review of the accommodation at Morley but considered that this governance part of the review of WYJS should proceed at this time and not to wait until the accommodation review completed.

3. **Implications for the Council**

3.1 **Working with People**

N/A

3.2 **Working with Partners**

It is essential that governance arrangements for WYJS are up to date so that partnership working across the five West Yorkshire councils is as effective as possible, both in terms of outcomes and value for money.

3.3 **Place Based Working**

N/A

3.4 **Climate Change and Air Quality**

N/A

3.5 **Improving outcomes for children**

N/A

3.6 **Other (eg Legal/Financial or Human Resources)**

N/A

4. **Consultees and their opinions**

- 4.1 The following have been consulted on the contents of this report and have approved them:

4.1.1 The Service Director – Legal, Governance and Commissioning, as WYLAW representative

4.1.2 Current Kirklees Councillors who are appointed to WYJS

5. **Next steps and timelines**

- 5.1 All five West Yorkshire Councils will be seeking Cabinet approval of the proposed changes.
- 5.2 The changes can only be adopted with unanimous agreement of the five councils.

6. Officer recommendations and reasons

- 6.1 That members approve the proposed changes outlined in this report and the amended Joint Services Agreement and authorise the Service Director legal Governance and Commissioning to enter into the revised Joint Services Agreement.

7. Cabinet portfolio holder's recommendations

- 7.1 That members approve the proposed changes outlined in this report and the amended Joint Services Agreement. and authorise the Service Director legal Governance and Commissioning to enter into the revised Joint Services Agreement

8. Contact officers

David Stickley david.stickley@kirklees.gov.uk
Senior Legal Officer 01484 221000

9. Background Papers and History of Decisions

Draft Joint Services Agreement – Appendix A
Memorandum of Understanding – Appendix B

10. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
01484 221000
julie.muscroft@kirklees.gov.uk

THIS DEED is dated the *6th* day of *September* 2004 and provides for an agreement BETWEEN

- 1) City of Bradford Metropolitan District Council
- 2) The Borough Council of Calderdale
- 3) The Council of the Borough of Kirklees
- 4) Leeds City Council
- 5) The Council of the City of Wakefield

(The parties are hereinafter referred to collectively as "the Councils")

WHEREAS

The Councils have already established a Joint Services Committee with a view to efficient and economical discharge of their functions with regard to archives and archaeology, grants to voluntary bodies and trading standards and related functions and the Councils have now agreed to continue their participation in a Joint Services Committee on the terms provided by this Agreement.

THIS DEED WITNESSES AS FOLLOWS:-

- Joint Services Committee
1. (a) This Agreement replaces the existing Agreement dated 22nd October 1999 which was extended for a further year until 31st March 2004.
 - (b) In exercise of their powers under Sections 101 and 102 of the Local Government Act 1972 Part 11 of the Local

Government Act 2000 and all other powers enabling them in that behalf the Councils shall continue to participate in a Joint Services Committee to be known as "The West Yorkshire Joint Services Committee" (hereinafter referred to as "The Joint Services Committee") which shall be constituted and which shall conduct its business in accordance with Standing Orders approved by the Support Services Authority as provided for in clause 4 and accepted by the Joint Services Committee.

- (c) Four Members of each Council shall be appointed as Members of the Joint Services Committee provided that in the case of each Council one of the Members so appointed shall be the Leader for the time being of the Council concerned.

Functions 2. (a) The Joint Services Committee are empowered to
of the discharge on behalf of the Councils those functions
Joint with regard to archives and archaeology, grants to
Services voluntary bodies and trading standards and related
Committee matters

ALL WHICH said functions are hereinafter referred to as
"the functions"

- (b) The Joint Services Committee shall discharge its functions with regard to grants to voluntary bodies in

accordance with a scheme made under Section 48 of the Local Government Act 1985.

- (c) The Joint Services Committee are empowered to arrange for the discharge of the functions or any of them by any Sub-Committee or officer appointed by it or by an officer of the Councils so appointed and subsections (2) and (5) of Section 101 of the Local Government Act 1972 shall apply in relation to the functions of the Joint Services Committee as it applies in relation to the functions of the Councils PROVIDED that any such Sub-Committee may only be appointed in accordance with Standing Orders as already referred to in clause 1(a).

Staff 3. Staff required for the purposes of carrying out the functions of the Joint Services Committee shall be employed by the Support Services Authority as provided for in clause 4 subject to the requirements of the Joint Services Committee.

Support Services 4. (a) Support Services as determined by the Joint Service Services shall be provided by one of the Councils in accordance with arrangements agreed by the Councils.

(b) If any conflict of interest shall arise in terms of the provision of support services by the Support Services Authority it shall be open to the Joint Services Committee to make alternative arrangements with one of the other Councils and the requirement to provide a

minimum of three months notice shall not apply in such circumstances.

(c) At the time of this Agreement the Support Services Authority is the Council of the City of Wakefield.

- Property 5. (a) Any land or property held by the Councils for the discharge of the functions shall continue to be held by that Council but shall be made available for the use of the Joint Services Committee until this Agreement shall be terminated as hereinafter provided. Any related contractual obligations shall be discharged on behalf of the Joint Services Committee by one of the Councils in accordance with arrangements made from time to time by the Joint Services Committee and any related revenue costs shared between the Councils as provided for in Clause 9 hereof.
- (b) In accordance with Sections 120 and 121 of the Local Government Act 1972 and all other enabling statutory powers land or property required by the Joint Services Committee shall be acquired (whether by agreement or compulsorily) on behalf of the Joint Services Committee by and be vested in such one or more of the Councils as the Joint Services Committee may from time to time determine.

Contracts 6. Every contract for the execution of work or for the supply of goods and services for the Joint Services Committee and procedures relating thereto shall comply in all respects with the Financial Procedure Rules and Standing Orders for Contracts of the Joint Services Committee such rules and Standing Orders to be approved by the Support Services Authority and accepted by the Joint Services Committee.

Budget of 7. Not later than the Thirtieth day of November in any year
the Joint or such other date as may be determined from time to
Services time the Joint Services Committee shall submit to the
Committee Councils or such other body as the Councils may from
time to time determine for approval in such detail as may
be required estimates of capital expenditure if any and
revenue income and expenditure of the Joint Services
Committee for or in relation to the discharge of the
functions and the Joint Services Committee shall not
incur expenditure unnecessarily or in excess of the
amount so approved in any financial year without the
consent of all the Councils or such other body as the
Councils may from time to time determine.

Capital 8. The Councils agree to make available to the Joint
Allocation Services Committee any government support for capital
expenditure as is relevant to the Joint Services
Committee and agreed by all the Councils in accordance

with the percentage proportions set out in clause 9 and the Support Services Authority shall be responsible to the Councils for the monitoring and review of these arrangements.

Costs of the Joint Services Committee 9. Until such time thereafter as the Councils may determine otherwise all revenue costs necessarily incurred by the Joint Services Committee in discharging the functions shall be shared by the Councils in the following percentage proportions:-

Bradford	22.98%
Calderdale	7.70%
Kirklees	18.69%
Leeds	35.25%
Wakefield	15.38%

The term "revenue" costs shall mean revenue expenditure insofar as it is not covered by fees and charges and other income. Fees and charges shall be made in accordance with a scale or scales to be set by the Joint Services Committee for each financial year.

Payment of costs of the Joint Services 10. In respect of each financial year unless otherwise agreed notification will be sent to Chief Financial Officers/ Directors of Finance of the Councils a notice requesting payment through the BACS system of such sum equal to the next revenue expenditure as contained in the budget of the Joint Services Committee approved as provided

for in Clause 7 hereof any variation between the approved estimate and the out-turn costs will be adjusted in the following financial year in the same proportions applicable to the financial year in which the variation occurred.

- Business Plan 11. (a) Following confirmation of the budget of the Joint Services Committee as provided for by Clause 7 hereof the Joint Services Committee will prepare and approve a "Business Plan" which shall reflect the agreed level of funding for the Joint Services Committee and set out how resources will be allocated among the Councils.
- (b) The Councils will make their own arrangements with the Joint Services Committee to monitor the progress of the Business Plan and, in addition, the Joint Services Committee will co-operate with each of the Councils in the discharge by the Councils of their scrutiny functions.
- (c) The Support Services Authority will co-operate with each Council by providing relevant information on request relating to the provision of Support Services.

- Audit 12. The books of account together with all relevant records and supporting vouchers of the Joint Services Committee shall be audited by an Auditor to be

determined by the Audit Commission and shall be open to inspection by the Councils.

Insurance 13. The Joint Services Committee shall ensure that adequate insurance cover is effected and maintained in respect of any liability arising from the discharge of its functions and such insurance cover shall be included within the arrangements for support services as provided by Clause 4 hereof.

Civil
Litigation 14. The institution and defence of necessary Civil Litigation brought by or against the Joint Services Committee arising out of the discharge of the functions shall be undertaken in accordance with arrangements made from time to time by the Joint Services Committee.

Criminal
Proceedings 15. The conduct of any criminal proceedings in the Magistrates' Court or the Crown Court brought by or against the Joint Services Committee arising out of the discharge of the functions shall be undertaken in accordance with arrangements made from time to time by the Joint Services Committee.

Duration of
the
Agreement 16. This Agreement shall come into force on the First day of April two thousand and four and shall continue in force until one year's notice in writing is given by any of the Councils to the Secretary to the Joint Services Committee for the time being and to the Chief Executive or other nominated officer of each Council expiring on

the Thirty first day of March in any subsequent year of the intention of that Council to withdraw from this Agreement.

Upon receipt of such a notice from a Council to withdraw from this Agreement the Councils shall determine terms for the withdrawal of that Council from this Agreement or for the termination of this Agreement and more particularly in relation to:-

- (a) how persons employed on behalf of the Joint Services Committee shall be transferred to individual Councils or how compensation shall be paid to them in accordance with their terms and conditions of employment upon termination of their employment.
- (b) how property including intellectual property, held by the Councils and made available for the exclusive use of the Joint Services Committee or subsequently acquired shall be retained by the Joint Services Committee or transferred to individual Councils or disposed of on the open market.
- (c) how unspent money or proceeds of sale of property transferred to individual Councils or disposed of on the open market shall be shared amongst the Councils; and

(d) how obligations and liabilities of the Joint Services Committee ascertainable prior to the withdrawal or termination or subsequently arising shall be met by the Councils and to include if so required by any of the Councils an agreement by all the Councils in settlement of any Council's share of responsibility towards obligations and liabilities incurred by the Joint Services Committee on behalf of the Councils.

AND in the event of the Councils not having determined the terms for the withdrawal of a Council from this Agreement or for the termination of this Agreement six months before the withdrawal or termination is to take effect pursuant to this Clause then the arbitration provisions of Clause 18 hereof shall be invoked.

Determination of this Agreement 17. Notwithstanding the provisions of Clause 16 hereof if all the Councils remaining in membership of the Joint Services Committee at any particular time so agree this Agreement may be determined or varied on the Thirty first day of March in any year upon terms agreed by all the Councils.

Arbitration Clause 18. If at any time any dispute or difference shall arise between the Councils or any of them respecting any matters arising out of this Agreement or the meaning or effect of this Agreement or anything herein contained or the rights or liabilities of any of the Councils the same

shall be referred to and settled by a single arbitrator to be appointed by the Councils and in default shall be referred to the President of the Chartered Institute of Arbitrators by any Council.

IN WITNESS whereof the Councils have caused their Respective Common Seals to be hereunto affixed the day and year first above written.

76803

THE COMMON SEAL OF
CITY OF BRADFORD
METROPOLITAN DISTRICT
COUNCIL was hereunto affixed

in the presence of:-

Susan Bethledge

Authorised by:
Legal and Democratic Services Director

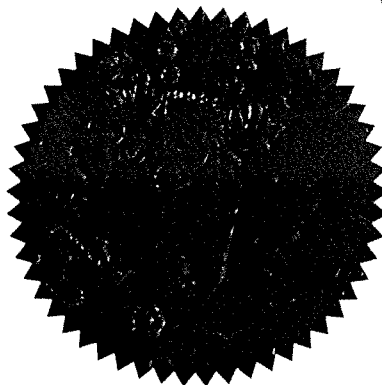
No. IN
SEALING BOOK
227800

THE CORPORATE COMMON SEAL
OF THE BOROUGH COUNCIL OF
CALDERDALE was hereto

affixed in the presence of:-

W. Ashman

ACTING PRINCIPAL SOLICITOR



9356

THE COMMON SEAL OF THE
BOROUGH COUNCIL OF KIRKLEES

was hereunto affixed

in the presence of

Authorised Signatory

THE COMMON SEAL OF
LEEDS CITY COUNCIL

was hereunto affixed

in the presence of:-

^N
5 Jackson

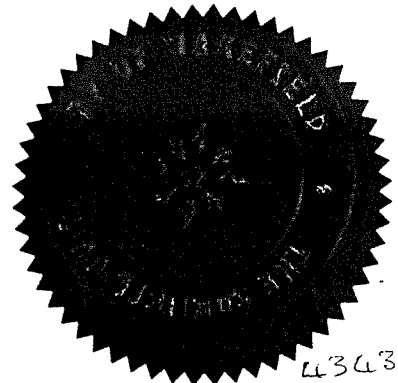
Director of Legal and Democratic Services

Seal No. 74171

THE COMMON SEAL OF THE
COUNCIL OF THE CITY OF
WAKEFIELD

was hereunto

affixed in the presence of:-



43432

Assistant Head of Legal and Democratic Services

This Deed is made the day of and provides for an agreement between:

- 1) City of Bradford Metropolitan District Council
- 2) The Borough Council of Calderdale
- 3) The Council of the Borough of Kirklees
- 4) Leeds City Council
- 5) The Council of the City of Wakefield

(The parties are hereinafter referred to collectively as “the Councils”).

WHEREAS

The Councils have already established a Joint Services Committee with a view to efficient and economical discharge of their functions with regard to archives and archaeology and trading standards and related functions and the Councils have now agreed to continue their participation in a Joint Services Committee on the terms provided by this Agreement.

THIS DEED WITNESSETH AS FOLLOWS:

1. Joint Services Committee

- (a) This Agreement replaces the existing Agreement dated 6th September 2004.
- (b) In exercise of their powers under section 101 and 102 of the Local Government Act 1972 Part 1A of the Local Government Act 2000 and all other powers enabling them in that behalf the Councils shall continue to participate in a Joint Services Committee to be known as “The West Yorkshire Joint Services Committee” (hereinafter referred to as “The Joint Services Committee”) which shall be constituted and which shall conduct its business in accordance with Standing Orders accepted by the Support Services Lead Authority as provided for in clause 4 and approved by the Joint Services Committee.
- (c) Two Members of each Council shall be appointed as Members of the Joint Services Committee.

2. Functions of the Joint Services Committee

- (a) The Joint Services Committee are empowered to discharge on behalf of the Councils those functions with regard to analytical services, archives, archaeology, business hive, calibration services, ecology services, trading standards, financial investigations and related matters ALL which said functions are hereinafter referred to as “the functions”.
- (b) The Joint Services Committee are empowered to arrange for the discharge of the functions or any of them by any Sub-Committee or officer appointed by it or by an officer of the Councils so appointed and subsections (2) and (5) of section 101 of the Local Government Act 1972 shall apply in relation to the functions of the Joint Services Committee as it applies in relation to the functions of the Councils PROVIDED that any such Sub-Committee may only be appointed in accordance with Standing Orders as already referred to in clause 1(a).

3. Staff

- (a) Staff required for the purpose of carrying out the functions of the Joint Services Committee shall be employed by the Lead Authority as provided for in clause 4 subject to the requirements of the Joint Services Committee.

4. Support Services

- (a) One of the Councils shall be appointed to the role of Lead Authority and shall provide the Support Services set out in the Addendum to this Agreement.
- (b) Other support services shall be provided by one or more of the Councils in accordance with arrangements agreed by the Joint Committee.
- (c) If any conflict of interest shall arise in terms of the provision of Support Services by the Lead Authority it shall be open to the Joint Services Committee to make alternative arrangements with one of the other Councils and the requirement to provide a minimum of three months' notice shall not apply in such circumstances.
- (d) At the time of this Agreement the Lead Authority is the Council of the City of Wakefield.

5. Property

- (a) Any land or property held by the Councils for the discharge of the functions shall continue to be held by that Council but shall be made available for the use of the Joint Services Committee until this Agreement shall be terminated as hereinafter provided. Any related contractual obligations shall be discharged on behalf of the Joint Services Committee by one of the Councils in accordance with arrangements made from time to time by the Joint Services Committee and any related revenue costs shared between the Councils as provided for in clause 8 hereof.
- (b) In accordance with sections 120 and 121 of the Local Government Act 1972 and all other enabling statutory powers land and property required by the Joint Services Committee shall be acquired (whether by agreement or compulsorily) on behalf of the Joint Services Committee by and be vested in such one or more of the Councils as the Joint Services Committee may from time to time determine.

6. Contracts

- (a) Every contract for the execution of work or for the supply of goods and services for the Joint Services Committee and procedures relating thereto shall comply in all respects with the Financial Procedural Rules and Standing Orders for Contracts of the Joint Services Committee such Rules and Standing Orders to be those accepted by the Lead Authority and approved by the Joint Services Committee.

7. Business Planning

- (a) The Joint Services Committee shall no later than the date of agreeing the budget report for 2023/4 prepare a Three Year Business Plan setting out anticipated activities and expenditure for the following three financial years.

- (b) As part of the setting of the annual Budget of the Joint Committee as provided for by clause 8 hereof the Joint Services Committee shall at the same time review its Three Year Business Plan and approve an Annual Business Plan which shall reflect the proposed level of funding for the Joint Services Committee and set out how resources will be allocated among the Councils.
- (c) On the third anniversary of approval of the first Three Year Business Plan and every subsequent third anniversary the Joint Services Committee shall prepare and approve a new Three Year Business Plan. The Plan will be sent to each Council following approval by the Joint Services Committee.
- (d) The Joint Services Committee shall receive a report once every quarter on performance against its Business Plan.
- (e) The Director/Lead Officer of Joint Services shall thereafter provide a copy of that performance report to each Chief Executive who may refer it to the executive and/or overview and scrutiny committees of their Councils. The Joint Services Committee shall provide an Overview and Scrutiny Committee of any of the Councils with any information requested by that Overview and Scrutiny committee.
- (f) The Lead Authority shall co-operate with each Council by providing relevant information on request relating to the provision of Support Services.

8. Budget of the Joint Services Committee

- (a) The Director/Lead Officer of Joint Services shall prepare an estimate of the expenditure (Revenue and Capital) that the Joint Committee is expected to make in the next financial year having regard to the Business Plan prepared and approved by the Joint Services Committee in consultation with the Chief Financial Officer. The Chief Financial Officer shall seek comments from each of the other Councils' Chief Financial Officers/ Directors of Finance.
- (b) Following consultation with the Chief Financial Officers of each of the Councils the Director/Lead Officer of Joint Services shall submit a report to the Joint Services Committee to seek approval of the proposed expenditure of the Joint Committee in the next financial year.
- (c) Not later than the thirty-first day of December in any year or such other date as may be notified by the Chief Financial Officers of the Councils from time to time the Joint Services Committee shall approve the budget and submit it to the Councils in such detail as may be required including estimates of capital expenditure if any and revenue income and expenditure of the Joint Services Committee for or in relation to the discharge of the functions for inclusion in the budget papers of each Council. The Joint Services Committee shall not incur expenditure unnecessarily or in excess of the amount so approved in any financial year without the consent of all the Councils or such other body as the Councils may from time to time determine.
- (d) The Joint Services Committee shall receive a report once every quarter on the expenditure of the Joint Services Committee and the Joint Services Committee's approved budget.
- (e) The Director/Lead Officer of Joint Services shall thereafter provide a copy of that report to each Chief Executive who may refer it to the executive and/or

Overview and Scrutiny committees of their Councils. The Joint Services Committee shall provide an Overview and Scrutiny Committee of any of the Councils with any information requested by that overview and scrutiny committee.

9. Costs of the Joint Services Committee

- (a) Until such time thereafter as the Councils may determine otherwise all revenue costs necessarily incurred by the Joint Services Committee in discharging the functions shall be shared by the Councils in the following percentage proportions:-

Bradford 22.98%

Calderdale 7.70%

Kirklees 18.69%

Leeds 35.25%

Wakefield 15.38%

The term "revenue" costs shall mean revenue expenditure insofar as it is not covered by fees and charges and other income. Fees and charges shall be made in accordance with a scale or scales to be set by the Joint Services Committee for each financial year.

10. Payment of costs of the Joint Services

- (a) In respect of each financial year unless otherwise agreed a notice will be sent to Chief Financial Officers/Directors of Finance of the Councils requesting payment through the BACS system of such sum equal to the net revenue expenditure as contained in the budget of the Joint Services Committee approved as provided for in clause 8 hereof; any variation between the approved estimate and the out-turn costs will be adjusted in the following financial year in the same proportions applicable to the financial year in which the variation occurred.

11. Audit

The Joint Services Committee shall keep books of account together with relevant records and supporting information of the Joint Services Committee and shall make them available for inspection and audit by the Internal Audit function of the Lead Authority and to any of the Councils.

The Internal Audit function of the Lead Authority shall prepare an annual Internal Audit plan for approval by the Joint Services Committee and shall report on progress against that plan on a quarterly basis.

12. Insurance

The Joint Services Committee shall ensure that adequate insurance cover is effected and maintained in respect of any liability arising from the discharge of its functions and such insurance cover shall be included within the arrangements for support services as provided by clause 4 hereof.

13. Civil Litigation

- (a) None of the Councils shall commence or defend civil litigation arising out of the discharge of the functions by the Joint Services Committee unless the Joint Services Committee has approved the commencement or defence of legal proceedings.
- (b) The cost of commencing or defending civil litigation arising out of the discharge of the functions by the Joint Services Committee shall be shared by the Councils in the proportions set out at clause 9 of this Agreement.

14. Criminal Proceedings

- (a) None of the Councils shall commence or defend criminal proceedings arising out of the discharge of the functions by the Joint Services Committee unless the Joint Services Committee has approved the commencement or defence of legal proceedings.
- (b) The cost of commencing or defending criminal proceedings arising out of the discharge of the functions by the Joint Services Committee shall be shared by the Councils in the proportions set out at clause 9 of this Agreement.

15. Duration of the Agreement

This Agreement shall come into force on the First day of April two thousand and four and shall continue in force until one year's notice in writing is given by any of the Councils to the Secretary to the Joint Services Committee for the time being and to the Chief Executive or other nominated officer of each Council expiring on the Thirty first day of March in any subsequent year of the intention of that Council to withdraw from this Agreement.

Upon receipt of such a notice from a Council to withdraw from this Agreement the Councils shall determine terms for the withdrawal of that Council from this Agreement or for the termination of this Agreement and more particularly in relation to:-

- (a) How persons employed on behalf of the Joint Services Committee shall be transferred to individual Councils or how compensation shall be paid to them in accordance with their terms and conditions of employment upon termination of their employment.
- (b) how property including intellectual property, held by the Councils and made available for the exclusive use of the Joint Services Committee or subsequently acquired shall be retained by the Joint Services Committee or transferred to individual Councils or disposed of on the open market.
- (c) how unspent money or proceeds of sale of property transferred to individual Councils or disposed of on the open market shall be shared amongst the Councils; and
- (d) how obligations and liabilities of the Joint Services Committee ascertainable prior to the withdrawal or termination or subsequently arising shall be met by the Councils and to include if so required by any of the Councils an agreement by all the Councils in settlement of any Council's share of responsibility towards

obligations and liabilities incurred by the Joint Services Committee on behalf of the Councils.

AND in the event of the Councils not having determined the terms for the withdrawal of a Council from this Agreement or for the termination of this Agreement six months before the withdrawal or termination is to take effect pursuant to this clause then the arbitration provisions of clause 17 hereof shall be invoked.

16. Determination or variation of this Agreement

Notwithstanding the provisions of clause 15 hereof if all the Councils remaining in membership of the Joint Services Committee at any particular time so agree this Agreement may be determined or varied on the Thirty first day of March in any year upon terms agreed by all the Councils.

17. Arbitration

If at any time any dispute or difference shall arise between the Councils or any of them respecting any matters arising out of this Agreement or the meaning or effect of this Agreement or anything herein contained or the rights or liabilities of any of the Councils the same shall be referred to and settled by a single arbitrator to be appointed by the Councils and in default shall be referred to the President of the Chartered Institute of Arbitrators by any Council.

IN WITNESS whereof the Councils have caused their Respective Common Seals to be hereunto affixed the day and year first above written.

THE COMMON SEAL OF
CITY OF BRADFORD
METROPOLITAN DISTRICT
COUNCIL was hereunto affixed
in the presence of:-

THE CORPORATE COMMON SEAL
OF THE BOROUGH COUNCIL OF
CALDERDALE was hereto
affixed in the presence of:-

THE COMMON SEAL OF THE
BOROUGH COUNCIL OF KIRKLEES
was hereunto affixed
in the presence of:-

THE COMMON SEAL OF
LEEDS CITY COUNCIL
was hereunto affixed
in the presence of:-

THE COMMON SEAL OF THE
COUNCIL OF THE CITY OF
WAKEFIELD
was hereunto
affixed in the presence of:-

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This MEMORANDUM OF UNDERSTANDING provides further detail regarding the Joint Services Committee established by Bradford, Calderdale, Kirklees, Leeds and Wakefield Councils ("the Councils").

1. The Councils have entered into a Deed dated 6^{September} 2004²⁰⁰⁴ and this Deed provides a general framework for the operation and management of the Joint Services Committee.
2. The Joint Services Committee has no separate legal identity and therefore with regard to matters requiring the provision of legal identify it is for the Councils to determine appropriate arrangements.
3. The Councils have agreed that support services will be provided by one of the Councils, except in circumstances described in the Deed, and Wakefield have been appointed Support Services Authority. In this context Wakefield will normally act on behalf of the other Councils where legal status is required and particularly in respect of matters relating to contracts, civil and criminal litigation.
4. With regard to the provision of Standing Orders, Financial Procedure Rules and Standing Orders for Contracts the Joint Services Committee will use those Standing Orders and Rules currently applying in Wakefield, as suitably adapted, and it will be the responsibility of Wakefield to obtain approval of such Standing Orders and Rules following prior consultation with the Joint Services Committee. Having approved Standing Orders and Rules, Wakefield will then arrange for them to be accepted by the Joint Services Committee.

5. The staff appointed by the Joint Services Committee to carry out the functions of the Joint Services Committee will be employed by Wakefield, conditions of employment will normally be those applying in Wakefield but Wakefield and the Joint Services Committee will agree arrangements for the consideration and determination of conditions of employment.
6. Support services, as already indicated in paragraph 3, will be provided by Wakefield, the Councils, in consultation with the Joint Services Committee, will review the arrangements relating to support services three years from the commencement of the Deed dated 6²⁰⁰⁴ September, and every subsequent three years to ensure that the arrangements reflect value for money for all the Councils and the Joint Services Committee.
7. The arrangements described in this Memorandum of Understanding can be varied by the Councils following consultation with the Joint Services Committee.

Dated 6²⁰⁰⁴ September 2004

Gerry A Danby

Signed on behalf of Bradford Metropolitan District Council

Authorised by:
Legal and Democratic Services Director

Signed on behalf of the Borough Council of Calderdale

→ *W. Mansfield*

ACTING PRINCIPAL SOLICITOR

K. A. Ahmad

Signed on behalf of the Borough of Kirklees

Signed on behalf of Leeds City Council

N. Jackson
5 Director of Legal and Democratic Services

E. Egle

Signed of behalf of the Council of the City of Wakefield

DATED 6th September

2004

I HEREBY CERTIFY THAT THIS IS A
TRUE AND EXACT COPY OF THE
ORIGINAL'



For and on behalf of J A Pepperell
Head of Legal & Democratic Services
County Hall
Wakefield

**WEST YORKSHIRE JOINT SERVICES
AGREEMENT**

BETWEEN

- (1) City of Bradford Metropolitan District Council**
- (2) The Borough Council of Calderdale**
- (3) The Council of the Borough of Kirklees**
- (4) Leeds City Council**
- (5) The Council of the City of Wakefield**



Name of meeting: Cabinet
Date: 8 March 2022
Title of report: Kirklees Specialist Accommodation Strategy 2022 – 2030

Purpose of report: To approve the draft Specialist Accommodation Strategy 2022 - 2030.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes - impact on 2 or more wards
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	Key Decision - Yes Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	David Shepherd – 22/2/2022
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 28/02/2022
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 28/2/2022
Cabinet member portfolio	Councillor Cathy Scott Councillor Musarrat Khan Councillor Viv Kendrick

Electoral wards affected: All

Ward councillors consulted: none

At this point we are setting out our overall strategy around Specialist Accommodation in Kirklees. The outputs of work under the strategy will at that point involve ward councillors as specific sites and types of accommodation provision are identified at ward level.

Public or private: Public

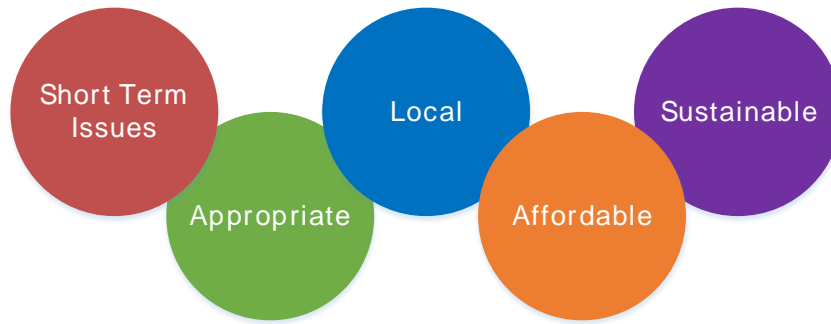
Has GDPR been considered? A DPIA has been completed - Reference: - FS-Case-224404942

1. Summary

- 1.1 On the 16 March 2021 Cabinet approved the Service Director for Homes and Neighbourhoods carrying out a non-statutory consultation on the proposed draft Specialist Accommodation Strategy 2022-30. This consultation is now complete a summary of the approach and findings are outlined below, the draft strategy now reflects the findings of this consultation.
- 1.2 The draft strategy aligns to our shared outcomes particularly “Well”, “Independent”, “Safe and cohesive” and “Efficient and Effective”. The work of delivering the strategy also follows the We’re Kirklees approach of working with people not doing to them, working with partners and Place-based working.
- 1.3 The draft strategy outlines the importance of quality housing and the impact it has on individuals and their wellbeing. It goes on to discuss the demographic, technological and consumer trends that are already impacting the market and are likely to continue to do so over the period of the strategy.
- 1.4 The draft strategy outlines how the shape of specialist accommodation will change over the next eight years and the key actions required to support these changes.
- 1.5 The draft strategy will form part of the Council’s over-arching Housing Strategy 2018-23 which is part of the Policy Framework. The Kirklees Housing Strategy will be refreshed during 2022 and so will require full Council to approve and adopt it on recommendation from the Cabinet. Approval of the draft Kirklees Specialist Accommodation Strategy 2022-2030 is a matter solely for the cabinet to approve because it only supplements the Housing Strategy.

2. Information required to take a decision

- 2.1 The draft Kirklees Specialist Accommodation strategy forms part of the overall Kirklees Housing Strategy; and specifically covers people that the local authority and our health partners support in a home that has been designed to meet the needs of different people in their homes, so that they remain as independent as possible.
- 2.2 The draft strategy describes each specific cohort that touch specialist accommodation. Each cohort section describes a view of where that cohort will be in eight years’ time, setting out this headline will help focus on what the fine detail is aiming at and the likely changes in provision across the period of the strategy. Each section then briefly outlines some key activities that are required and goes on to describe current supply and likely future accommodation demand.
- 2.3 **The objectives of the strategy:**
- 2.4 Our new approach to specialist accommodation is radical, but necessary. In the past we have taken small steps with regard to developing specialist accommodation locally, being more reactive than proactive. We also lacked a robust approach to the public estate and unpicking the barriers and delays to creating new developments.



- 2.5 We are clear that there are a series of **short-term issues** that need to be addressed to unblock or manage issues within specialist accommodation locally. This includes assessing the impact of COVID-19 on the accommodation market and understanding the impact upon future demand numbers.
- 2.6 We want accommodation to be **appropriate**, having and developing accommodation that means individuals are as independent as possible, for as long as possible. We are firmly committed to shaping accommodation requirements with individuals. This includes working with particular groups such as older BAME people living in Kirklees. We recognise that people's needs change, we also recognise that people sometimes need to move so their needs can be better met, this could be short term or longer term as needs change.
- 2.7 We want accommodation to be **local**, we are clear that placing people a distance away from Kirklees may not generate the best outcomes for individuals. We need to develop local capacity so the specific needs of people likely to be placed out of area can be met in Kirklees.

We want specialist supported accommodation to be **affordable**; we recognise that in the past we have placed people in care homes because it has been the only option. We have begun and will continue to develop in partnership with our provider market better value, better outcome models of care that are more flexible.

- 2.8 We want accommodation to be **sustainable**. Attitudes and models of care and support continue to evolve. We need accommodation that is more flexible and can change to meet the needs of either increased numbers of people or those with needs that are different to those that might have been foreseen when a development was started. This may include things like eco-friendly design approaches to accommodation and people with different care needs living in one development or one series of developments.
- 2.9 Why is the strategy required?**
- 2.10 Suitable housing can significantly improve people's lives, while unsuitable housing can be the source of multiple health and wellbeing issues and costs. Appropriately designed housing, that can adapt to people's changing needs as they age, has a number of benefits. These benefits include reducing demand on care and support services and enabling individuals to live independently and more flexibly in our communities.
- 2.11 As this draft strategy describes the current care and support estate has developed in a slightly disjointed way, we believe taking our current and potential future specialist accommodation tenants with us on a development journey will mean wishes, preferences and ultimately outcomes will be met.
- 2.12 We will work with people and organisations to develop different and innovative homes across all groups, that will enable people to have choice and means they can live as independently as possible.

- 2.13 There are likely to be models of care and support that have not been designed yet that we would want to commission or support during the life of this strategy. Homes that are adaptable, disability and dementia friendly will grow in significance locally.
- 2.14 The changes in the needs of people over the period of this draft strategy will drive development and demand for specialist accommodation based and other care support. How people currently or wish to live will also affect demand and types of accommodation required, more people are living alone than they were 20 years ago. As the population ages there are likely to be more people living with long term conditions that require support or home modifications so that they can remain independent.
- 2.15 There are legislative and policy drivers for some of the content of this draft strategy, but fundamentally we want to enable our population to live as independently as possible, for as long as possible, in safe places of their choosing, with a wide range of support that best delivers the outcomes they as individuals want to achieve.

3. Implications for the Council

3.1 Working with People

- 3.2 The people who currently or who in the future may live in specialist or supported accommodation are at the centre of this strategy, we want to ensure they remain as independent as possible and have a home that allows them to meet their own outcomes. A person's living environment extends beyond their home. Enabling people of all ages to live healthy and successful lives requires neighbourhoods with suitable physical, social, and community environments.

3.3 Working with Partners

- 3.4 The strategy has been shaped by a multi-agency board, we have also actively engaged external partners in the development of the strategy and the workplan that will deliver the aims of the strategy. The work delivering this strategy will build upon the partnerships already developed, and it is only with such working we will be able to deliver our ambitions following political endorsement.

3.5 Place Based Working

The right specialist or supported accommodation should be at the centre of each of current and new large community developments. We see the strategy delivering this through a number of workstreams, we also see with robust engagement we can reflect local nuances in the building and makeup of new and existing developments.

3.6 Climate Change and Air Quality

- 3.7 A key objective of the strategy is around sustainability this is both economic sustainability but also environmental sustainability. We see the work of the strategy having multiple positive impacts on reducing emissions. New build or converted properties will have to meet current environmental regulatory requirements, there is also likely to be scope for new specialist accommodation to break the mould on sustainable building design and use, there are a range of accommodation developments nationally that have delivered such benefits.
- 3.8 We also see the potential for those looking to downsize and move to more specialist or supported accommodation will mean the current housing stock will be better utilised and under-occupation will be reduced which in itself can negatively affect the environment.

- 3.9 Although not explicit in the strategy we also see with a more dispersed mix of different accommodation that the staff who support individuals could be more locality based and not required to travel to larger buildings-based provision.
- 3.10 Improving outcomes for children**
- 3.11 Our long-term plan around children and young people is to enabling families to stay together when safe, increasing local foster placements, and listening more to our looked after children. Our ultimate aim is to see less of our children and young people living outside Kirklees. Where children and young people do require residential accommodation, it will be in smaller homes that do not have the design style of institutional settings.
- 3.12 Other (e.g., Legal/Financial or Human Resources)**
- 3.12.1 There is no legal requirement for the Council to have a Specialist Accommodation Strategy. However, it is best practice to do so.
- 3.12.2 Although the draft strategy relates to executive functions it will also form part of the Kirklees Housing Strategy 2018-23 which in turn is part of the Council's Policy Framework under Article 4 of the Constitution and was approved by full council on 12 September 2018. The draft strategy does not change the Housing Strategy and supplements it with further detail and so accordingly does not require full Council approval.
- 3.12.3 There are a number of legislative drivers including, but not limited to, the Care Act 2014, Mental Health Act 1983, Autism Act 2009 and the Children Act 1989. For example, section 1 of the Care Act 2014 imposes a general duty on the Council to promote an individual's wellbeing including by reference to their day-to-day life (including care and support provided and the way it is provided), and the suitability of living accommodation.
- 3.12.4 The statutory Care and Support Guidance (updated June 2020) states that local authorities should develop a clear local approach to preventative support to delay or reduce the need for support. It is wider than care and support alone and should include the involvement of those responsible for public health, leisure and housing services. (See para 2.23 of the guidance).
- 3.12.5 The Care Act 2014 is clear on the limits of responsibilities and relationship between care and support and housing legislation (see s.23 Care Act 2014). Where the Council is required to meet accommodation related needs under housing legislation it must do so under housing legislation.
- 3.12.6 Local Authorities must ensure integrated care and support including prevention with health and housing services. The guidance at para 3.5 also refers to improving advice and information on housing options and to support them to live independently which contributes to requirements under the Care Act. Most accommodation for people with mental health needs will be met under section 18 of the Care Act 2014.
- 3.12.7 The Autism Act 2009 requires the needs of adults with Autism should be taken into account in local housing planning, design and allocation in line with local priorities.
- 3.12.8 The strategy may need to be regularly reviewed in the light of emerging health legislation and the Government's approach to adult social care policy and its proposed green paper.
- 3.12.9 The legal implications for the delivery plan arrangements and individual

projects arising out of the strategy will need to be considered on a case-by-case basis to identify legal powers and associated risks as such initiatives progress through relevant internal council boards.

3.12.10 The Council has a duty to comply with its Financial Procedure Rules and Contract Procedure Rules and when procuring goods, works and services above certain thresholds must procure in accordance with the Public Contracts Regulations 2015 and new rules on Subsidy Control which replace the State Aid rules.

3.12.11 Certain land transactions may be exempt from competition.

3.12.12 Section 149 of the Equality Act 2010 sets out the public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e., race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment.

3.12.13 The public sector equality duty requires public authorities to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited under that act
- Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and
- Foster good relations between those who share a protected characteristic and those who do not share it, which involves having due regard, in particular, to the need to- (a) tackle prejudice, and (b) promote understanding.

3.12.14 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, including, in particular, steps to take account of disabled persons' disabilities.
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

3.12.15 Compliance with the duties in section 149 of the Act may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Act.

The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken - that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

3.13 Financial implications

3.13.1 The strategy sets out our long-term shaping ambitions around specialist accommodation and market development locally. At this stage it does not commit to specific spending requirements.

3.13.2 It is highly likely that there will be there will be future capital spending requirements linked to the findings of activities covered in this strategy's workplan. These requirements will be outcomes of pieces of work within the strategy, and they will be built on a sound evidence base.

3.14 Do you need an Integrated Impact Assessment (IIA)?

3.14.1 We expect a positive impact on equality issues as the strategy begins to deliver. By the very nature of those living in, or likely to require specialist or supported accommodation some of the protected characteristic groups are embedded within the objectives.

3.14.2 A Stage 1 Integrated Impact Assessment has been completed.

4. Consultees and their opinions

4.1 The consultation methodology and key findings:

Effective delivery of draft Specialist Accommodation Strategy relies upon collaboration between stakeholders from Health, Housing, Local Authority, and private sector providers working in an integrated way.

The consultation followed a two-phase approach.

PHASE 1. August 2021 - January 2022. Involvement of professional stakeholders in shaping high level strategic aims and objectives subsequently working with these stakeholders to meaningfully connect with people and communities in phase 2.

The involvement of partners in shaping our strategy followed a number of our stated key principles of partnership working and delivered against our statutory duties relating to consultation.

Key aspects of the strategy i.e., the aims and objectives and the full strategy were shared in advance with key stakeholders at their own existing meetings. Typically, hour long discussions were facilitated by Kirklees Council Integrated Commissioning and associated Service Involvement Managers. Members of the Specialist Accommodation Board were invited to join the meetings to hear directly from stakeholders.

A vertical slice of the health and social care system was involved and included front line workers as well as strategic groups, i.e.:

- **Health Partners;** CCG practice managers reference group, mental health rehabilitation and recovery group, Mental Health partnership group, CCG Clinical Strategy Group.
- **Kirklees Council services including housing;** Inhouse provision managers group, Housing Solutions professional teams working with - care leavers, 16 & 17 year olds, Hospital discharge, Domestic Violence, Rough Sleepers, chaotic families and physical disabilities. Children and Young People sufficiency colleagues. Hospital Discharge Social Worker team.
- **Provider Groups:** Mental Health and Learning Disability provider forums. Kirklees Care Association.

People were asked three key questions with regards strategy.

1. "What's already working well?"
2. "Are there any important amendments to this strategy?"
3. "Will you continue to be involved, supporting strategy and delivery going forward?"

Through two-way conversations with facilitators, suggestions and amendments were discussed and captured and follow up was offered. This information was shared with the Specialist Accommodation board in the form of a report and subsequently included in the specialist accommodation strategy. The revised strategy will be shared back with original stakeholders. The strategy covers an eight-year period and will be considered live, being revisited and open for further shaping with stakeholders approximately biannually.

4.2 Key findings:

- *“There must be no shocks and surprises”* with regards accommodation development and wider relevant stakeholders in the system. The strategy delivery plan must describe the need for collaboration, especially around planning and work force.
- Alongside other delivery plans there must be a communication plan.

What’s already working well?

- “Shared Lives”.
- “Home First” as the default.
- The right blend of support and accommodation. E.g., “Independent living with intensive support”.
- “Supported Accommodation”, “Mainstream housing with packages of support”. “Dispersed accommodation with floating support”.
- Extra Care/ Housing with Care.
- Tactical approaches to working with the community who might be resistance to developments.
- Male only accommodation.

Important Amendments

- **Sufficiency** related to the following groups need to be carefully considered:
 - Carers - Women - Those fleeing domestic abuse - Very specialist needs e.g., Hearing loss and deaf - Early onset dementia - Care leavers (16-21) including those who are pregnant or are young parents - People suffering from mental distress
- **Accommodation is only as good as the wrap around support;** Need strong links between accommodation planning and workforce planning.
- **Understanding people’s own outcomes.** Accommodation is able to meet a range of outcomes desired by people living there.
- **Relationship based** (accommodation to enable maintenance of existing positive relationships) e.g., “staying close” model of housing for care leavers.
- **Accommodation must be enabling,** e.g., Need more opportunities for people to experience living away from home.
- **Sustainability and resilience of the market;** We must learn lessons from Covid.
- **Governance:** ICS, CCG and PCN’s need to be involved in governance and development of delivery plans.
- **Clarification of specialist accommodation;** individual, affordable suitable accommodation with floating support and specialist accommodation can get confused.

PHASE 2 Engagement – Ongoing involvement of people and communities in the delivery elements of the work needed to meet our collective ambitions.

4.3 Ongoing involvement

All the stakeholder groups involved expressed a strong commitment for ongoing involvement, working co-productively on refresh of this strategy and the delivery of any associated action plans.

5. Next steps and timelines

5.1 The draft strategy has been revised taking into account consultation responses and submitted to Cabinet for approval as part of the Kirklees housing Strategy 2018-2023.

6 Officer recommendations and reasons

That Cabinet:

6.1 Note the findings of the consultation and approve the amended draft of the Specialist Accommodation Strategy 2022-30. This will allow services and partners to build on the strong foundations outlined and being delivered under the Kirklees Housing Strategy and better support the specific groups of people covered in the draft Specialist Accommodation Strategy. It also covers a timeframe that allows the provider market to effectively engage and developed the mixtures of accommodation and support outlined in the draft strategy.

7 Cabinet Portfolio Holder's recommendations

7.1 Portfolio Holder Cllr Cathy Scott recommends that Cabinet note the findings of the consultation, and the work of the wide range of contributors to the development of the strategy and approve the amended draft of the Specialist Accommodation Strategy for adoption.

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9 Background Papers and History of Decisions

9.1 - Draft Kirklees Council Specialist Accommodation Strategy 2022 – 2030

9.2 - Cabinet report dated 16 March 2021

9.3 - 2018 – 2023 Housing Strategy approved by Council on 12 September 2018

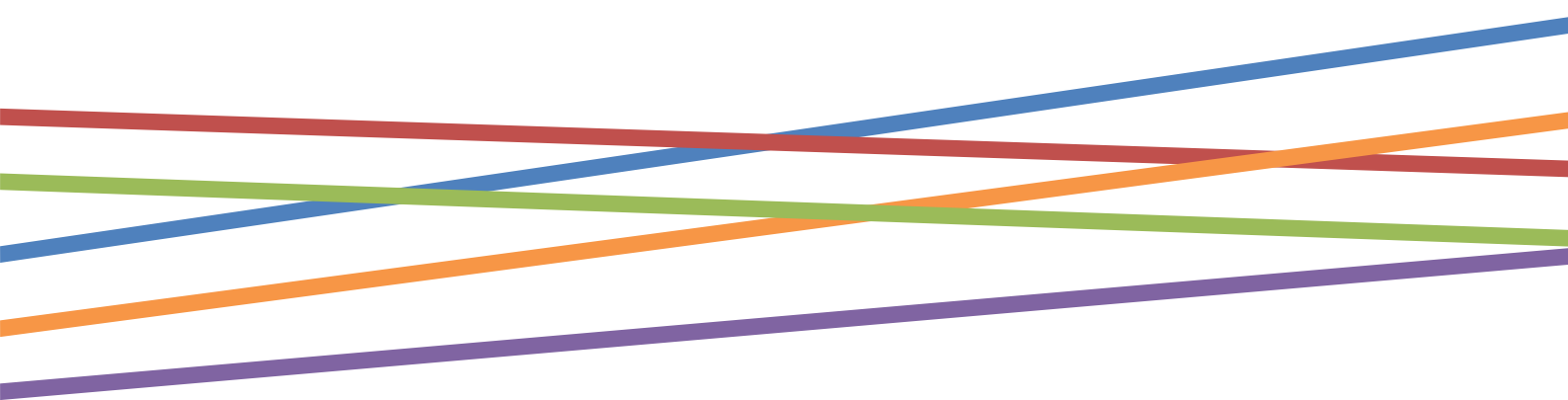
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Kirklees Specialist Accommodation Strategy 2022 - 2030

DRAFT



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1. Foreword

Suitable housing can significantly improve people's lives, while unsuitable housing can be the source of multiple health and wellbeing issues and costs. Appropriately designed housing, that can adapt to people's changing needs as they age, has a number of benefits. These benefits include reducing demand on care and support services and enabling individuals to live independently and more flexibly in our communities. There is a clear political focus on ensuring that Kirklees residents live in homes that support good health and people's wellbeing.

One of the biggest challenges we face nationally is the lack of affordable quality housing, in Kirklees we also recognise the need to develop high quality specialist accommodation for those with care and support needs.

The people who currently or who in the future may live in specialist accommodation are at the centre of this strategy, we want to ensure they remain as independent as possible and have a home that allows them to meet their own outcomes. A person's living environment extends beyond their home. Enabling people of all ages to live healthy and successful lives requires neighbourhoods with suitable physical, social, and community environments.

You will see that our aims of getting the current care and support estate fully appraised and ready for the future, along with an ongoing dialogue with current and potential tenants will allow us to "connect the dots" between what people would like and what our estate can offer.

As this strategy describes the current care and support estate has developed in a slightly disjointed way, we believe taking our current and potential future specialist accommodation tenants with us on a development journey will mean wishes, preferences and ultimately outcomes will be met.

We will continue to work with people and organisations to develop different and innovative homes across all groups, that will enable people to have choice and means they can live as independently as possible.

There are likely to be models of care and support that have not been designed yet that we would want to commission or support during the life of this strategy.

2. Introduction and Purpose

Welcome to the Kirklees Specialist Accommodation strategy, this document forms part of the overall [Kirklees Housing Strategy](#); and specifically covers people that the local authority and our health partners support in a home that has been designed to meet the particular needs of different people in their homes, so that they remain independent.

We believe supporting people to live in communities where we all want to live is important. We also want to reduce the number of people living in formal care settings, by increasing the range of smaller, community integrated and non-institutional style housing options available to them. We will also work with our NHS partners to reduce the incidence and duration of hospital stays. However, there will always be people who require some form of specialist accommodation commissioned or funded by the local authority who are not able to live in adapted general needs housing or may have care needs that cannot be met by community support or home care.

The changes in the needs of people over the period of this strategy will drive development and demand for specialist accommodation based and other care support. How people currently or wish to live will also affect demand and types of accommodation required, more people are living alone than they were 20 years ago. As the population ages there are likely to be more people living with long term conditions that require support or home modifications so that they can remain independent.

This strategy outlines how we intend to address the shortage of specialist accommodation and also outline our longer-term plans that will fulfil the aims of this strategy. There are specific details about types and volumes of accommodation we believe are needed for each care group, and an overall action plan at the end of this strategy. We are of course aware that new models of accommodation are likely to emerge over the duration of the strategy, we will keep a close eye on innovation and developing tastes and attitudes and modify this strategy.

Our Children's improvement plan and other strategies listed within the strategy outline our aspiration that children and young people who we are parent's for, and those with special educational needs and disabilities live and are educated in Kirklees. It is our ambition that every child has a local placement whether that be care, education or both and that their needs can be met in their own communities.

The strategy has been developed alongside our adult [vision and values for adult social care](#):

We want every person in Kirklees who needs social care to be able to live the life that matters to them – with the people they value, in the places and communities they call home, and with an equal voice in co-ordinating their care.

Our Adult Market position statement (linked below) is also a useful source of intelligence.

3. Our overall vision, approach, and outcomes

3.1 Our vision

Our vision for Kirklees is to be a district that combines a strong, sustainable economy with a great quality of life - leading to thriving communities, growing businesses, high prosperity, and low inequality where people enjoy better health throughout their lives.

3.2 Our approach

Working with people, partners, and place. We use the phrase 'We're Kirklees' within our staff teams to reflect our pride in Kirklees and our commitment to working together for all our places.

Our response to the pandemic has shown how important our approach to 'people, partners and place', has been for helping us to achieve our outcomes, and this approach will continue to be important for helping to shape our recovery, in a way that leaves no one behind.

3.3 Our shared outcomes

We remain committed to the shared outcomes we have agreed with our partners. These outcomes describe what it is we want to achieve and help us focus our planning and action as a council.

Shaped by people - We make our places what they are.

Best start - Children have the best start in life.

Well - People in Kirklees are as well as possible for as long as possible.

Independent - People in Kirklees live independently and have control over their lives.

Aspire and achieve - People in Kirklees have aspiration to achieve their ambitions through education, training employment and lifelong learning.

Sustainable economy - Kirklees has sustainable economic growth and provides good employment for and with communities and businesses.

Safe and cohesive - People in Kirklees live in cohesive communities, feel safe and are protected from harm.

Clean and green - People in Kirklees experience a high quality, clean, sustainable, and green environment.

Efficient and effective - Kirklees Council works smart and delivers efficiently and effectively.

4. Our strategic objectives for specialist accommodation

Our new approach to specialist accommodation is radical, but necessary. In the past we have taken small steps with regard to developing specialist accommodation locally, being more reactive than proactive.



We are clear that there are a series of **short-term issues** that need to be addressed to unblock or manage issues within specialist accommodation locally. This includes assessing the impact of COVID-19 on the accommodation market and understanding the impact on future demand. It also includes aligning workforce and service delivery strategies with our ambitions.

We want accommodation to be **appropriate**, having and developing accommodation that means individuals are as independent as possible, for as long as possible. We are firmly committed to shaping accommodation with individuals. This includes for instance working with particular groups such as older BAME people to develop culturally appropriate homes. Working with people and their carers to better develop bespoke support and accommodation solutions, we recognise that people's needs change, we also recognise that people sometimes need to move so their needs can be better met, in the short term or longer term.

We want accommodation to be **local**, we are clear that placing people a distance away from Kirklees may not generate the best outcomes for individuals and carers. We need to develop local capacity so the needs of people likely to be placed out of area can be met in Kirklees. We also want to ensure our local places are inclusive and accessible to those living in specialist accommodation.

We want specialist supported accommodation to be **affordable**; we recognise that in the past we have placed people in more traditional care settings because it has been the only option. We have begun and will continue to develop in partnership with our provider market better value, better outcome models of care that are more flexible.

We want accommodation to be **sustainable**. Attitudes and models of care and support continue to evolve. We need accommodation that is more flexible and can change to meet needs that are different to those that might have been foreseen when a development was started. This may include things like workforce models, eco-friendly design approaches to accommodation and people with different care needs living in one development or one series of developments.

4.1 Technology and specialist accommodation

Connectivity and the ability to adapt homes as needs change, to maximise technology, live independently, access services, travel easily and socialise – will be particularly important as the population ages. Levels of connectivity can determine work, education, health, and care outcomes. Beyond the ability to physically travel, new technologies and digital tools have an increasingly important effect on a person's ability to stay safe, independent and interact with the world around them. Barriers to physical and virtual connectivity create issues for individuals and society. Technology will play an increasingly important role in providing accommodation-based care and support across the life course of this strategy and is woven into each of the objectives of the work and dovetailing with the [Kirklees Technology Strategy 2020 – 2025](#) throughout.

While technologies that assist in health and social care could be significant contributors to the growth in expenditure in the short term, they could potentially reduce costs significantly in the medium and long term.

Over recent years we have seen the costs of previously expensive technology coming down in price. We expect this to be a growth area, particularly as people who have grown up with increased integration of technology require care and support move to be more independent. The inclusion of technology and digital solutions cuts across the strategic objectives of this strategy.

People need specialist accommodation, but with the likely impact of climate change, it is important that accommodation is built in ways that provide benefits for both residents and the environment.

Through the work of this strategy, we plan to make a significant shift to specialist accommodation that use resources more efficiently. Our view is that this would improve the quality of the built environment, create better places for people to live, and improve and protect the environment. However, building specialist accommodation to higher than usual resource efficiency standards may entail additional costs. We will work with develop to incorporate measures to: improve water and energy efficiency, reduce domestic waste generation, and improve the overall resource efficiency of new developments and their infrastructure. More details around this are covered in the [Local Plan](#) and other strategic planning documents.

Children and Young People cared for by the local authority

5. Introduction

Our long-term plan for children and young people is to enable families to stay together when safe, to increase foster placements with local families, and to listen more to our children in care. We take our role as corporate parent for our children in care very seriously and wish to provide them with the best possible childhood experiences and start in life. This will be reflected in the places that our children live and the way they are supported and cared for.

Our ambition is to see fewer of our children and young people living outside Kirklees. Where children do need to live in a children's home, it will be in smaller homes that look and feel more like a normal family home.

We will ensure that our children have the appropriate support in place to reduce isolation and the risk of exploitation.

Local Authorities along with the co-operation of partners have a statutory requirement under the Children's Act 1989 "the sufficiency duty" to: *Secure sufficient accommodation for looked after children plus to take earlier preventative action to support children and their families so fewer children become looked after. Also, consideration must be given to the needs of children in need who are at risk of care or custody.*

The following commissioning principles will support our future sufficiency:

- Reflect social pedagogy models – reflecting transition needs, making the most of positive trusted relationships.
- Children need to live securely with their carers to prepare for independence to the objective of living independently.
- High quality cost effective early support and preventative services should reduce the need for costlier later interventions.
- Accommodation placements will be needs led to ensure that children in care achieve the best possible outcomes as they grow up potentially using satellite, staying close, and outreach models of accommodation.
- Young people will usually live in a family setting if that is in their best interests. The use of children's homes will be kept to a minimum.
- Unless it is not in their best interests to do so, children in care will normally be placed within 20 miles of the Kirklees Boundary.
- A range of community embedded provision and support will be available to meet the needs of children looked after at the age of 16 and 17, and continuity of

accommodation beyond the age of 18. All of this provision must be appropriately registered and regulated.

- Accommodation will be stable, good quality and cost effective.
- We will take a place-based approach to ensure that all homes are integrated into the local community.

5.1 Defining types of accommodation for Children and young people cared for by the local authority

Connected Persons Care accommodation - Residence Orders or Special Guardianship Orders. The Local Authority may place the young person with extended family or a family friend. This may be a short-term solution to allow the young person to remain with known people, and to encourage reintegration into the family home.

Foster care accommodation - Internal Local Authority or Independent Fostering Agency (IFA). The Local Authority may place a young person with a foster carer as part of their family; They may live alongside the foster carer's own children, or other children who are being fostered by the same family. Foster care enables children to remain part of a family and a community and where appropriate will be near the child's school, friends, family, and hobbies.

Children's Homes the Local Authority may place a young person within a children's home if the child's needs can't be met within a foster family. This is commonly where children stay in a home with several other children. The young person will be allocated a key worker who will oversee their care and help them to make progress in all aspects of their lives; there will typically be a team to parent the children throughout the day and night.

Supported Lodgings. The aim of supported lodgings is to offer semi-independent young people the opportunity to live in the home of an approved person who will help them prepare for independent living. This will be a safe and supported environment where a young person can develop the practical skills, confidence, and emotional maturity to move on and cope with living independently.

Most of the young people placed in Supported lodgings will have been living in care, some may have been homeless, or at risk of homelessness. They will all be 16 or older and encouraged to be engaged in, or actively seeking education, training, or employment.

Supported lodgings providers offer opportunities for young people to develop the life skills and confidence needed to move onto independent living. They provide a spare room and some meals for each young person, but also support and assistance - to make a difference.

Semi-independent living accommodation. There are a range of supported accommodation options which can offer different services and varying levels of support. This type of provision is for young people aged 16 and 17 who are moving towards independence and need support not care. The types of provision used include small group living provisions and supported

tenancies for young people who are the most independent. The levels of support vary and are determined based on each individual young person's needs.

Kirklees Council also has 2 support hubs for young people, No.11 in Huddersfield and No. 12 in Dewsbury. Support, help, advice, and independence training are available.

Disabled children in residential respite care. Respite services provide a break for parents of children with disabilities enabling them to have a rest, spend time with their other children or do things they wouldn't normally be able to do. The need for overnight respite care is determined by a short breaks plan which identifies what type of respite is appropriate to meet the whole family's needs. Respite can range from 1 night to a maximum of 75 nights per year.

Children living in accommodation because of an education need. There are a small group of children who require accommodation connected to a specialist education setting which is not available locally.

6. By 2030.....

We will have an extensive and highly skilled pool of local foster carers who are able to meet a wide range of children's needs. This includes caring for children with disabilities, children who are very vulnerable, children with complex needs and those with more challenging behaviours. The type of foster placements will include emergency placements, sibling placements, mother and baby placements, remand placements and placements for children who are at high risk of exploitation. Children will be matched long-term with their foster carers giving them permanence in their lives and the ability to progress and achieve in their education, health, hobbies, and family time.

Foster carers will come from a variety of different communities and cultures meaning that children are placed with foster carers who understand their identity and can promote it positively.

Social workers will have a choice of foster placements for the children and young people they are responsible for and will be able to choose the right placement for their child.

We will provide good quality support to foster carers to manage more challenging placements ensuring they have access to a clinical expert and agreed levels of respite to ensure longevity of the placement.

Supported Board and Lodgings carers will provide placements for children from 16 years old into adulthood where needed. They will play a key role in supporting care leavers who are not yet ready for independence.

Children's Homes will be homely replicating a family home as much as possible. They will be in high quality building's purpose built or bought with highly skilled and committed managers and staff teams who have experience of looking after children whose needs mean that they

need residential care to make progress in their lives. The care provided will be clinically informed by regular clinical input into children's behaviours which is flexible and responsive to need.

We are making a significant capital investment to add capacity to our children's homes for children with disabilities and children with emotional and behavioural difficulties (EBD). We have already bought a property for use as an EBD home; our future plans include working with our children to co-design a new-build children's home. This will include involving young people to learn new skills by being involved with the construction process.

Our residential disability short breaks service will be co-located with our daytime provision and new education provision supporting children with learning and physical disabilities. This will be an excellent resource which is purpose built and will offer a richer experience to children on short breaks plans.

Semi-independent provision will be regulated meaning that children who need this type of provision will be in provision that is independently quality assured by a national body.

We will focus on accommodation options for care leavers (over 18) to help them make the successful transition into an independent adult life. The accommodation available will ensure that care leavers who are not yet ready for full independence have a range of options where they can continue to develop independence skills whilst being supported appropriately in the community.

7. Key activities

- Recruit and retain a larger number of Kirklees Council foster carers reducing the reliance on Independent Fostering Agency placements.
- Specifically recruit certain types of foster carers i.e., long-term carers, emergency carers, remand carers and carers for disabled children.
- Build a new children's home involving children in every aspect of the process.
- Build a new short breaks disability residential provision co-located with other services.
- Focus on a wider range and volume of accommodation options for care leavers, including trainer flats and support care leavers who are pregnant or parents.

8. Understanding current accommodation supply

Kirklees currently provide accommodation via several different delivery/purchasing arrangements. Kirklees have council run children's homes, foster carers and connected foster carers. The balance of placements is individually commissioned from the private sector and third sector via the Yorkshire and Humber regional framework contracts (White Rose), via the Kirklees 16+ Supported Accommodation framework or by spot purchasing directly from providers.

9. Understanding Future accommodation demand

The growth of family settings will be our priority to enable the majority of children to live in an environment that is as close to being at home with their family as possible.

Specialist accommodation for children with complex needs and disabilities needs to be more bespoke and enable children to be cared for within a group setting, but with their own space and facilities so that complex behaviours can be managed without having an impact on other children. Assistive technology will play a much greater role in caring for these children

We intend to increase internal residential capacity by building and buying new high-quality homes to enable our children to live and be supported in Kirklees.

What this means for the market:

We see opportunities for small scale children's homes and semi-independent accommodation as part of existing communities and new larger developments across Kirklees.

There are opportunities for larger homes for family placements to be developed as part of general needs housing.

Children and young people with Special Educational Needs and Disabilities

10. Introduction

In Kirklees we have a number of children with special educational needs who require both specialist accommodation and education provision. We want all of our children to feel valued and to have the best facilities and opportunities available to them. Our aim for this group is that they are at the centre of their holistic support planning, they are able to live in appropriate accommodation locally and are able to be educated in local schools.

We are working hard to ensure there is the right balance of accommodation and educational provision for this group, at the time it is required. There are instances where accommodation is available locally, but specialist education placements are only available away from Kirklees, this is being addressed through the development of sufficient specialist educational provision locally.

There are more details about the long-term vision and plans for children and young people in the Kirklees sufficiency plan, Corporate Parenting Strategy and SEND sufficiency master plan.

In Kirklees we currently have a mixture of council run and private sector homes and respite facilities for children with SEND. We intend to develop new, high-quality homes and facilities to ensure that children can thrive, develop, and become as independent as possible.

The following commissioning principles will support our future sufficiency:

- For young people with Special Educational Needs/High Needs, where possible, they will live in Kirklees, have their needs met by local health & support services and receive their education in local schools.
- High quality cost effective early support and preventative services should reduce the need for costlier later interventions.
- Accommodation and education placements will be needs led to ensure that looked after children in care achieve the best possible outcomes as they grow up.
- Young people will usually live in a family setting if that is in their best interests. The use of children's homes will be kept to a minimum.
- Accommodation and school places will be stable, good quality and cost effective.
- We will take a place-based approach to ensure that all homes are integrated into the local community

11. By 2030.....

We will have developed local sites to provide modern homes that our children will be proud to grow up in. This includes sites for specialist accommodation for those with the most complex health, educational, and emotional and behavioural needs.

We will provide local wrap around support for our children to ensure their wellbeing. This includes activities and leisure opportunities, mental health support and education.

We will also have a detailed understanding of the impact of keeping children in Kirklees on local education placements and health care services and the investment and approach needed to manage this.

We are making a significant capital investment to add capacity to our children's homes. This will include both the adaptation and refurbishment of existing homes and the construction of new, high quality homes. This work will change the way that children with complex needs are cared for in residential care including better use of assistive technology and a homelier environment that still lends itself to good infection control.

We will provide effective 'step down' facilities for children and young people who require a high level of support with mental health, learning difficulties and autism.

We will provide a 'safe space' for children and young people in times of crisis.

12. Key activities

- Identify sites to build new homes and respite facilities to meet the needs of children with SEND.
- Refurbish and develop existing buildings and facilities to a high standard.
- Address the identified increasing and unsustainable pressure on the existing special school places across the borough and across all types of SEND. This will allow us to balance the education and accommodation requirements of children in this group.
- In addition, some of our existing special schools in Kirklees are generally at or over capacity and some of our existing buildings and sites present challenges in terms of suitability. More details around this are covered in the sufficiency master plan.

13. Understanding Future accommodation demand

To build on our ambition for all children and young people in Kirklees to achieve well by getting a good education and to go to school as close to where they live as possible, we want to balance the accommodation and education offer so children do not need to leave Kirklees because of an education need despite there being appropriate accommodation locally. This will require a range of accommodation options which will be detailed through the actions of this strategy and other plans outlined above.

What this means for the market:

There are opportunities for a range of education provision to be developed to stem the outward flow of children and young people being placed educationally outside Kirklees despite accommodation being available locally.

There are opportunities for a range of specialist homes and facilities to be developed to enable children with SEND to access high quality provision locally.

Adult and Older People National Context

A great deal is changing in health, social care and housing and there are significant challenges ahead. Budget reductions, demographic pressures, technological change, and changing expectations of consumers have resulted in a need to re-think the way specialist accommodation markets operate.

The population is growing in size and more people are living longer. The demand for support services is therefore rising, as more adults with long-term and multiple health conditions and disabilities are living longer.

In particular, the number of adults aged 85 or over, the age group most likely to need care, is rising faster than the population as a whole. The overall UK adult population grew by 8% between 2009 and 2019, while the number aged 85 or over rose by 25% in the same period.

The advances over recent decades in medical science, diagnosis, and treatment of progressive disabling conditions, has meant that there are increasing numbers of people with complex support requirements who are living much longer in our communities. Successfully meeting this demand will mean changes to how accommodation and care models operate.

For a number of years public policy has encouraged greater personalisation for those in receipt of care and support. This policy drive will continue, particularly in light of the Care Act that came into effect in April 2015. The Act fundamentally reformed the law on adult social care, placing a stronger emphasis on prevention and wellbeing, information and choice, support for carers, and market oversight.

Regulation has also altered over the past few years and will continue to evolve across adult and children's accommodation. CQC having recently updated their registering right support guidance to say that they expect providers to show how their service meets the needs of people in line with best practice. If they do not follow best practice in any way, they must provide compelling evidence that demonstrates how their approach will deliver appropriate and person-centred care. We support genuine innovation where providers can demonstrate that their model aligns with the service model and positive outcomes can be achieved.

The Regulator of Social Housing (RSH) and LGA¹ has also been engaging with providers of specialist supported accommodation whose business model is predicated on taking long-term leases from property funds, to establish whether the issues with provider risk are replicated elsewhere. As a result of this work, the RSH has published a number of regulatory judgements² and notices where it has identified concerns about the governance or financial viability of these providers.

¹<https://www.local.gov.uk/specialised-supported-housing-guidance-local-government-and-nhs-commissioners>

²<https://www.gov.uk/government/publications/regulatory-judgements-and-regulatory-notices>

14. Defining Adult Accommodation Types

In order to understand this sector, it is important to be clear what sort of accommodation we are talking about. It is important to remember that these groupings are not necessarily separate developments, and multiple groups could be living within a single development.

Specialised supported housing (Group's B, C, E, and F) means³ supported housing:

Which is designed, structurally altered, refurbished, or designated for occupation by, and made available to, residents who require specialised services or support in order to enable them to live, or to adjust to living, independently within the community.

Which offers a high level of support, which approximates to the services or support which would be provided in a care home, for residents for whom the only acceptable alternative would be a care home.

Group A – General Needs Accommodation. People living in their own homes (rented or owned), they may have care and support needs, some of these homes have been adapted or modified to better meet people's needs. This group could be receiving **floating/ outreach support** or **home care** to meet their needs.

Group B – Supported Accommodation. A person living in their own home, but the accommodation is grouped together (rented) with onsite support.

Group C – Shared Supported Accommodation. People living in a house/flat sharing with others (rented) receiving onsite support and companionship from fellow tenants.

Group D – Shared Lives. Adults living as part of families that are not their own, this is most commonly used by adults with a learning disability.

Group E – Housing with Support (Sheltered or Retirement housing) for older people some locations have communal facilities and onsite non-care support. They are linked remotely to support through pull cords and other assistive technology; home care may also be supporting people in this setting.

Group F – Housing with Care (Extra Care housing). Extra care units primarily aimed at over 55's are self-contained homes with design and support features to enable self-care and independent living. The principle is to allow people to maintain an independent lifestyle, but they may need some care to do that, with extra facilities and services such as personal care, meals and overnight care and support onsite.

Group G - A care home with or without nursing, intensive onsite 24-hour care and support, within this group there are care settings that specialise in the care of different care groups.

³ Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016 available at: <http://www.legislation.gov.uk/ukxi/2016/390/made>

Older People living in specialist housing

In Kirklees we are seeing the same issues as other areas of the country, our population is changing. There were around 439,000 people in Kirklees in 2019. If the predicted population growth is correct by 2030 there will be 459,600 people in Kirklees, this is an extra 20,000 people, of which 16,300 will be over 65, taking the overall over 65 population to 95,600. Older people living alone also expect to grow by 22% over the next 10 years to just under 32,000.

15. By 2030.....

It is our ambition to increase capacity in extra care and sheltered housing which offers better outcomes for many people who live in this type of accommodation. We also expect care home placement numbers to reduce with shifts towards more specialist dementia and nursing care.

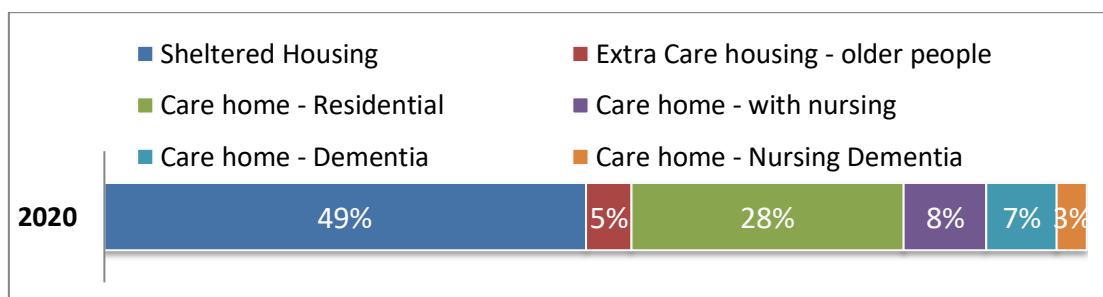
16. Key activities

- Reduce the numbers of people in inappropriate accommodation because of a lack of viable and appropriate alternatives.
- Increase the dialogue and shape of provision with those likely to enter specialist accommodation including BAME, other communities and carers.
- Increase the use of assistive technology to increase choice and control for people.
- Increase housing with care capacity across rural and urban Kirklees.
- Increase specialist dementia accommodation including the support for those living with complex and challenging needs and behaviours.

17. Understanding current accommodation supply

There are just under 4,000 older people living in the different types of specialist accommodation locally. The current supply of accommodation for older people has its roots in historic models of care where care homes were dominant. We have seen small growth in housing with care, however because this has emerged as a care option over the past 5-10 years or so, it is still only a small part of the market. We see housing with care growing in market share moving forward because it offers improved outcomes and independence for people.

17.1 Current Market Supply

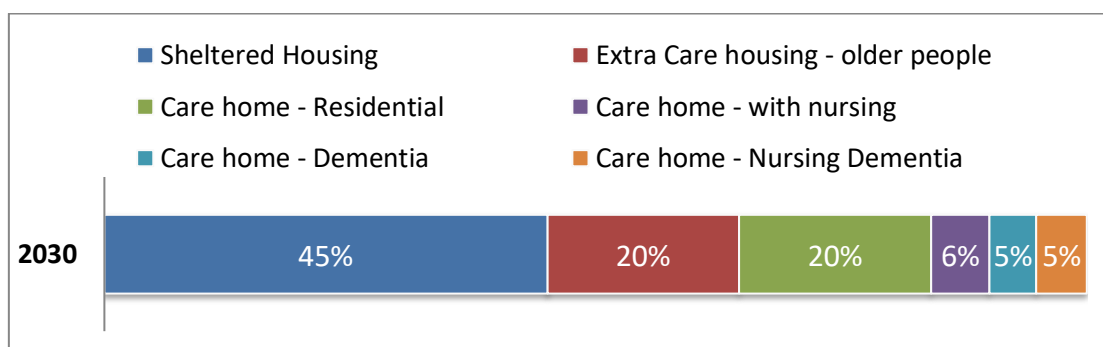


18. Understanding future accommodation demand

Using population forecasts we are able to estimate the likely future demand for accommodation commissioned by the local authority, because we are looking to actively change the future shape of the market by increasing the use of housing with care.

18.1 Future Market Demand

This chart shows our ambition for the mix of accommodation by 2030.



What this means for the market:

We are open to a range of accommodation scenarios; however, we do not see care homes growing at the same pace as other parts of the sector, except in dementia nursing provision.

Demand is likely to grow for housing with care and housing with support if the ranges of ownership and finance options are made available particularly to meet the needs of those funding their own accommodation. We will closely monitor the impact of changes to supported people funding and the proposed changes in rent legislation.

We will work with care organisations and developers to establish design principles and support the development of appropriate sites.

Adults living with learning disabilities

19. By 2030.....

We want more people to be as independent as possible, this means fewer people will live in care home settings. We intend to grow locality based or small site supported and shared supported accommodation options to meet the demand described below. We want to further reduce our dependency on care home placements within Kirklees and in out of area placements; we also want to increase Shared Lives capacity.

We want to maintain a number of short breaks places that can be accessed as people need them. We also want to see increasing numbers of shared accommodation options, people tell us living in small groups as part of a transition to living independently helps them adapt to living on their own.

20. Key activities

- Reduce the number of local authority funded care home placements in Kirklees.
- Reduce the number of out of area care home placements Kirklees Council currently fund.
- Significantly increase the number of smaller, community integrated and non-institutional style local supported living developments.
- Increase the range of independent supported living developments, more specialist clustered flat developments, more disabled friendly developments, more shared home developments.
- Increase Shared Lives capacity.
- Better succession planning with individuals, carers and families for people preparing to leave the family home.

21. Understanding current accommodation supply

There are just under 700 people in this group living in the different types of specialist accommodation locally. Our current supply is too reliant on care home provision; too many people are placed outside Kirklees. We have an oversupply of care homes in Kirklees beyond what is needed to meet local need, one third of care homes beds in Kirklees have people from other local authority areas placements in them.

There are issues with the age and quality of some care home stock, some care homes opened over 25 years ago and we recognise they are coming to the end of their commercial life. Over the last 10 years national policy has been to support people with a learning disability to live in their own home.

In Kirklees we have seen a wide range of models of accommodation and support develop, the council now supports more people to live in their own home than in a care home, we need to continue to develop more specialist accommodation models to meet growing demand and replace old care home stock.

A special note on Transforming Care:

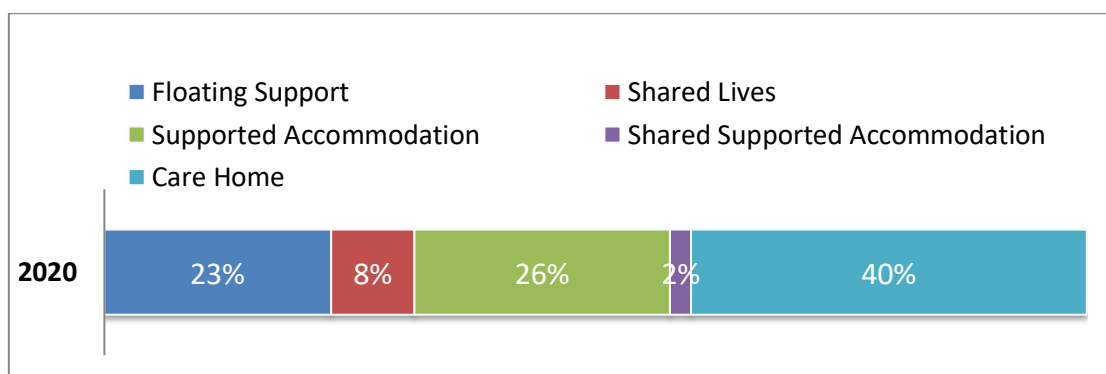
Transforming Care is a national response programme in response to the Winterbourne View scandal, the programme will transform community services to reduce the number of people who access treatment and assessment units or secure hospitals. This programme will be delivered by April 2023; it will be driven by the local Transforming Care Board who will signal to the market the future services required locally.

As part of our local [Transforming Care plan](#); there will be development opportunities for providers to develop high specification bespoke specialist community based complex needs accommodation comprising of Care Homes and supported living.

One of the biggest challenges to deliver this ambitious programme will be the development and retention of a highly skilled workforce to meet the needs of the Transforming Care cohort in a community setting.

21.1 Current Market Supply

This chart shows the current mix of the learning disability accommodation market.



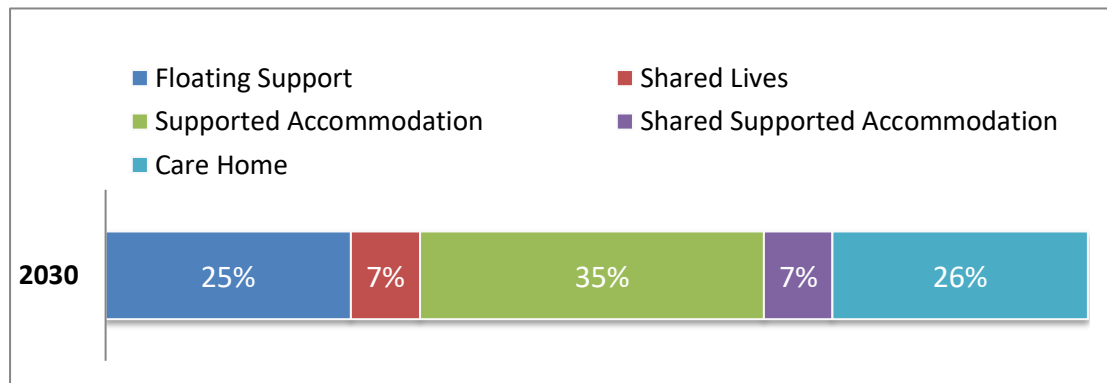
22. Understanding Future accommodation demand

We expect to see the vast majority of people living with learning disabilities being accommodated locally. More people want to live in their own home, often leaving the care of their parents at a much younger age than in the past. We are also seeing increasing numbers of children and young people with disabilities that are likely to require support as adults. (Additional details can be found in our [KJSA SEND Section](#))

We expect the number of people supported to live independently in their own home to increase by at least 100 over the coming five years.

22.1 Future Market Demand

This chart shows our ambition for the mix of accommodation by 2030. You will see significant changes across most care settings, the action plan at the end of this document outlines how this will be achieved.



What this means for the market:

Increasing numbers of people with learning disabilities want to live independently. We want to see smaller individual developments or small developments as part of larger developments in the community, the key to their success will be co-produced planning with people with a learning disability and their families and other stakeholders. We will support the market to develop appropriate supported living accommodation.

Whenever possible this accommodation should provide long term assured tenancies and enable therapeutic care and support. Accommodation arrangements and care and support will be kept separate whenever possible to give people greater choice and control.

Right support, right care, right culture guidance from CQC will impact providers of specialist accommodation, namely:

There is a clear need for the service, and it has been agreed by commissioners.

The size, setting and design of the service meet people's expectation and align with best practice.

People have access to the community.

The model of care, policies and procedures are in line with best practice.

Adults living with mental health issues

23. By 2030.....

We want increasing numbers of people living with mental health issues to live independently. We also see a broader number of cases moving between the different types of accommodation in the diagram below; for instance, people stepping up support if their condition worsens then stepping back down to floating support as things improve. We recognise that these transitions need to be well planned and timely, so the individual is part of the decision-making process rather than having rapid moves forced upon them.

We want to reduce our reliance on residential care but maintain a number of short-term places that can be accessed as people need them. We also want to see increasing numbers of shared accommodation options, people tell us living in small groups as part of a transition to living independently helps them adapt and ease the jumps between residential and living alone.

24. Key activities

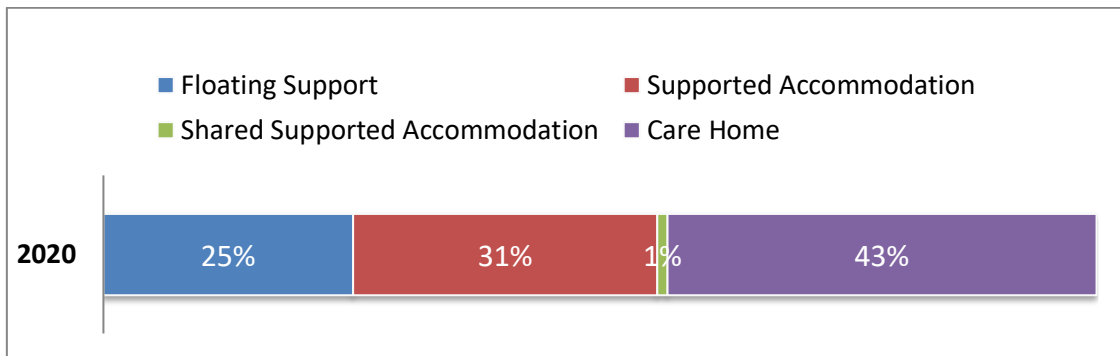
- Reduce the number of out of area care home placements in Kirklees.
- Support Kirklees funded out of area residents to return to Kirklees if they wish to.
- Increase the number of smaller, community integrated and non-institutional style local supported living developments.
- Increase the range of step-down accommodation linked to hospital discharge.
- Increase opportunities to experience living away from home as a route to independent living.
- Increase in the range of supported living developments, including more specialist clustered flat developments and more early onset dementia friendly developments.

25. Understanding current accommodation supply

There are just under 160 people in this group living in the different types of specialist accommodation locally. There are a number of people with mental health issues that live in residential settings, we believe with a better range of supported living options some of this group could be better accommodated in the community. People living with mental health issues in the community need less purpose-built specialist accommodation. Instead, a wider range of support levels including floating and onsite staff better suits the needs of this cohort. There will remain a need for people to periodically access residential support if their condition worsens but it is more of a short term step up rather than a permanent move. The diagram below shows the current shape of commissioned accommodation locally.

25.1 Current Market Supply

The following chart shows the current mix of the mental health accommodation market.

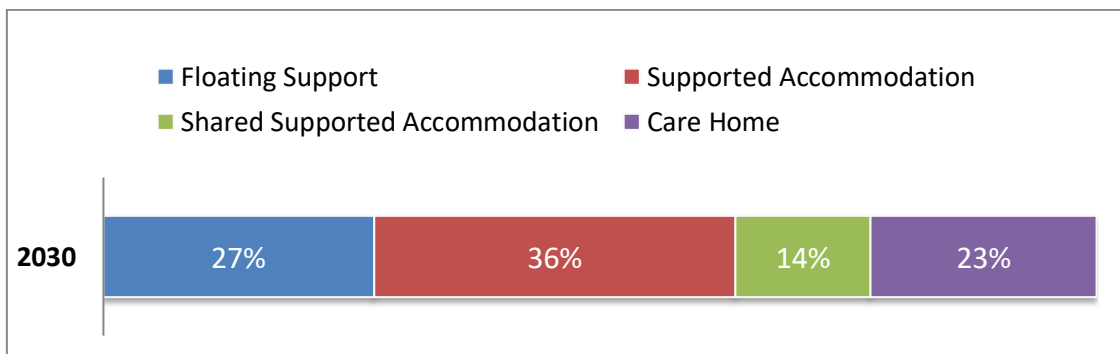


26. Understanding Future accommodation demand

There are likely to be modest increases in the numbers of people requiring accommodation because of a mental health issue locally. At the moment we commission accommodation for around 145 people, we expect this to increase over the next ten years. This may be affected by section 117 and continuing care funded accommodation becoming our responsibility.

26.1 Future Market Demand

This chart shows our ambition for the mix of accommodation by 2030. We intend to reduce care home places with supported and shared supported accommodation picking up demand.



What this means for the market:

There is a broad range of provision, but capacity and flexibility are a problem. We are experiencing an increasing demand for flexible supported accommodation across the complexity spectrum.

There is a need for some intensively supported accommodation provision involving 24-hour support; people with forensic history may need this support. This would be a step between regular accommodation and hospital or care home settings, the best model would most likely be small group accommodation.

Adults living with a physical or sensory impairment

27. By 2030.....

An increasing number of people with a physical/sensory impairment are starting to recognise that with the right accommodation and support they could live independently in the community. As this develops further, and the need for locally funded care home placements reduce, care homes may wish to consider how they might develop their service to meet the needs of people with a complex/specialist physical/sensory impairment. As with other care groups our ambition is for people to move back to Kirklees who live in accommodation outside the area and increase the number of people who live as independently as possible.

28. Key activities

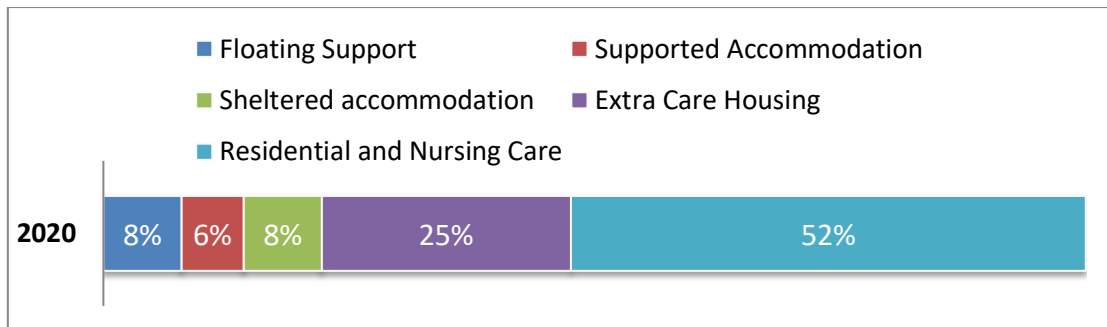
- Reduce the number care home placements in Kirklees.
- Support Kirklees funded out of area placements returning to Kirklees if they wish.
- Increase generic supported living accommodation that includes accessible accommodation for wheelchair users.
- Increase housing with care that is suitable for people with a physical /sensory impairment.
- Better plan with people as they plan to leave the family home and parental carers.

29. Understanding current accommodation supply

There are just over 100 people in this group living in the different types of specialist accommodation locally. There are some people with a physical/sensory impairment who live in a residential care setting of which some are there because their own home cannot be adapted. We believe with a better range of supported living options in Kirklees some of this group of people could be living more independently in supported living accommodation.

29.1 Current Market Supply

This chart shows the current mix of the physical disability, sensory impairment market.

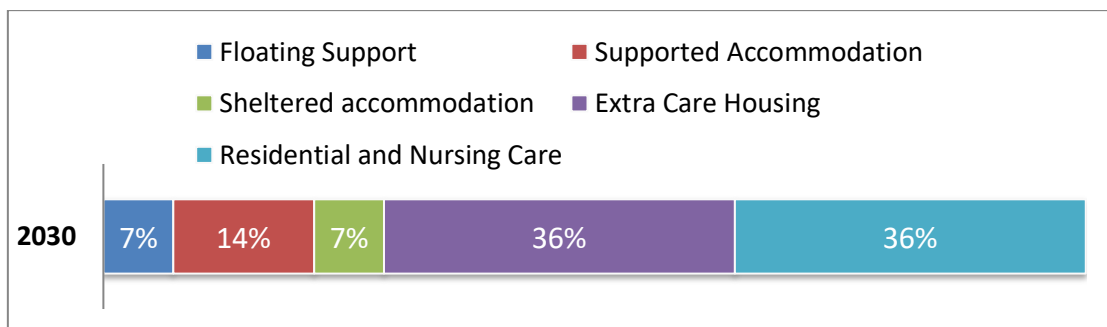


30. Understanding Future accommodation demand

There are likely to be modest increases in the numbers of people with a physical/sensory impairment requiring accommodation locally. At the moment we commission accommodation for around 110 people, we expect this to increase over the next ten years; however, the shift in where people want to live is likely to change significantly.

30.1 Future Market Demand

This chart shows our ambition for the mix of accommodation by 2030. As with other care groups we see a reduced care home offer and increased choice in other settings.



What this means for the market:

There remains a lack of local supported living options for people with a physical disability; some younger adults are living in residential care when they would rather be living independently in the community. The biggest area of demand is supported living accommodation with onsite 24/7 care.

Younger people with a physical disability are developing greater expectations regarding where they live and are increasingly looking at supported living as an option.

Not all people want to live alone; some people with a physical disability would prefer to live in extra care type accommodation.

Vulnerable adults in need of specialist supported accommodation

31. Context

This part of the strategy covers a wide range of people with varying needs. Some of these needs have previously been considered within this strategy, for example, mental health. Some have short to medium term accommodation requirements, others need accommodation and support whilst stepping down or moving on from more complex or institutional type settings such as prison, the armed forces or the care of the Local Authority and others require support to be able to move away from homelessness and live happy, healthy independent lives within mainstream housing. There are just under 400 people in this group living in these different types of specialist accommodation locally.

Our focus is centred on taking preventative, early, effective and integrated actions with people who are more at risk of becoming [homeless](#). If homelessness cannot be prevented, we will work to enable people to move into a settled and secure home with the right type of support and as quickly as possible, successfully moving on from homelessness.

32. Key activities

- Develop new or re-model existing commissioned accommodation for single homeless adults in North Kirklees.
- Increase specialist female only provision.
- Increase supported accommodation for people without a specific diagnosis or lower-level needs such as those living with undiagnosed mental health issues, and those who are “in the gap” between support models.
- Develop better models of support such as semi-independent or preparing for adulthood accommodation for young adults aged 16-21, so they can achieve their full potential and have the best life opportunities.
- Increase dispersed and semi-independent provision to support those living with chaotic lifestyles.
- Articulate the current and future support models required for each group.
- Incentivise the provider market in a more consistent way that addresses long term gaps in specific areas of provision such as ex-offender accommodation.

33. By 2030.....

33.1 Single people, Couples with no dependent children & ex-offenders

There is an overarching ambition to see an increased supply of more homes, of all types, in Kirklees. We want to make greater use of good quality and affordable private rented accommodation, with the appropriate levels of support needed to ensure that tenancies are successfully maintained, and private landlords are confident in letting to this cohort of people.

We also want to increase the availability of commissioned supported accommodation for single homeless households, particularly in North Kirklees. This type of accommodation not only ensures that people have decent accommodation available to them, but also offers a positive framework which contributes to people achieving more positive outcomes and being enabled to move forward with their lives.

33.2 Homeless families

We want to see an increase in the number of homes that are affordable and able to accommodate families, including larger family households, in the areas where they want to live. Important factors to consider here include access to and location of schools, family and other support networks, and ability to travel to work or college. They would also be important for young families to ensure they all have the best start in life.

33.3 Young adults

For young adults aged 16-21 we want to see a range of accommodation types to support increased wellbeing and reduces the risk of adverse outcomes such as exploitation. This accommodation includes both supported and semi supported independent living. Most importantly we want to see support providers who are enabled and equipped to support young people who present with complex and challenging circumstances which threaten the sustainability of their accommodation and lead to poor outcomes. This type of support builds on the work of council housing support teams and volunteer based mentoring schemes for young adults.

33.4 People with drug or alcohol misuse needs

Our ambition is that people with complex needs including drug or alcohol misuse coupled with homelessness including rough sleeping are enabled to access a suitable, settled home as quickly as possible with the wrap around and tailored support needed to combat issues such as substance misuse that affect their health and wellbeing. In order to do this, we need to see an increased supply of housing which will offer people the choice of how and where they live for example, within a more group living arrangement or independently with support available and move on accommodation.

33.5 People who have experienced domestic abuse

Evidence shows that those experiencing domestic abuse are more likely to face housing and/or homelessness issues, the role of Housing Providers is key to ensure that supported housing and adequate refuge accommodation or support to stay at home is available locally and able to respond to these needs.

Where it is appropriate and safe for the individual who is affected by domestic abuse to remain within their home, and they wish to do so we will continue to implement Sanctuary measures which make the home more secure against the threat of further domestic abuse and violence.

33.6 Adult living with autistic spectrum condition

There are a small number of adults whom because of their autism will require some form of specialist accommodation with support. Some of this cohort because of other needs will be supported in the learning disability or mental health element of this strategy. However, some will require bespoke housing solutions which will feature technology such as virtual assistants to support independence. This is relatively new area which will develop over of the course of this strategy.

34. Strategy Governance & Monitoring

This strategy and plan are held and delivered by the Accommodation Sufficiency group, reporting through the Specialist Accommodation Board to the Housing Growth Board and the joint health and social care Integrated Commissioning Board.

34.1 Performance and monitoring

There will be ongoing monitoring of the strategy plan through the delivery group, this will include:

- The progress towards outcomes in each task.
- Numeric progress towards cohort management and developments delivered.
- Annual review of the strategy and its aims.

35. Appendix One – Draft Workplan Overview

A Address short term issues	B Appropriate - Accommodation	C Local - Accommodation	D Affordable - Accommodation	E Sustainable - Accommodation
What we need to do:				
1 Calculate and manage user profile and risk in the current portfolio	1 Maximise independent living across all care groups	1 Bring home those placed out of Kirklees, where it is the right thing for the individual	1 Establish clear routes to market for required capital developments	1 Develop new accommodation to meet longer term needs
2 Actively managing the needs and expectations of those who might require specialist accommodation	2 Articulate the required spectrum and mix of business models for accommodation in each care group locally	2 Use the entire public estate to develop care accommodation	2 Move people out of care homes into extra care or supported accommodation	2 Ensure the development of more flexible accommodation that change use within its depreciation cycle
3 Work much more closely with those supporting disabled and looked after children who might need adult accommodation	3 Support care homes to deregister and develop as extra care or supported living accommodation	3 Explore the range of freehold and leasehold arrangements for sites to be developed	3 Instigate care models that ensure care and accommodation costs are robust and of best value	3 Maximise the use of care and environmental technology in all specialist accommodation
4 Improve assessment and review capacity to enable people to step down to more independent living where appropriate	4 Begin and sustain a dialogue with the adult population to understand their long-term accommodation thinking	4 Articulate and manage risks associated with other LA's placing in Kirklees.	4 Develop a response to financial barriers of development such as Sect-106, CIL and business rates	4 Develop a robust approach to how people in supported accommodation access health and other services

36. Background Information

Kirklees Adult Market Position Statement

<https://www.kirklees.gov.uk/beta/adult-social-care-providers/adult-social-care-strategies-visions-plans.aspx>

Kirklees - Partners and professionals' information

<http://www.kirklees.gov.uk/beta/partners-professionals.aspx>

Kirklees Joint Strategic Assessment

<http://observatory.kirklees.gov.uk/jsna>

37. Useful Contacts

Helen Geldart – Head of Housing

Helen.geldart@kirklees.gov.uk

Stewart Horn – Head of Joint Commissioning (Children)

Stewart.horn@kirklees.gov.uk

Simon Baker – Head of Commissioning Partnerships and Market Development (Adults)

Simon.baker@kirklees.gov.uk

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Name of meeting: Cabinet

Date: 8th March 2022

Title of report: **Cross Council Corporate Safeguarding Policy**

Purpose of report: To present the refreshed version of the Cross Council Corporate Safeguarding Policy and to request Cabinet endorsement/sign off.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No financial implications but all wards could be positively affected by staff, elected members and volunteers increasing their understanding of roles, responsibilities and referral mechanisms to safeguard children and adults at risk of abuse and neglect across the district
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	David Shepherd – Strategic Director of Growth and Regeneration and Executive Team Sponsor of the Corporate Safeguarding Oversight Group
Is it also signed off by the Service Director for Finance?	Yes – 18/02/2022
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Yes – 24/02/2022
Cabinet member portfolio	Cllr C Pattison

Electoral wards affected: N/A

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? This report contains no information that falls within the scope of the General Data Protection Regulation

1. Summary

The responsibility for undertaking an overview of safeguarding arrangements across the Council was delegated to the Corporate Safeguarding Oversight Group by the Council's Executive Team.

The main responsibilities of the Corporate Safeguarding Oversight Group are to:

- ensure that robust arrangements for safeguarding children and adults are in place within and across the Council
- ensure there is effective corporate oversight of safeguarding across the range of services which the Council provides and commissions
- ensure that robust multi-agency arrangements are in place to safeguard children and vulnerable adults, and that key partners have appropriate safeguarding systems in place

The existing Cross Council Corporate Safeguarding Policy was signed off at Cabinet in 2019, however, due to the pandemic, the full roll out stalled somewhat so it was agreed at the Corporate Safeguarding Oversight Group that a Task and Finish Group would be established in order to review the policy. This was to ensure that it could be updated where needed and take into account any further additions that may be needed due to service changes and progression of other parallel work streams, such as the Safer Recruitment work and revised Local Authority Designated Officer (LADO) guidance and referral routes.

2. Information required to take a decision

The Policy is underpinned by the Council's commitment in the Council Plan to make it clear that safeguarding is everyone's responsibility, by joining up with partners, ensuring children and adults have good access to well informed advice, support and decision making, and there are effective, timely and proportionate responses when abuse or neglect occur. The Policy will act to enable all Council employees including those who are not directly involved in safeguarding, to understand their role and responsibilities when they have a safeguarding concern, how to report it and where to find additional information. There is also an expectation that all of the workforce, Councillors and volunteers share an objective to help keep children, young people and adults at risk safe by contributing to:

- Identifying where there are concerns and taking action to address them in partnership with other agencies
- Preventing unsuitable people from working with children, young people and adults at risk
- Ensuring the whole workforce understands safeguarding and their accountabilities and responsibilities
- Promoting safe practice and challenge poor and unsafe practice

The Policy sets out a preventive approach that ensures safeguards are proactively put in place to prevent abuse and neglect occurring

The Council requires a competent workforce of individuals who are able to identify instances in which there are grounds for concern about the welfare of a child or adult and initiate or take appropriate action to keep them safe.

The information contained within the Policy will need to be communicated to all affected stakeholders and staff. All employees will need to be made aware of their duties to safeguard as per the principles outlined in the Policy.

3. Implications for the Council

- **Working with People**

Kirklees Council believes that every child, young person and adult, has the right to live safe from harm, abuse and neglect and the key message of the Corporate Safeguarding Policy is that **‘Safeguarding is Everybody’s Business’** and that all employees, (paid or unpaid) have a duty of care to safeguard, prevent, and report any concerns (regardless of whether or not there is direct contact with children, young people and/or adults as defined by job roles).

The Policy will enable all Council employees, elected members, commissioners, and volunteers to understand their role and responsibilities when they have a safeguarding concern, how to report it and where to find additional information.

There are clear anticipated benefits attached to the refresh and roll out of the policy, not just for people working within the organisation, but also for the public because, as the understanding of safeguarding increases, it will encourage more staff, elected members and volunteers to know how to confidently refer children, young people and adults at risk of abuse and neglect at an early stage so that steps can be put in place to help keep the most vulnerable people in Kirklees safe. This also includes opportunities for staff and services to continue to empower people to make better choices and signpost effectively where people have mental capacity but choose to make risky decisions, as well as increase understanding of how people who lack capacity can be supported by working with the person, their advocate, family and friends in the ethos of making safeguarding personal.

- **Working with Partners**

Social Services are the lead services for dealing with enquiries regarding allegations / concerns that children and adults may be suffering significant harm, but everyone working or contracted within the Council has a responsibility to safeguard the welfare of children, young people and adults, whatever the role of the individual. This will require better and more transparent working relationships between every team in the Council to ensure clear and accessible lines of communication and governance. Whilst the Cross Council Corporate Safeguarding Policy is a Council Policy, joint working with partners such as the Police, CCGs and the voluntary sector are critical to ensuring people are kept safe from harm so there are mechanisms in place to ensure our partners can provide assurances that they have similar policies in place, mainly through the work of the Safeguarding Adults Board and Safeguarding Children’s Partnership. However, once the Kirklees Policy is signed off, it will be shared again with partners, should they want to adopt anything in it for their own. As part of the flightpath to Cabinet, the Cross Council Safeguarding Policy has been shared at various multi-agency partnership groups so partners are aware of this work and have had chance to comment on the revised version.

- **Place Based Working**

This whole system, whole family approach focuses on community, developing place-based safeguarding practices based on local knowledge, networks and need. The Policy will seek to enable and support staff to be innovative and creative in their roles, particularly those who work on the front-line, but who may not be directly involved in safeguarding. By encouraging staff to be thoughtful about the communities they work in, to understand issues related to safeguarding and how to escalate, the council can foster a working environment which is responsive and tuned into the needs of Kirklees diverse communities.

- **Climate Change and Air Quality**

No impact on climate change and air quality.

- **Improving outcomes for children**

At the heart of the Cross Council Safeguarding Policy is a desire and commitment to keeping children safe. The Policy sets out the legal requirements for doing this and what needs to be done if anyone suspects a child is at risk of harm, abuse and/or neglect. As the Policy encourages everyone to report a concern, it is hoped more children will be protected, therefore improving their whole life outcomes. It should be noted that this ethos extends to adults who are at risk as well.

- **Other (eg Legal/Financial or Human Resources)**

Legal - possible impacts include:

- if referrals to children's and adults services increase, it is likely there will be a greater demand on Legal Officers for advice and representation that could lead to Court applications
- There could also be an increase in demand on data security and GDPR advice

HR – possible impacts include:

- ongoing work with regards to Safer Recruitment (including DBS checks) and possible more involvement should LADO/Person in Position of Trust referrals increase
- implications for HR and OD for ongoing training and awareness raising (and particularly in the induction of staff processes)
- the general support of promoting the culture of transparency and enabling employees to be aware of/have a good understanding of the policy; how this underpins their role; how they carry out their duties and contribute to the Council as an organisation

Do you need an Integrated Impact Assessment (IIA)?

This has been completed as part of the refreshed policy.

4. Consultees and their opinions

As part of the engagement process, the Cross Council Corporate Safeguarding Policy has been to the following forums:

- Leader's Management Group
- Overview and Scrutiny Management Committee
- Executive Team
- Portfolio Briefings (Children's and Adults)
- Kirklees Safeguarding Adults Board
- Children's Safeguarding Partnership
- Inclusive Communities Board
- Health & Wellbeing Board
- Adult's and Children's SLTs
- People Service SLT
- Trade Unions
- Employee Networks

The Policy has been well received and the following feedback has been noted and will be acted on:

- The need for the final version to be available in fully accessible formats in the interests of inclusivity
- The need to ensure that when the training plan is developed to run alongside the roll out of the Policy, that it includes specific training for elected members so that they know as community leaders who they can speak to, and also to consider roles, responsibilities and where restrictions may lie (such as those associated with information sharing and GDPR)
- It is recognised that the Policy has needed to be fairly lengthy so that the required information could be captured. However, as this is rolled out, the Task and Finish Group will consider a range of options as to how best to reach the various services, including the dispersed workforce in a variety of ways and in a way that is appropriate for the audience (such as providing factsheets, credit card style cards with information on, potentially create some simple e-learning packages that can be accessed from personal mobile phones).

5. Next steps and timelines

Following sign off at Cabinet, the Corporate Safeguarding Oversight Group will establish the Communication Plan for the wider roll out of the Policy. There will also be a Training workstream established (bringing in subject matter experts in areas such as domestic abuse, modern day slavery etc) to undertake a training needs analysis and agree on what training is required; where and at what level. This will also consider training across other sectors where the Council, as regulators have a role to promote safeguarding. These areas of work will be discussed at the next Corporate Safeguarding Oversight Group in April 2022 and it is expected that this work will be continual to factor in refresher training and opportunities to push the key messages of the Policy throughout its lifetime.

6. Officer recommendations and reasons

- That the refreshed Corporate Safeguarding Policy be approved and adopted;
- That approval be given to delegate responsibility to the Strategic Director responsible for sponsoring the Corporate Safeguarding Oversight Group in conjunction with the Portfolio Lead for the Corporate Safeguarding Oversight Group and with the Corporate Safeguarding Oversight Group, to review the policy and guidance annually and make technical amendments where appropriate, allowing engagement to take place with stakeholders;
- That should there be new legislative requirements that would require a more fundamental change the policy would be brought back to Cabinet for approval.
- That the Corporate Safeguarding Policy be included on the Policy Framework, with Council to consider this and the draft policy in the 2022/23 Municipal Year

7. Cabinet Portfolio Holder's recommendations

- That the refreshed Corporate Safeguarding Policy be approved and adopted;
- That approval be given to delegate responsibility to the Strategic Director responsible for sponsoring the Corporate Safeguarding Oversight Group in conjunction with the Portfolio Lead for the Corporate Safeguarding Oversight Group and with the Corporate Safeguarding Oversight Group, to review the policy and guidance annually and make technical amendments where appropriate, allowing engagement to take place with stakeholders;
- That should there be new legislative requirements that would require a more fundamental change the policy would be brought back to Cabinet for approval.
- That the Corporate Safeguarding Policy be included on the Policy Framework, with Council to consider this and the draft policy in the 2022/23 Municipal Year

8. Contact officer

Alexia Gray (Head of Quality, Standards and Safeguarding Partnerships – Adults and Health)
Tel: 01484 221000
Email: alexia.gray@kirklees.gov.uk

9. Background Papers and History of Decisions

When producing your report you must list all the previous decisions in connection to this matter under this section and list all background papers (for public reports only).

Previous Policy:

Corporate Safeguarding Policy
Key Decision Notice
ET – 02/10/2018 Noted and Endorsed
Corporate Safeguarding Oversight Group – 16/08/2019 For info/ update
SLT Childrens – 10/09/2019 Approved

SLT Adults – 16/09/2019 Approved
SLT Corporate – 19/09/2019 Approved
Corporate Safeguarding Oversight Group – 26/09/2019 Approved
ET – 01/10/2019 Approved
Portfolio Holder Briefing 07/10/2019 – Approved
Cabinet – 05/11/2019 – Approved

Revised Policy:

Cross Council Safeguarding Policy (appended)
Key Decision Notice (appended)
Executive Team – 18/01/2022 - approved
Overview and Scrutiny Management Committee
List of other consultees outlined under section 4

10. Service Director responsible

David Shepherd (Strategic Director for Growth and Regeneration)
Tel: 01484 221000
E-mail: David.shepherd@kirklees.gov.uk

Kirklees Council

Cross Council Corporate Safeguarding Policy

Version Control Table

Ref	Reason for Amendment	Details of amendments	Date finalised
0.1	Review of existing policy required updates to certain sections; re-formatting and additional information to be supplied from Children's and Adults	October 2019 document re-formatted into this to reduce duplication and to ensure a better 'flow'	June 2021
0.2	Additional information required	Section added to incorporate the role of partners and information added for FGM and Hate Crime	July 2021
0.3	Review of Children and Education input	Changes made to update both these sections as many of the links were out of date	August 2021
0.4	Additional information required	Section added to incorporate HBA and FM	August 2021
0.5	Additional information required	Whistleblowing section updated as the links were out of date	August 2021
0.6	Additional information added	Safer recruitment, LADO update and DBS info	August 2021
0.7	Page 18 & 21 amended sentence	Changed to 'relevant services' as agreed at CSOG	Sept 2021
0.8	Draft foreword added	To be agreed by DS	Oct 2021
0.9	Proof read	Formatting and grammar check	Oct 2021
0.10	ET Feedback	Foreword changed to come from Cllr Pattison, rather than ET Sponsor	20/01/22
0.11	ET Feedback	Removal of requirement for all staff to sign to indicate they have completed training on corporate safeguarding but covered under revised performance and policy review section (p23)	20/01/22
0.12	Legal feedback	Add additional information around GDPR under 'information sharing' section	04/02/22
0.13	OSMC feedback	Clarify that although the policy will be formally reviewed every 3 years, it will be monitored through the CSOG annually should any changes/updates be required before this time	04/03/22

'Safeguarding is Everyone's Business'

**A commitment towards
Safeguarding Children, Young People and Adults at Risk**

February 2022

FOREWORD FROM CLLR CAROLE PATTISON PORTFOLIO LEAD FOR THE CORPORATE SAFEGUARDING OVERSIGHT GROUP

The responsibility for undertaking an overview of safeguarding arrangements across the council has been delegated to the Corporate Safeguarding Oversight Group by the Executive Team.

The main responsibilities of the Group are to ensure that robust arrangements for safeguarding children and adults are in place within and across the Council; ensuring there is effective corporate oversight of safeguarding across the range of services which the Council provides and commissions which on their own; ensuring that robust multi-agency arrangements are in place to safeguard children and vulnerable adults and that key partners have appropriate safeguarding systems in place.

As the Portfolio Lead for the Kirklees Corporate Safeguarding Oversight Group, I am delighted to introduce the Cross Council Corporate Safeguarding Policy. At the heart of this policy is an ambition for safeguarding to become everyone's business; so that everyone understands what safeguarding is, and more importantly, how to act if they do have concerns about a child and/or vulnerable adults.

The Kirklees Council Plan covers the vision and outcomes of the organisation and safeguarding is a key strategic theme throughout, as well as being a fundamental aspect of the strategies connected to the Safeguarding Adults Board, the Communities Board and the Children's Safeguarding Partnership. Our Inclusive Communities Framework is currently in development, alongside the review of our Joint Health and Wellbeing Strategy, both of which will further strengthen the Council's commitment to making safeguarding everyone's business.

On a regional level, one of the West Yorkshire Mayoral Pledges is 'put keeping women and girls safe at the heart of my policing plan' and we actively support this agenda through various projects and groups, such as the Domestic Abuse Strategic Partnership's Strategy.

We will promote this policy through a range of communications and training initiatives so that everyone truly understands what an important role they play in making Kirklees a safe place for children and vulnerable adults to thrive.

Thank you,

Cllr Carole Pattison (include signature and picture)

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<p>1. Introduction</p> <p>Kirklees Council believes that every child, young person and adult, has the right to live safe from harm, abuse and neglect.</p> <p>The Council acknowledges its role and responsibilities to provide safeguarding guidance for all staff, including those the Council contracts, elected members, voluntary staff, and partner agencies /organisations, to help protect individuals, families, and communities.</p> <p>The key message of the Corporate Safeguarding Policy is that Safeguarding is Everybody's Business and that all employees, (paid or unpaid) have a duty of care to safeguard, prevent, and report any safeguarding concern.</p> <p>Abuse, neglect, and harm can take place anywhere, at any time and be carried out by anyone. It is therefore important that all Council employees, elected members, commissioners, and volunteers are aware of their moral and legal obligations to safeguard children, young people, and adults and know what to do if they have a concern.</p> <p>Council employees who are directly involved in safeguarding children, young people and /or adults as part of their work, are expected to respond to concerns as defined by their role and/or the statutory duties of the Council as their employer.</p> <p>All managers are responsible for ensuring that they are aware of their responsibilities as outlined in this policy, and that those they manage are equally aware and briefed.</p> <p style="text-align: center;"><u>Safeguarding is everyone's responsibility regardless of whether or not there is direct contact with children, young people and /or adults as defined by job roles.</u></p> <p>This document will act as a statement to enable all Council employees, elected members, commissioners, and volunteers to understand their role and responsibilities when they have a safeguarding concern, how to report it and where to find additional information.</p>
<p>2. What is Safeguarding?</p> <p>Safeguarding relates to all children, young people, and adults; not just those known to services.</p> <p>Safeguarding and promoting the welfare of children and young people is defined by Working Together to Safeguard Children 2018 as,</p> <ul style="list-style-type: none"> • protecting children and young people from maltreatment • preventing impairment of children and young people's health or development • ensuring that children and young people grow up in circumstances consistent with the provision of safe and effective care, and • taking action to enable all children and young people to have the best outcomes. <p>Safeguarding Adults duties apply to adults over the age of 18 years old as outlined in the Care Act 2014 . These relate to if an adult:</p>

- has needs for care and support (whether or not the local authority is meeting any of those needs AND
- is experiencing, or at risk of, abuse or neglect AND
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

3. Definitions, Legislation and Governance

Children and Young People

Safeguarding children and young people relates to all children and young people who have not yet reached their 18th birthday

“The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection”.

Safeguarding children and young people involves.

- protecting children from maltreatment
- preventing impairment of children’s health and development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care and
- taking action to enable all children to have the best outcomes

Child Abuse, Neglect and Harm

The abuse of a child falls under four categories

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect

The abuse or neglect of a child can occur by inflicting harm, and /or by failing to prevent harm; harm can include:

“ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults, or another child or children. ”

(Working Together to Safeguard Children 2018)

Legislation: Safeguarding Children and Young People

The legislation and statutory guidance stating the responsibilities for the safeguarding of children and young people are found within the Children Act 1989 and 2004 as amended by the Children and Social

Work Act 2017; The Education Act 2002 and 2011; the Working Together to Safeguard Children 2018; the Safeguarding Vulnerable Groups Act 2006 and Keeping Children Safe in Education 2021. The Local Authority also has a Model Policy in place to ensure compliance with the above overarching legislation.

In accordance with Working Together to Safeguard Children 2018, local authorities, working with partner organisations and agencies, have specific duties to safeguard and promote the welfare of all children in their area.

Kirklees Safeguarding Children Partnership

The Children Act 2004, as amended by the Children and Social Work Act 2017, placed new duties on key agencies in a local area, specifically,

- the police,
- clinical commissioning groups and
- the local authority

to make arrangements to work together, and with other partners locally, to safeguard and promote the welfare of all children in their area.

To ensure effective safeguarding of all children in the local area, the statutory Safeguarding Children Partnership arrangements should have effective links with other strategic partnership work in the local area, for example, the Health and Wellbeing Board, Adult Safeguarding Board, and the Community Safety Partnership.

In addition to the duties of the three statutory safeguarding partners, all organisations and agencies have a shared responsibility to safeguard and promote the welfare of all children in a local area and under, section 11 of the Children Act 2004 many local organisations and agencies have a duty to ensure that they consider the need to safeguard and promote the welfare of children when carrying out their functions.

Further information can be found at the [KSCP website](#).

Keeping Children Safe in Education (KCSIE)

KCSIE 2021 is statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014, the Non-Maintained Special Schools (England) Regulations 2015, and the Education and Training (Welfare of Children) Act 2021.

Schools and colleges in England must have regard to it when carrying out their duties to safeguard and promote the welfare of children.

For the purposes of this guidance children includes everyone under the age of 18. The guidance is for:

- 'schools' means: all schools whether maintained, non-maintained or independent schools (including academies, free schools and alternative provision academies), maintained nursery schools and pupil referral units.

- ‘college’ means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992, institutions designated as being within the further education sector and providers of post 16 Education as set out
- in the Education and Training (Welfare of Children) Act 2021: 16-19 Academies, Special Post-16 institutions and Independent Training Providers. For colleges, the guidance relates to their responsibilities towards children who are receiving education or training at these institutions.

The Council ensures our compliance with KCSIE 2021 through Letters of Assurance (LOAs) for all council services and staff providing services or contracts to any of the above organisations; the councils LOAs are updated (at least annually) and made available to all schools via Kirklees Business Solutions webpage.

Adults

Definition of ‘adult at risk’

The Care Act 2014 defines an ‘adult at risk’ as someone who:

- *has needs for care and support (whether or not the local authority is meeting any of those needs)*
- *is experiencing, or at risk of, abuse or neglect*
- *as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect*

Definition of ‘safeguarding adults at risk’

The Care Act 2014 defines adult safeguarding as:

“...protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.” (Care Act 2014 Statutory Guidance, 2018, para 14.7).

An explanation of the types of abuse of an adult at risk can be found in section 4 of this policy but it must be noted that this list is not exhaustive and **“Local Authorities should not limit their view of what constitutes abuse or neglect, as they can take many forms and the circumstances of the individual case should always be considered”** (Care and Support Statutory Guidance, update Feb 2018. para 14.17)

Legislation: Safeguarding Adults at Risk

Section 42 of the Care Act 2014 sets out the statutory responsibility to safeguard adults The Act refers to safeguarding an ‘adult at risk’ as defined in Section 3.2 of this policy.

Statutory responsibilities for local authorities regarding adult safeguarding apply equally to those adults with care and support needs, regardless of whether those needs are being met. The duties also apply regardless of whether the adult is assessed as meeting current eligibility for social care, lacks mental capacity or not, and regardless of setting (with exception to prisons and approved premises).

The local authority must make whatever enquiries it thinks is necessary if it believes an adult is experiencing or at risk of abuse or neglect; to enable it to decide whether any action should be taken in

the adult's case and if so what action and by who. The organisation should promote the adult's wellbeing in their safeguarding arrangements and the ***six principles of Safeguarding*** also underpin this; informing how professionals and others should work with adults:

- Empowerment
- Prevention
- Proportionality
- Protection
- Partnership
- Accountability

In addition to the six principles, it is important that the safeguarding concern and any enquiry focuses on ***'Making Safeguarding Personal' (MSP)***. This concept allows the concern to be person-centred and outcome led as well as empowering the adult at risk and encouraging choice and involvement.

Kirklees Safeguarding Adults Board (KSAB)

Section 43 of the Care Act 2014 prescribes that all local authorities in England must establish a Local Safeguarding Adults Board in its area. The fundamental priority is to protect adults at risk from abuse as defined in Section 42 of the Act, by coordinating and ensuring the effectiveness of each of its members.

The Local Safeguarding Adults Board must also arrange for reviews to take place for any cases within its area where an adult at risk dies or has experienced serious neglect or abuse, and there is concern that agencies could have worked more effectively to protect the adult.

There are three statutory partners for the local safeguarding Adults Board (as per the Care Act 2014): the local authority; Clinical Commissioning Groups and the Police. In addition, the board can opt to invite representatives from other appropriate agencies to join.

Further information can be found at the [KSAB website](#).

Kirklees Communities Board (incorporating the statutory Community Safety Partnership)

Section 5 of the Crime and Disorder Act 1998 and subsequent legislative amendments places a statutory duty on a number of responsible authorities to work in partnership to reduce crime and disorder. Known as Community Safety Partnerships (CSPs) the act defines CSPs as "An alliance of organisations which generate strategies and policies, implement actions and interventions concerning crime and disorder within their partnership area". In Kirklees the CSP is known as the Communities Board and also brings together the partnership arrangements to develop cohesive communities.

The statutory obligations of the Communities board are:

- Develop a **Partnership Plan** and deliver the outcomes of the Partnership Plan across the communities of Kirklees. This also includes monitoring progress
- Analyse a wide range of data, including crime levels and patterns, in order to identify priorities in an annual **strategic assessment**
- Produce a strategy to **reduce re-offending**
- Have overview and responsibility for **domestic homicide reviews**.
- Engage and consult with the local **community** about priorities and progress in achieving them
- set up protocols and systems for **sharing information**

- To have a crime and disorder **scrutiny committee** with the power to review and scrutinise decisions made and action taken by the CSP.
- To **assess value for money** of partnership activities.

Communities Board strategic commitments

The Communities Partnership Plan 2018 – 2021 identifies four priorities/ themes:

- Preventing and Reducing Crime
- Tackling Anti-Social Behaviour (ASB)
- Protecting people from serious harm
- Improving Place

Partnerships

Protecting those who are vulnerable and/or at risk requires a system wide partnership response, and our partners are intrinsic to the successful implementation of this policy.

Whilst this policy is intended for Kirklees Council, it is recognised that we work closely with a wide range of partners, including Health, West Yorkshire Police, West Yorkshire Fire & Rescue, Housing, local businesses, and voluntary and community sector groups. Kirklees Council is committed to effective partnership arrangements and multi-agency solutions to help ensure the best outcomes for individual children, young people, adults, and their wider families and communities

4. What is meant by Abuse, Harm, and Neglect?

Abuse is an umbrella term relating to many types of behaviours and activities which cause harm. Whilst the policy references certain abuses which relate to children and adults separately, it is recognised that most can affect any child or adult, regardless of age. The glossary below clarifies the different types of abuse and the characteristics associated with each type:

Physical Abuse of Children	A form of abuse which may involve hitting, shaking, throwing, poisoning, burning, or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.
Physical Abuse of Adults	<p>Assault, hitting, slapping, pushing, misuse of medication, restraint, or inappropriate physical sanctions.</p> <p>Restraint Unlawful or inappropriate use of restraint or physical interventions. In extreme circumstances unlawful or inappropriate use of restraint may constitute a criminal offence. Someone is using restraint if they use force, or threaten to use force, to make someone do something they are resisting, or where an adult's freedom of movement is restricted, whether they are resisting or not.</p> <p>Restraint covers a wide range of actions. It includes the use of active or passive means to ensure that the person concerned does something, or does not do something they want to do, for example, the use of key pads to prevent people from going where they want from a closed environment.</p>

<p>Emotional Abuse of Children</p>	<p>The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development.</p> <p>It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed. These may include interactions that are beyond a child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing a child participating in normal social interaction.</p> <p>It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.</p>
<p>Child Sexual Abuse</p>	<p>Involves forcing or enticing a child to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening.</p> <p>The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).</p> <p>The sexual abuse of children can be committed by adults and/or by other children.</p>
<p>Sexual Abuse of Adults</p>	<p>Examples of sexual abuse include rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.</p> <p>Sexual abuse is not confined to issues of consent the following factors should also be considered:</p> <ul style="list-style-type: none"> • Any sexual relationship or inappropriate sexualised behaviour between a member of staff and service user should lead to disciplinary proceedings; • A sexual act between a care worker and service user with a mental disorder is also a criminal offence under section 38-42 of the Sexual Offences Act.
<p>Child Neglect</p>	<p>The persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development.</p>

	<p>Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:</p> <ul style="list-style-type: none"> • provide adequate food, clothing, and shelter (including exclusion from home or abandonment) • protect a child from physical and emotional harm or danger • ensure adequate supervision (including the use of inadequate caregivers) • ensure access to appropriate medical care or treatment <p>It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.</p>
Adult Neglect and Acts of Omission	<p>Ignoring medical, emotional, or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of the necessities of life such as medication, adequate nutrition, and heating. Neglect also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk for themselves.</p> <p>https://www.kirklees.gov.uk/beta/adult-social-care-providers/pdf/ksab-multi-agency-protocol-managing-self-neglect.pdf</p>
Discriminatory Abuse of Adults	<p>Discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation, and political views, along with racist, sexist, homophobic or ageist comments or jokes, or comments and jokes based on a person's disability or any other form of harassment, slur, or similar treatment.</p> <p>Excluding a person from activities on the basis they are 'not liked' is also discriminatory abuse.</p>
Financial or material Abuse of Adults	<p>Theft, fraud, internet scamming, postal and doorstep scams, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits are all forms of financial abuse and are often targeted at adults at risk. Financial abuse can have serious effects including loss of income and independence and harm to health, including mental health.</p> <p>The adult at risk can be persuaded to part with large sums of money and in some cases their life savings. These instances should be reported to the local police service and local authority Trading Standards Services for investigation.</p> <p>Where the abuse is perpetrated by someone who has the authority to manage an adult's money, the relevant body should be informed, e.g., the Office of the Public Guardian for deputies and attorneys and DWP for appointees.</p>
Organisational Abuse of Adults	<p>Is the mistreatment, abuse, or neglect of an adult by a regime or individuals in a setting or service where the adult lives, or by one that they use.</p>
Psychological Abuse of Adults	<p>Emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.</p>

<p>Domestic Abuse; Children and Adults</p>	<p>The Government definition of Domestic Abuse is: 'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:</p> <ul style="list-style-type: none"> • Psychological • Physical • Sexual • Financial/economic • Emotional <p>Domestic abuse can take place inside or outside of the home, and anyone can be a victim regardless of gender, age, ethnicity, socio-economic status, sexuality, or background.</p> <p>Types of domestic abuse include intimate partner violence, abuse by family members, teenage relationship abuse and adolescent to parent violence.</p> <p>Children may experience domestic abuse directly, as victims in their own right, or indirectly due to the impact the abuse has on others, such as a non-abusive parent.</p> <p>The Government definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group (see additional information below).</p>
<p>Controlling and Coercive Behaviour; Children and Adults</p>	<p>Controlling behaviour is:</p> <ul style="list-style-type: none"> • a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour <p>Coercive behaviour is:</p> <ul style="list-style-type: none"> • an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim <p>Coercive control is:</p> <ul style="list-style-type: none"> • a form of abuse that involves multiple behaviours and tactics which reinforce each other and are used to isolate, manipulate, and regulate the victim. This pattern of abuse creates high levels of anxiety and fear. Coercive control can have a significant impact on children and young people, both directly, as victims, and indirectly due to the impact the abuse has on the non-abusive adult. <p>Children may also be forced to participate in controlling or coercive behaviour towards the parent who is being abused.</p>
<p>So called Honour Based Abuse and Forced Marriage; Children and Adults</p>	<p>Honour based abuse is a collection of practices used to control behaviour within the family and community in order to protect perceived cultural and religious beliefs and/or honour.</p>

	<p>Abuse can occur when perpetrators perceive that a person has shamed the family and/or community by breaking their honour code.</p> <p>Women are predominantly, but not exclusively, the victims, which can be distinguished from other forms of violence, as it is often committed with some degree of approval and/or collusion from family and/or community members.</p> <p>Men and boys can also be victims, sometimes as a consequence of their involvement in what is deemed to be an inappropriate relationship, if they are same sex, or if they are believed to be supporting the victim.</p> <p>Honour based abuse occurs across all cultures, nationalities, faith groups and communities. Relatives, including females, may conspire, aid, abet or participate in honour based abuse, for what might seem a trivial transgression.</p> <p>The list is not exhaustive but examples of HBA may include:</p> <ul style="list-style-type: none">• Murder• Unexplained death (suicide)• Forced marriage• Fear of forced marriage• Controlling sexual activity• Domestic violence (Including psychological, physical, sexual, financial or emotional abuse)• Child abuse• Rape• Kidnapping• False imprisonment• Threats to kill• Assault• Harassment• Forced abortion <p>A forced marriage is where one or both people do not (or in cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage as they are pressurised, or abuse is used, to force them to do so. It is recognised in the UK as a form of domestic or child abuse and a serious abuse of human rights.</p> <p>The pressure put on people to marry against their will may be:</p> <ul style="list-style-type: none">• physical: for example, threats, physical violence or sexual violence• emotional and psychological: for example, making someone feel like they are bringing 'shame' on their family <p>Financial abuse, for example taking someone's wages, may also be a factor</p>
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<p>Female Genital Mutilation (FGM); - Adults and Children</p>	<p>FGM is any procedure which involves the partial or complete removal of the external female genitalia, or other injury to the female genital organs for no medical reason. FGM is illegal in the UK and it is also illegal to a female (child or adult) out of the UK for FGM or for anyone to circumcise women or children for cultural or non-medical reasons here in the UK.</p> <p>In accordance with the Serious Crime Act 2015 there is a mandatory duty to report Female Genital Mutilation</p>
<p>Child Exploitation - Sexual</p>	<p>Child sexual exploitation is when an individual or a group of people takes advantage of an imbalance of power to coerce, manipulate or deceive a child under the age of 18 into sexual activity</p> <ul style="list-style-type: none"> • in exchange for something the victim needs or wants, and/or • for the financial advantage or increased status of the perpetrator or facilitator. <p>A child may be sexually exploited even if the sexual activity appears consensual. The sexual exploitation of children does not always involve physical contact; it can also occur through the use of technology.</p>
<p>Child and Adult Criminal Exploitation -</p>	<p>The criminal exploitation of children involves an individual or group taking advantage of an imbalance of power to coerce, control, manipulate or deceive a child under the age of 18 into any criminal activity</p> <ul style="list-style-type: none"> • in exchange for something the victim needs or wants, and/or • for the financial or other advantage of the perpetrator or facilitator and/or • through violence or the threat of violence. <p>A child may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology.</p> <p>County Lines involves gangs and organised criminal networks exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of 'deal line'. This may involve the exploitation of children and/or vulnerable adults to move and store the drugs and money,</p>
<p>Peer on Peer Abuse - Children</p>	<p>Peer on peer abuse can include (but is not limited to),</p> <ul style="list-style-type: none"> • Bullying - (including cyberbullying) • Physical abuse – including hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm • Sexual violence, including rape, assault by penetration and sexual assault • Sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse • Upskirting; which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm, • Sexting (also known as youth produced sexual imagery); and • Initiation type violence and rituals.

	<p>Hate Crimes and Hate Incidents; - Adults and Children</p>	<p>A hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's disability, race, religion, sexual orientation or gender identity or perceived disability, race, religion, sexual orientation, or gender identity. Examples can include:</p> <ul style="list-style-type: none"> • Physical attacks • Damage to property • Offensive graffiti and arson <p>Also, threat of attack, such as inciting hatred by words, pictures or videos, offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded malicious complaints.</p> <p>A hate incident is any non-crime incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's disability, race, religion, sexual orientation or gender identity or perceived disability, race, religion, sexual orientation, or gender identity. Examples can include:</p> <ul style="list-style-type: none"> • Verbal or online abuse • Insults or harassment, such as taunting • Offensive leaflets or posters • Abusive gestures • Dumping of rubbish outside homes or through letterboxes • Bullying at school or in the workplace
	<p>Prevent and Channel – the risk of extremism</p>	<p>Prevent is part of the National Prevent Strategy, published by the government in 2011. It is part of the UK's overall counter-terrorism strategy known as CONTEST. Channel is a multi-agency approach to safeguarding, supporting and protecting children, young people and vulnerable adults at risk of radicalisation, extremism or terrorist related activity.</p>
	<p>Modern Slavery – Adults and Children</p>	<p>Modern Slavery is an umbrella term, encompassing human trafficking, slavery, servitude and forced labour. It is a hidden crime and victims include adults and children. Victims are controlled, may be transported a short distance or across continents to be forced into jobs they do not want to do. The Modern Slavery Act 2015 places a duty on local authorities to report details of suspected cases of modern slavery to the National Crime Agency.</p> <p>Slavery, servitude and forced or compulsory labour. A person commits an offence if:</p> <ul style="list-style-type: none"> • A person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude; or • The person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour. <p>There are many different characteristics that distinguish slavery</p>
<p>5.</p>	<p>Who is Affected by Abuse?</p>	

	Any children, young person or adult can experience abuse, neglect, and harm. If you suspect that it is taking place, you should follow the procedures set out in this policy.
6.	Where does abuse occur
	<p>Abuse can be perpetrated by anyone, and can by happen anywhere, including in a child or adult’s own home, in their community, within their family or friendship group, and or in any setting, e.g., an early years setting, a school, college, or workplace, a care/residential home, a hospital, or in voluntary /leisure activity setting. Those who may abuse include:</p> <ul style="list-style-type: none"> • parents • siblings • spouses/partners • extended family members • friends and acquaintances • neighbours/local residents • paid (or unpaid) staff • volunteers • individuals/groups unknown to the victim (including via the internet) • People in a position of trust (Person in a Position of Trust – PiPoT)
7.	Responsibilities for Safeguarding
	<p>As abuse can take place anywhere, at any time and by anyone, it is important that we are all aware of the signs of abuse and what our responsibilities are.</p> <p>All staff and volunteers</p> <p>Everyone working within the Council, paid or unpaid has safeguarding responsibilities and should:</p> <ul style="list-style-type: none"> • be familiar with this policy, • know how to raise a safeguarding concern, • be familiar with any additional responsibilities they may have in respect of their role. • undertake safeguarding training required of them. <p>All staff and volunteers are expected to participate in safeguarding training. The level of training required will be appropriate and proportionate to positions held, roles and responsibilities.</p> <p>The Chief Executive</p> <p>The Chief Executive holds the overall responsibility for ensuring Kirklees Council has adequate and effective safeguarding arrangements in place for children, young people and adults at risk. These include appropriate reporting mechanisms; policies and procedures and training; ensuring that statutory requirements are met.</p> <p>The Director for Children’s Services/ Designated Lead Member for Children’s Services</p> <p>In accordance with the Children Act 2004 (section 18 (7) and 19 (2)), Local authorities in England must appoint a Director of Children’s Services (DCS) and ensure the designation of a Lead Member for Children’s Services (LMCS).</p>

The DCS has professional responsibility for the leadership, strategy, and effectiveness of local authority children’s services. The LMCS, as a member of the Council, has political responsibility for the leadership, strategy, and effectiveness of local authority children’s services.

The DCS and LMCS should ensure that effective arrangements are in place to protect children and young people from harm.

Strategic Director for Adults and Health (Director for Adult Social Services)

The above role includes the responsibilities held by the role known in the Care Act 2014 as ‘Director for Adult Social Services’ and has a leadership and challenge role in relation to safeguarding. The key elements to the role are the promotion of a person-centred culture and early intervention, prevention and partnership working, to find proactive solutions to safeguarding.

Elected Members

Elected Members are the leaders within their wards and therefore have a crucial role in engaging the public in safeguarding and responding to any concerns they are made aware of. Elected Members also provide an additional level of scrutiny regarding service provision and delivery, the commissioning of provision and Council policy.

Commissioners

Commissioners should gain assurances from their contracted providers and services around their legislative responsibilities regarding the quality and safety of their organisations and ensure that relevant safeguarding policies and procedures are in place, are being adhered to and are reviewed appropriately. Commissioners should also ensure that mechanisms are in place to hold providers to account where any safeguarding concerns arise.

Commissioners should also work closely with regulatory bodies such as Ofsted or the Care Quality Commission and share information relating to services, settings and/or practice appropriately to ensure children, young people and adults are safe from abuse, neglect, and harm.

8. Reporting a safeguarding concern

The Council is committed to protecting all children and adults at risk in Kirklees from harm.

All Council workers are expected to safeguard any child or adult at risk who comes to their notice, where it is believed they may be suffering harm.

The aim of this section is to ensure that all council employees understand their personal responsibilities for protecting vulnerable groups in Kirklees and are:

- able to take appropriate action if there are suggestions that abuse is taking place
- are informed and able to respond in a helpful manner where anyone discloses to them that abuse is happening.

Staff working in a setting where abuse is suspected should report concerns to their manager or nominated person within their organisation within the same working day. The following additional information may be helpful to reference

- any specialised training undertaken;
- [Child abuse concerns: guide for practitioners - GOV.UK \(www.gov.uk\)](http://www.gov.uk) (Children and Young People)
- [the West Yorkshire consortium online safeguarding children procedures](http://proceduresonline.com) (Children and Young People)
- [Contacts and Referrals \(proceduresonline.com\)](http://proceduresonline.com)

- the [Joint Multi-Agency Safeguarding Adults Policy and Procedures](#) (Adults)
- any other procedure/s as prescribed by the service.

Do not worry that you might have got it wrong, and that abuse is not taking place. It is more important that you report any concerns that you might have, as quickly as possible, so that the relevant services can take responsibility for deciding what needs to happen next.

If any adult or child is in danger, first, ensure the individual is safe. Call the emergency services if immediate help is needed.

How to report your concerns in an emergency - Children and Adults

If any adult or child is in danger, first, ensure the individual is safe. Call the emergency services if immediate help is needed and you require an immediate response:

- In an emergency, don't wait - call 999
- Call the police on 101 if you suspect a crime

Children

Children includes everyone under the age of 18. If you are concerned that a child living in Kirklees is being abused, you can telephone or email:

- Kirklees Duty & Advice 01484 414960 or DutyAdvice.Admin@kirklees.gov.uk
- Kirklees Designated Officer (LADO) 01484 221126 or LADO.cases@kirklees.gov.uk

NB: Employees should note that any concerns they have, can be treated in confidence, as set out in the Council's Whistleblowing Policy.

Framework for making child safeguarding decisions in Kirklees

This document sets out the approach in Kirklees to keeping children safe and protected from harm. It is designed to ensure that across the continuum of need professionals consider that the right help is given to the right children at the right time and for the right duration.

[Framework-for-making-safeguarding-decisions-in-Kirklees.pdf \(kirkleessafeguardingchildren.co.uk\)](#)

For more information, please refer to

[Reporting-child-abuse-CM3219.1.pdf \(kirkleessafeguardingchildren.co.uk\)](#)

You can also contact the Kirklees Safeguarding Children Partnership Business unit on – **01484414960**

- Email: KSCB.admin@kirklees.gov.uk
- <https://www.kirkleessafeguardingchildren.co.uk/>

Adults

If you are concerned that an adult at risk living in Kirklees is being abused you can telephone, visit or email:

- Kirklees Council Civic Centre 3, Market Street, Huddersfield, HD1 2TG
- Walsh Building, Town Hall Way, Dewsbury, WF12 8EQ
- Tel: 01484 414933 Open 24 hours a day

- Email: gatewaytocare@kirklees.gov.uk

All safeguarding concerns will be taken seriously; enquiries will be made about your concerns and discussions will take place with colleagues in the police if it is a criminal matter. In addition, the wishes of the adult at risk will be considered as part of the enquiry and support will be put into place to achieve the changes they want to be made (wherever possible) including developing a plan with the adult at risk to keep them safe in the future. Full information can be found on the ['report abuse or neglect of an adult at risk' webpage](#).

Additional information on how to identify abuse, report concerns and general information about safeguarding adults at risk can be found at the [Kirklees Safeguarding Adults Board website](#)

If you are in any doubt about reporting your concerns don't think 'what if I'm wrong?' think 'what if I'm right?'

9. Safeguarding concerns you may have about any adult in a position of trust or working (paid or unpaid) with children

Children and Young People

The Local Authority Designated Officer (LADO) **must** be informed within 1 working day (or the next working day) when an allegation is made; prior to any further investigation taking place. Improved outcomes for children are aided by close collaboration between single and multi-agency partners, through timely quality conversations.

Who should be referred to the LADO?

All allegations relating to harm of a child or young person by those who work with them, must be taken seriously. A referral should be made when it is alleged that a person who works with children (paid or unpaid capacity) has:

- Behaved in a way that has or may have harmed a child
- Possibly committed a criminal offence against/related to a child
- Behaved toward a child in a way that indicates he or she would pose a risk of harm or
- Behaved or may behave in a way that indicates they may not be suitable to work with children
- An allegation has been made against a person in relation to his/her work with adult service users, which causes concern about the welfare of an adult service user's children or the person also has another role working with children

Reasons for an allegation

An allegation is made against a person in relation to a matter that may indicate that the person may not be suitable to work with children. This can relate to his/her employment or voluntary activity, or to a person's private life e.g.,

- Concerns arise about a person's behaviour about his/her own children
- Concerns arise about the behaviour of a partner, member of the family or other household member
- Where other information suggests they may pose a risk to any person that may demonstrate a transferable risk within their role with children

The LADO will ensure that all allegations and enquires are managed proportionately and appropriately; sharing information to ensure that children are safeguarded within multi agency settings.

More information and how guidance on how to make a referral can be found at [Local Authority Designated Officer \(LADO\) | Kirklees Council](#)

Adults

The Person in a Position of Trust (PiPoT) deals with safeguarding concerns which relate to a person who works with adults within a statutory or voluntary organisation. The PiPoT will then manage any enquiries appropriately and ensure that information is appropriately shared with relevant agencies, dependent on the nature of the enquiry.

Whilst the focus of safeguarding adults is to safeguard one or more identified adults in care or with support needs, there are occasions when incidents must be reported that do not involve adults at risk but indicate, that a risk may be posed to adults by a Person in a Position of Trust (PIPOT); concerns relating to PIPOT's should be shared via the above telephone and gateway to care email.

Staff working in a setting where abuse is suspected should report concerns to their manager or nominated person within their organisation within the same working day. It does not matter if the allegation is in doubt or proves to be wrong. This can be reported by using the details below:

- Tel: 01484 414933 Open 24 hours a day
- Email: gatewaytocare@kirklees.gov.uk

Do not worry that you might have got it wrong and that adult abuse is not taking place. It is more important that you report any concerns that you might have, as quickly as possible, so that adult social care services can take responsibility for deciding what needs to happen next

10. Whistleblowing

If you have concerns about another employee, elected member, or volunteer within the Council, you may want to raise the concern in a different way. Whistleblowing is the term used when a worker reports a concern which is in the public interest. Further information on this can be found at: <https://www.gov.uk/whistleblowing>

The Council has its own whistleblowing procedure which covers all areas of concerns, not just safeguarding. Initially you should speak with your line manager to address the concern or approach your Service Director. If you are unable to speak with anyone in your service, there is a dedicated Service Director for whistleblowing as detailed in the policy: <https://www.kirklees.gov.uk/beta/delivering-services/pdf/whistleblowing-policy.pdf>

Whistleblowing and the Care Quality Commission (CQC)

If you work in a service regulated by the Care Quality Commission (CQC) and have concerns about the care being provided, ideally you should report this via the Council's whistleblowing procedure but you can also report your concern/s directly to the CQC. This following link explains how to do this: https://www.cqc.org.uk/sites/default/files/20200420_Whistleblowing_quick_guide_final_update.pdf

Whistleblowing and Ofsted

	<p>Ofsted regulate and inspect children’s social care services in England including:</p> <ul style="list-style-type: none"> • children’s homes • residential family centres • independent fostering agencies • voluntary adoption agencies • adoption support agencies • residential holiday schemes for disabled children <p>If you have an issue or concern about a service that Ofsted regulate you should contact the service first, to discuss your concerns. Concerns can be reported directly via</p> <ul style="list-style-type: none"> • The Ofsted whistleblowing hotline on 0300 1233155 (8am to 6pm, Monday to Friday) • Or by email @ whistleblowing@ofsted.gov.uk • You can write to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD, or • you can contact the NSPCC National Whistleblowing Advice Line. Whistleblowing Advice Line NSPCC
11.	Confidentiality
	<p>All information received by the Council which relates to any safeguarding matter will be treated in confidence and will be shared appropriately (need to know) where we feel you or someone else is at ‘risk of harm’.</p>
12.	Safeguarding Information Sharing
	<p>As outlined within the Working Together to Safeguard Children 2018, and the Adult’s <u>Joint Multi-Agency Safeguarding Adults Policy and Procedures</u>, effective sharing of information between practitioners and local organisations and agencies is essential for early identification of need, assessment, and service provision to keep children and adults safe. Safeguarding Practice Reviews (SPRs), Safeguarding Adult Reviews (SARs) and Domestic Homicide Reviews (DHRs) have highlighted that missed opportunities to record, understand the significance of and share information in a timely manner can have severe consequences for the safety and welfare of children and adults.</p> <p>Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to local authority children’s social care (e.g. they are being supported as a child in need or have a child protection plan). Practitioners should be alert to sharing important information about any adults with whom that child has contact, which may impact the child’s safety or welfare.</p> <p>Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern.</p> <p>The responsibility to share information covers anyone engaged in Kirklees Council work (paid or unpaid) in a position of trust, with vulnerable groups whether directly employed or not. For clarity, this includes: Employees, Volunteers, Apprentices, Work placements, Student placements, Short or long-term work experience, Foster carers, Adopters, Guardians, Personal Assistants, Agency staff, Commissioned services, and contractors. (this list is not exhaustive)</p> <p>All information sharing will be compliant with the General Data Protection Regulation (GDPR) which is a Europe-wide law that replaced the Data Protection Act 1998 in the UK on 25 May 2018. It is part of the</p>

wider package of reform to the data protection landscape that sets out requirements for how organisations will need to handle personal data. Further information about this can be found here: <https://www.kirklees.gov.uk/beta/information-and-data/general-data-protection-regulation.aspx>

The Policy will be updated should future changes to the regulations or further statutory guidance lead to changes in practice or procedure for data processing or governance.

Sharing the right information, at the right time, with the right people is fundamental to good practice in safeguarding. Information should therefore be shared effectively and efficiently in respect of issues that may affect the safety and welfare of children, young people, and adults

Wherever possible you should aim to gain consent to share information, but you should be mindful of situations where to do so would place a child, young person, or adult at risk at increased risk of harm. Information may be shared without consent if you have reason to believe that there is good reason to do so.

For more information relating to sharing concerns about children and young people please refer to, [Information sharing: advice for practitioners \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/414247/information-sharing-advice-for-practitioners.pdf)

For more information relating to sharing concerns about adults, please refer to section 1.7 in the [Joint Multi-Agency Safeguarding Adults Policy and Procedures](#)

13. Safer Recruitment and Retention

Experience over many years shows that it is important for organisations that provide services to children and adults at risk to incorporate into their recruitment and selection procedures, measures that help deter, reject or identify people who might abuse any vulnerable group, or who are otherwise unsuited to work with them. Making safeguarding and promotion of the welfare of children and adults at risk is an integral part of workforce management and an essential part of creating safe environments for all vulnerable groups.

The implementation Safer recruitment supports the Kirklees journey and vision to becoming a safer organisation through these consequent actions, they are.

- Recruit Social Care staff in accordance with Regulation 19 (Fit and proper persons employed) Schedule 3: Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- In line with Bichard 2004 – Recommendations
- Reduce the reliance on criminal record checks (DBS)
- Recruitment / selection process needs to be a further safeguard
- Evidence base that the council meets our stated position re ‘Letters of Assurance’ for contracts/service with schools.
- The transparent and structured management of any disclosed information

All statutory and public organisations which employ staff and/or volunteers to work with or provide services for children and adults at risk have a duty to safeguard and promote the child’s or adult’s welfare. This includes ensuring that safe recruitment and selection procedures are in place to deter, reject or identify people who might abuse or are otherwise unsuitable to work with them.

Safer practice in recruitment means thinking about safeguarding at every stage of the process.

References

	<p>The council recognises that a significant number of our work force work within notifiable occupations, therefore as an employer we have a responsibility to ensure that references are accurate, objective and does not contain any material misstatement or omissions.</p> <p>As an employer we have a responsibility to request and to share information where the reference subject has had allegations upheld (substantiated) that relate either to the safety and welfare of vulnerable groups or behaviours towards vulnerable groups and how the matter was resolved.</p> <p>As an employer we should seek to request and to share details where the reference subject has had any disciplinary procedures involving the safety and welfare of vulnerable groups, including in which the disciplinary sanction has expired, and the outcome of those procedures.</p> <p>Details of any allegation which are found to be Malicious or False (Education sector only) should be removed from an individual's personnel record.</p>
<p>14.</p>	<p>Disclosure and Barring Service (DBS)</p>
	<p>The Council DBS statement set out the council's approach to using DBS checks and forms part of the Council's overall safeguarding, safer recruitment strategies and covers the use of disclosure and Barring Service (DBS) Disclosures for eligible positions, as determined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Police Act 1997, Safeguarding Vulnerable Groups Act (2006) and Protection of Freedoms Act (2012).</p> <p>DBS checks are carried out on appointment for eligible roles. https://intranet.kirklees.gov.uk/my-employment/Recruitment/Disclosure-Barring-Service-(DBS)-Checks/Kirklees-Council-Disclosure-Barring-Statement-(004.aspx</p> <p>Duty to refer</p> <p>The following groups have a legal duty to refer outcomes or information to the Disclosure and Barring Service:</p> <ul style="list-style-type: none"> • Regulated Activity suppliers (employers and volunteer managers). • Personnel agency suppliers. • Bodies with a power to refer <p>Legal duty to refer: the two conditions that must be met; if you are a regulated activity provider or fall within the category of personnel supplier (contractor or agency), you must make a referral when both of the following conditions have been met:</p> <p><u>Condition 1</u> you withdraw permission for a person to engage in regulated activity with children and/or adults at risk. Or you move the person to another area of work that isn't regulated activity. This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a teacher resigns when an allegation of harm to a student is first made.</p> <p><u>Condition 2</u> You think the person has carried out 1 of the following:</p> <ul style="list-style-type: none"> • engaged in relevant conduct in relation to children and/or adults at risk. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm or

	<ul style="list-style-type: none"> • satisfied the harm test in relation to children and / or adults at risk. e.g. there has been no relevant conduct but a risk of harm to a child or adults at risk still exists. Or • been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence <p>Where you are unsure always seek advice.</p>
15.	Implementation, Performance and Policy Review
	<p>The implementation of this policy will take place in a variety of ways, using traditional methods of communication (newsletters, briefing etc) but also through digital forums and thinking about innovative ways to help reach the more dispersed workforce. The information contained in this policy is overarching but the Corporate Safeguarding Oversight Group do recognise that different methods of sharing information and creating a level of understanding needs to be appropriate to that service area so this will be fully factored into the communication and training plans.</p> <p>The Corporate Safeguarding Oversight Group has a critical role in gaining assurances that safeguarding activity is being delivered effectively across the Council so will be developing mechanisms to assess quality and performance management processes. Whilst not exhaustive, this will include considering thematic learning and dissemination of learning from Domestic Homicide Reviews, Safeguarding Adults Reviews and Safeguarding Practice Reviews, as well as co-ordinating some audit activity (such as the Section 11 Audit for Children Services). As such, this policy will also be monitored and reviewed by the Corporate Safeguarding Oversight Group and governed by legislation and practical concern, with a 3-year review cycle. Should any changes need to be made within the 3-year review cycle, this policy will be updated as necessary and the changes will be communicated widely through a range of methods (such as the intranet, using newsletters and updates given at relevant boards and subgroups).</p> <p>It is recognised that the implementation of the policy and the various facets of training required to do this will be key to its success, so continual engagement and other audits with staff, elected members, commissioners and volunteers are expected to be factored in regularly so that the Corporate Safeguarding Oversight Group can monitor the effectiveness and any improvements that have happened as a result of the refreshed policy (such as staff confidence increasing around recognising abuse).</p>
16.	<p>Policy Review date:</p> <p>This Policy will be formally reviewed after three years which will be March 2025. However, it will be monitored through the Corporate Safeguarding Oversight Group and if there are any changes to regulations or statutory guidance, the Policy will be updated before this date and the changes communicated widely.</p>



Name of meeting: Cabinet
Date: 8th March 2022
Title of report: Leeds City Region (LCR) Business Rates Pool arrangements for 2022/23

Purpose of report

To ratify the Council’s membership, and arrangements for the operation and governance and of the Leeds City Region (LCR) Business Rates Pool for 2022/23

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Rachel-Spencer Henshall - 28 February 2022
Is it also signed off by the Service Director (Finance)?	Eamonn Croston - 25 February 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 25 February 2022
Cabinet member portfolio	Cllr Paul Davies - Corporate

Electoral wards affected: All

Ward councillors consulted: N/A

Public - Public

GDPR – GDPR has been considered and there is no personal data contained in this report

1. Summary

- 1.1 Government confirmed its intention to continue Business Rate Pool arrangements for 2022/23, but that all prospective Pools, be it a continuation of existing 2021/22 Pools or new Pools, had to apply to Government no later than 8 October 2021. Government also confirmed that the arrangements for 2022/23 would have the same benefits and risks as 2021/22 Pool arrangements.
- 1.2 The Council’s Budget Strategy Update report to Cabinet on 12 October and Council on 13 October 2021 set out a number of Pool options for 2022/23. Through member approved delegation to the Chief Executive and Service Director, Finance, in consultation with the Leader, and Corporate Portfolio-holder, a decision was taken to apply at that stage to be part of a Leeds City Region (LCR) Business Rates Pool for 2022/23, including the 5 West Yorkshire Councils, plus Harrogate and York Councils.

- 1.3 The above option was the preferred option at application stage, following a review by existing 2021/22 North and West Yorkshire Business Rates Pool members.
- 1.4 The decision to apply to be part of an LCR Pool also acknowledged the continuing COVID impact on the economy, and consequential increased volatility on forecast retained levies by the prospective LCR Pool in 2022/23. Further financial modelling would be undertaken by Leeds Council, who administer the regional Pool on behalf of member Councils, before any final decision was taken. Individual Councils had 28 days following the 2022/23 provisional financial settlement release, at the time anticipated mid-December 2021, to confirm their Pool participation for 2022/23. Any prospective member Council could withdraw their participation at this stage, and this would effectively revoke the Pool application.
- 1.5 The Government's provisional 2022/23 financial settlement announcement was made on 16 December 2021, and no prospective member of the LCR Pool indicated their intention to withdraw within the subsequent 28 day consultation period. The final 2022/23 financial settlement was passed by Parliament on 9 February 2022, including confirmation of the LCR Business Rates Pool for 2022/23. The existing North and West Yorkshire Business Rates Pool will be revoked at the end of the current financial year, 31 March 2022.

2. Information required to take a decision

- 2.1 Business Rates Pools have been a feature of the Government's National Business Rates Retention scheme since the national scheme's implementation from 1 April 2013. Kirklees Council has been a member of a regional Business Rates Pool from this date, including the other four West Yorkshire Councils, plus other participating North Yorkshire Councils from time to time. Regional Pools are designated one year at a time. Applications are submitted to Government annually either to renew existing Pools or create new Pools for the following financial year, in accordance with annual Government guidelines and national timetable.
- 2.2 The 'reward' element of the Pool arrangement is that a number of member Councils, including Leeds, Harrogate and York are levying Councils. The Pooled arrangement allows for business rates 'growth' generated by these Councils above a Government calculated baseline, to be retained by the Pool, and spent on regional initiatives agreed by the Pool members. Without a Pool arrangement, levying Councils would otherwise have to hand over a proportion of any levy growth generated to Government; the proportion tending to vary between 50% or 25% depending on prevailing annual Government scheme guidelines.
- 2.3 The risk element of the Pool arrangement is that the Pool is also responsible for a safety net provision at 92.5% for any member Council who sees significant reductions in their income from the baseline Government calculation. If a member Council falls into a safety net scenario in a particular year, the loss of income below the 92.5% would have to be met in the first instance by the retained levies from the Pool. If there is not enough in retained levies, the net loss would be shared amongst all members of the Pool (including those in safety net).
- 2.4 In reality, regional Pools from 2013/14 onwards have benefited Pool members including this Council through annually retained levy contributions into the Pool, ranging between £5m and £29m annually; subsequently invested in a range of regional initiatives, and in some years, including individual payments back to Pool members.

- 2.5 Despite the current underlying difficult economic circumstances due to COVID impact on national, regional and local economies, it is anticipated that none of the Pool Members are likely to fall below their Business Rates safety net thresholds either for the current year, 2021/22, and 2022/23.
- 2.6 Specific proposals for the allocation of any retained levies will be considered through the LCR Business Rates Joint Committee through 2022/23; the draft terms of reference for which are set out at Appendix A, along with the draft memorandum of Understanding (Governance) agreement for the operation of the Pool for 2022/23, at Appendix B.

3. Implications for the Council

- 3.1 **Working with People**
- 3.2 **Working with Partners**
- 3.3 **Place Based Working**
- 3.4 **Climate Change and Air Quality**
- 3.5 **Improving outcomes for children and young people**

Opportunities for investing any growth income retained by the LCR Pool in 2022/23 in accordance with agreed regional priorities, will be considered and agreed through the Joint Committee in due course.

3.6 Other (eg Legal/Financial or Human Resources)

Financial performance of the LCR Pool through 2022/23 will be monitored at least quarterly through Leeds Council on behalf of all Pool Council members and reported in-year through the Council's established in-year financial monitoring and reporting cycles.

Section 101(5) of the Local Government Act 1972 (1972 Act) permits local authorities to discharge functions jointly through a joint committee. The functions it will perform relating to the business rate pool are executive functions and so it will be appointed under section 102(1)(b) of the 1972 Act and section 9EB of the Local Government Act 2000.

4 Next steps and timelines

Terms of reference and memorandum of understanding to be formally confirmed by the LCR Pool Committee member Councils for the forthcoming financial year.

5 Officer recommendations and reasons

That Cabinet agrees the following:

- i) to approve the Council's membership of LCR Business Rates Pool for 2022/23;
- ii) to note the revoking of the existing North & West Yorkshire Pool on 31 March 2022;
- iii) to agree the formation of a new joint committee to oversee the operation of the LCR Pool for 2022/23, and

- iv) to note the draft terms of reference and memorandum of understanding (governance) agreements for the LCR Pool Joint Committee as set out at Appendices A & B attached; and
- v) To delegate authority to the Service director Legal , Governance and Commissioning in conjunctions with the Service director Finance to sign any documents relating to the LCR Business Rates Pool Joint Committee

The reasons for these recommendations are that the LCR Business Rates Pool for 2022/23 offers opportunity for any additional business rates levy payments to be retained by the LCR Pool and invested to support regional initiatives to be agreed by the LCR Joint Committee.

7. **Cabinet portfolio holder's recommendations**

The Portfolio-holder agrees with the recommendations set out in this report.

8. **Contact officer**

James Anderson
Head of Accountancy
Corporate Strategy, Commissioning & Public Health
Telephone: 01484 221000
Email: james.anderson@kirklees.gov.uk

9. **Background Papers and History of Decisions**

[Agenda for Council on Wednesday 13th October 2021, 5.30 pm | Kirklees Council \(Item 9 – Council Budget Strategy Update for 2022/23 and future years\)](#)

[Agenda for Council on Wednesday 16th February 2022, 5.30 pm | Kirklees Council \(Item 6, Budget 2022/23\)](#)

[Final local government finance settlement: England, 2022 to 2023 - GOV.UK](#)

10. **Service Director responsible**

Eamonn Croston – Service Director, Finance
Eamonn.croston@kirklees.gov.uk
(01484) 221000

2022/23 LEEDS CITY REGION BUSINESS RATES POOL JOINT COMMITTEE

TERMS OF REFERENCE

TO BE AGREED

The 2022/23 Leeds City Region Business Rates Pool Joint Committee is authorised to:

- Allocate any excess income arising from levy payments that would otherwise have to be paid by member authorities to the Secretary of State in accordance with the Leeds City Region Business Rates Pool Memorandum of Understanding;
- Determine any changes to the purposes for which any such excess income should be applied, subject to the principle that no authority should receive less than they would if not a member of the 50% Retention Pool;
- Determine the expenses to be deducted by the lead authority administering the Pool;
- Determine any variations to the membership of the Joint Committee; and
- Determine any other matters relating to the administration and governance of the Pool including replacement of the lead authority.

The Joint Committee will elect a chairperson.

The Joint Committee will meet as and when required but no less than twice a year.

The quorum for meetings of the Joint Committee will be no less than 5 members. Members will be able to nominate substitutes either from their own authority or from a different member authority that is not a “representative” listed in the Memorandum of Understanding.

Member voting rights will be one vote for each member of the Joint Committee. Voting will be by simple majority. In the event of a tie, the chair of the meeting will have a casting vote.

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Leeds City Region Business Rate Pool 2022/23

Memorandum of Understanding

This Memorandum of Understanding is made between the following councils

- City of Bradford Metropolitan District Council
- The Metropolitan Borough Council of Calderdale
- Harrogate Borough Council
- Kirklees Council
- Leeds City Council
- The Council of the City of Wakefield
- City of York Council

(Together referred to as the 'Pool' or 'Pool Members').

1. Purpose

- 1.1. The main aim of the pool is to maximise the retention of locally generated business rates and to ensure that it further supports the economic regeneration of the wider Leeds City Region. The modelling work that has been undertaken by the Pool demonstrates that financially the Leeds City Region would retain a greater share of business rates revenue through pooling than it would otherwise do, as long as it experiences economic growth. This will act as a further incentive for all the pooling authorities to proactively work together to drive economic growth within the Bradford, Calderdale, Harrogate, Kirklees, Leeds, Wakefield and York areas.
- 1.2. It is the purpose of this Memorandum of Understanding to act as a statement of intent that will support the realisation of these benefits. The Pool Members have agreed to enter into this Memorandum of Understanding to formalise their commitment and to set out their respective roles and responsibilities from the 2022/23 financial year.

2. Glossary of Key Terms

- 2.1. There are a number of technical terms used throughout this document. The meanings of these terms are as follows:

Levy

A formulaic mechanism to pay a percentage of additionally raised local business rates income over to central government when a target (set nationally for each billing authority) has been exceeded.

Pool

A voluntary arrangement amongst a group of local authorities to pool the business rates generated locally to ensure at least some of any levy is retained locally.

Net Retained Levy

The amount of levy retained locally. This is calculated as the sum of levies to be paid by individual Pool members if the Pool did not exist less the levy to be paid by the Pool less any safety net funding that would have been due to individual Pool members if the Pool did not exist and less the administrative costs of the Pool.

Safety Net

The additional funding received by an authority, from central government, if, in the government's opinion, the decline in business rates in any year would leave an authority with insufficient resources. Calculated using a national formula.

Lead Authority

The Pool member who will act as the lead in managing the Pool's resources and being the key contact between central government and the Pool

Schedule of Payments

The Lead Authority will prepare an annual schedule that reflects all the financial payments to be processed through the pool, clearly indicating the amount and timings of each payment and who needs to make what and payment to whom.

Residual Benefit of the Pool

Any funding remaining from Net Retained Levy payments once the decisions of the joint committee on how some of those Net Retained Levy payments should be utilised have been fulfilled.

Retained Rates Income

The retained rates income for each member authority had they acted individually as defined by the Non-Domestic Rating (Levy and Safety Net) Regulations 2013, Regulation 4 as amended.

Baseline Funding Level

The Baseline Funding Level for each member authority had they acted individually as published in the Local Government Finance Settlement as laid before Parliament for 2022/23.

Tariff or Top up

The Tariff or Top up for each individual member authority had they acted individually as published in the Local Government Finance Settlement as laid before Parliament for 2022/23.

Business Rates Baseline

The Baseline Funding Level less the Tariff or Top-up (whichever is appropriate) for each member authority had they acted individually as published in the Local Government Finance Settlement as laid before Parliament for 2022/23.

Individual Populations of Member Authorities

The estimate of the population in each member authority's area for 2020 as defined by the Mid-Year Population Estimates published by the Office for National Statistics in June 2020.

3. Key Principles

- 3.1. The Pool Members agree that they will operate the Pool in accordance with the following principles:

Increase in Resources

The Pool Members recognise that the fundamental objective of the Pool is to generate increased resources for the area, and individual Pool Members

Risk Management

The Pool Members agree to protect and mitigate as far as possible the risks associated with the level of business rate income. Income streams to the Pool Members may be more volatile, whether as the result of a one-off event (for example a successful large appeal) or something structural within an area (for example the closure of a major plant). The pooling arrangements should reduce this volatility.

Fairness

The Pool Members agree to share the costs, risks and benefits of local business rate retention proportionately. Pool Members should be no worse off than if they were outside the Pool.

Transparency, Openness and Honesty

Pool Members will be open and trusting in their dealings with each other, make information and analysis available to each other, discuss and develop ideas openly and contribute fully to all aspects of making the Pool successful. It also includes sharing data and intelligence outside of the formal reporting mechanisms on any substantive issues relating to business rate retention within their area.

Reasonableness of Decision-Making

Pool Members agree that all decisions made in relation to this Memorandum of Understanding shall be made by them acting reasonably and in good faith.

4. Binding Memorandum

- 4.1. This Memorandum of Understanding is produced as a Statement of Intent and, with the exception of Sections 5, 10 and 11, is not intended to be legally binding.

- 4.2. Sections 5, 10 and 11 are intended to be legally binding and to create obligations between Pool Members with immediate effect from the execution of this Memorandum of Understanding.
- 4.3. Pool Members have approved this Memorandum of Understanding in advance of the Secretary of State designating the Pool for the purposes of the Business Rates Retention Scheme. If the Secretary of State adds conditions to the designation, either initially or at any point in the future an immediate review of this Memorandum of Understanding, as outlined in Section 12, will be triggered.

5. Term of Memorandum

- 5.1. This Memorandum of Understanding shall continue to be in place unless terminated in accordance with these terms.
- 5.2. Any Pool Member can leave the Pool from 1 April of the following financial year providing:
 - Written notice is given to other Pool Members and MHCLG in at least sufficient time for the Pool to apply to continue for the remaining Pool Members, should they wish it to continue. Sufficient time is taken to be at least the time specified by MHCLG in regulations and/or guidance or 30th September preceding the end of the relevant financial year, whichever is earlier.
 - All liabilities to and from the Pool are paid.

6. Decision-Making

- 6.1. The Pool will be led by a joint committee comprising of representatives of the member authorities making up the Pool. Joint committee representation will be as follows:
 - City of Bradford Metropolitan District Council
 - The Metropolitan Borough Council of Calderdale
 - Harrogate Borough Council
 - Kirklees Council
 - Leeds City Council
 - The Council of the City of Wakefield
 - City of York Council
- 6.2. The joint committee shall be responsible for:
 - Any changes to the purposes for which the Net Retained Levy received by the Pool should be used, but the principle that no authority should receive less than they would if treated individually, shall be maintained;

- Agreeing the expenses to be deducted by the lead authority administering the Pool;
 - Any of the matters relating to the administration and governance of the Pool including the replacement of the Lead Authority.
- 6.3. The representatives of the member authorities making up the Pool, as noted in subsection 6.1 above, will be the leaders of the members authorities. The representatives of the member authorities will be able to nominate substitutes.
- 6.4. The members of the joint committee will elect a chairperson.
- 6.5. The joint committee will meet as and when required but no less than twice each year.
- 6.6. The quorum for the meetings will be no less than 5 members.
- 6.7. Member voting rights will be one vote for each member of the joint committee. Voting will be by simple majority. In the event of a tie, the chair of the meeting will have a casting vote.
- 6.8. The joint committee will be supported by officers drawn from the Lead Authority.
- 5.9. The joint committee may establish any sub-groups or any officer forums that they believe to be appropriate.
- 5.10. Minutes of the joint committee meetings will be published as required by law.

7. Dispute Resolution

- 7.1. The Pool Members shall attempt in good faith to negotiate a settlement to any dispute arising between them arising out of or in connection to this Memorandum of Understanding. If this cannot be resolved by the Chief Finance Officers it will be referred to a meeting of all member authorities' Heads of Paid Service for resolution.

8. Resourcing

- 8.1. Each Pool Member will provide the appropriate resources and will act with integrity and consistency to support the intention set out in this Memorandum of Understanding.
- 8.2. In the event that the Lead Authority needs to incur additional expenditure in order to administer the pool, any reasonable costs agreed by pool members should be the first call on the Net Retained Levy.

9. Lead Authority

- 9.1. Leeds City Council will act as the Lead Authority for the Pool.
- 9.2. The responsibilities of the Lead Authority are:
- to make payments on behalf of the Pool to central government and Pool Members on time and in accordance with the schedule of payments,

- to liaise with and complete all formal Pool returns to central government on behalf of Pool Members,
- to keep Pool Members informed of all communications with central government,
- to manage the resources of the Pool in accordance with this MoU,
- to prepare reports and consolidate intelligence on future resource levels on behalf of the Pool for the consideration of the joint committee,
- to convene an urgent meeting of the joint committee if there is the possibility that the pool could make a loss.
- to prepare the annual report of the Pool's activity,
- to co-ordinate the annual review and refresh of the Pool's governance arrangements and the methodology for the allocation of resources,
- to consult on and administer a schedule of all payments in respect of all financial transactions that form part of the Pool's resources, and
- to lead on the timely provision of the information required, by Pool Members, in preparing their annual Statement of Accounts in relation to the activities and resources of the Pool.

9.3. To assist the Lead Authority in fulfilling this role, the responsibilities of individual Pool Members are:

- to make payments on time and in accordance with the schedule of payments,
- to provide accurate, timely information to the Lead Authority to enable all formal Pool returns to central government to be completed,
- to inform the Lead Authority, as soon as is practical, of any intelligence that may impact on the resources of the Pool either in the current year or in future years,
- to provide such information as the Chief Finance Officers agree is reasonable and necessary to monitor/forecast the Pool's resources within the timescales agreed,
- to provide such information as the Chief Finance Officers agree is reasonable and necessary on the use of the Pool's resources for inclusion in the Pool's annual report, and
- to provide accurate and timely information on the end of year financial performance of the business rates collection fund to enable the Lead Authority to calculate the end of year accounting entries needed.

10. Cash Management

10.1. The governing principle for the cash management of the Pool is that no individual Pool Member, including the Lead Authority, should incur a cash flow gain or loss as a result of the transfer of funds between Pool Members.

- 10.2. The Pool will receive/pay interest annually on any retained resource at the average investment rate of the Lead Authority.
- 10.3. Interest will be calculated on an annual basis and allocated to Pool Members based upon a method agreed by the Chief Finance Officers.
- 10.4. Where the Pool is required to make a payment to the Secretary of State, each authority in the Pool is jointly and severally liable to make that payment.
- 10.5. Any late payment to or from the Secretary of State may be subject to a late payment interest charge at base rate plus 4%.

11. Allocation of Pool Resources

Principles

11.1. The allocation of resources will be based on the following principles.

- Each individual authority, will receive at least the same level of funding they would have received without the Pool. The remaining amount will be the “Net Retained Levy”.
- Any additional resource that is generated will be shared by pool members using the basis of allocation below. This allocation methodology looks to reward members of the pool for achieving business rate growth.
- The rationale for the Pool is to encourage economic growth therefore Pool Members are encouraged to use the additional resource to promote further economic growth.

Basis of Allocation

11.2. The underlying basis of allocation is as follows:

- A - The running costs of the pool, if any, will be initially paid by the lead authority and will be re-imbursed to them from the Net Retained Levy.
- B - If after A, the Net Retained Levy is greater than £0 (i.e. the pool has made an overall gain), then the joint committee will make decisions as to how the Net Retained Levy is used to further regional economic growth.
- C - If after A and B, the remaining Net Retained Levy is greater than £0 (i.e. the pool has more Net Retained Levy than is required for the purposes of the decisions of the joint committee) then it becomes a Residual Benefit of the Pool and it will be shared out using the following apportionments: -
- i) 25% of the Residual Benefit will be allocated to all member authorities in proportion to the growth in Retained Rates Income above the Business Rates Baseline.
 - ii) 25% of the Residual Benefit will be allocated to all member authorities in proportion to the Individual Populations of Member Authorities.

- iii) 25% of the Residual Benefit will be allocated to the Pool's top up authorities – The City of Bradford Metropolitan District Council; The Metropolitan Borough Council of Calderdale; Kirklees Council; and the Council of the City of Wakefield and will be allocated between these councils in proportion to the top ups received from MHCLG in 2022/23.
- iv) The remaining 25% gain will be split among the Pool's remaining authorities (tariff authorities – Harrogate Borough Council, Leeds City Council and the City of York Council) based on business rates growth. This will be achieved by splitting the remaining 50% in proportion to the actual levy payment of the councils, had they acted individually.

D - Where the Residual Benefit of the Pool is less than £0, (i.e. where the Pool makes an overall loss) – the loss will be shared between all member authorities in proportion to their Baseline Funding Level.



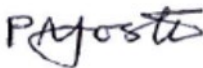



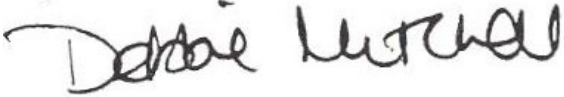
11.3 Where a member authority ceases to exist before a final determination of their allocation from any residual benefit from the Pool is made, the determination will be made as if that member authority existed. If payment is subsequently due to the member the payment will be made to any successor organisation of the member authority.

12. Review Arrangements

12.1. A review and refresh of the Pool's governance arrangements and the methodology for the allocation of resources will be undertaken on an annual basis. It will be co-ordinated by the Lead Authority on behalf of the Chief Finance Officers and in sufficient time for any changes in Pool Membership to be in place before the start of the following financial year.

13. Signatories on behalf of the Pool

[SIGNED BY ALL AUTHORITIES with electronic signatures]

Authority name	Name of s.151 officer	Signature
City of Bradford Metropolitan District Council	Chris Chapman Director of Finance	
The Metropolitan Borough Council of Calderdale	Nigel Broadbent Head of Finance	
Harrogate Borough Council	Paul Foster Head of Finance	
Kirklees Council	Eamonn Croston Service Director, Finance and s151 Officer	
Leeds City Council	Victoria Bradshaw Chief Officer Financial Services	
The Council of the City of Wakefield	Neil Warren Chief Finance Officer	
City of York Council	Debbie Mitchell Corporate Finance and Procurement (Section 151 Officer)	

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Name of meeting: Cabinet
Date: 8 March 2022

Title of report: 2021/22 – 2025/26 Strategic Investment in Town Halls - proposed allocation of capital funding

Purpose of report: This report outlines the strategic case for capital investment in our Town Halls linked to improved commercial opportunities and community outcomes, sets out associated funding themes for Member approval, and seeks relevant officer delegations to manage these themed programmes within the overall funding envelope.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes – this report proposes significant expenditure in excess of £250K.
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	Key Decision – Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Colin Parr – Strategic Director Environment & Climate Change 24.02.22 Eamonn Croston – Service Director for Finance 24.02.22 Julie Muscroft – Service Director for Legal, Governance and Commissioning 25.02.22
Cabinet member portfolio	Corporate – Cllr Paul Davies Venues – Cllr Will Simpson

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? There are no GDPR implications relating to this report.

1. Summary

- 1.1 This report sets out the strategic case for additional capital investment in our Town Halls, for equipment, furnishings and decorative finish items, which enhance the buildings' commercial appeal and customer experience, primarily linked to maximising sustainable income generation opportunities, but also wider outcomes for our communities.
- 1.2 An allocation of £2.235m in the capital plan for the Strategic Development of Town Halls was approved by Full Council at the budget meeting on 12 February 2020. A total of £400K has been drawn down within the last 12 months, to take advantage of the closure of buildings during lockdown, and complete works originally scheduled for much later in this programme at Dewsbury and Batley Town Halls. This report sets out a programme for the remaining £1.835m and complements associated investment under the Council's Capital Condition Programme.
- 1.3 The impact of the pandemic on this programme has not only caused some understandable slippage of projects, but has also helped us to reflect on a more robust approach to commercial opportunities. Therefore, the original Capital Plan annual allocations will also be revised to reflect the updated investment themes outlined in this report, using delegations available to Service Directors under existing Financial Procedure Rules.
- 1.4 Members are asked to consider and approve the baseline programme for the capital allocation, together with the themes of investment as shown in **Appendix A**; and to authorise delegated powers for officers to manage those themed programmes within the overall budget envelope so that there is flexibility to identify, design and deliver priority projects, across multiple sites.
- 1.5 This baseline investment is a five year rolling programme (which started in 2021/22 and takes us to 2025/6) which runs alongside and links to the wider Capital Condition Programme, and Members are asked to note the links between this investment and other strategic work programmes relating to commercialisation, community access, local distinctiveness, the wider place-shaping agenda, and major transformational projects such as the Huddersfield and Dewsbury Blue Prints.

2. Information required to take a decision

2.1 *Background*

- 2.1.1 Our Town Halls rely on external income from hirers to offset some or all of their day-to-day running costs, but obsolete essential equipment, such as lighting and technical items, as well as poor theatre seating, outdated décor, public toilets and hospitality facilities generally, is now affecting our ability to secure lucrative bookings, losing market share both with hirers and event attendees.
- 2.1.2 It is the success of these commercial hires and shows, which generates the income which not only subsidises the buildings' running costs, but also community and third sector organisations' use, which are an essential contribution towards the council's outcomes for our residents and communities.
- 2.1.3 At the same time, our civic buildings are the flagship home of the council's business and must be fit for purpose as a seat of local government, able to host and support various civic and executive functions.

- 2.1.4 Over recent years, investment in our Town Halls has by necessity, focussed on essential condition work only, with very limited provision for upgrading internal facilities, furnishings and decoration. This has led to a situation where significant sums have been invested in the essential fabric of a building, but because there has been no associated enhancement of décor, fittings, fixtures and equipment, the building is no more appealing to customers or hirers than it was prior to the investment, severely limiting opportunities to generate a financial return on any major investment.
- 2.1.5 Budgets and decisions about Town Hall condition works are held and made centrally by Corporate Landlord and Capital Service colleagues, in consultation with the Head of Venues. However, these budgets are not sufficient to cover the additional works such as technical equipment, fixtures, fittings and the type of décor enhancements which directly affect our ability to appeal to commercial hirers, or to community groups delivering outcomes for residents. At the same time, other operators are coming into the market, and existing operators are refurbishing, which means we continue to lose valuable market share, as customers take their business (and their activities/entertainment) elsewhere.
- 2.1.6 This programme therefore seeks to establish a capital investment programme covering Strategic Town Hall Investment, which will complement the established Capital Condition Programme, and recognises that decisions about the nature of additional strategic investment required in the Town Halls, should be led and developed by the Venues Service, in consultation with the Portfolio Holder, reflecting the needs of hirers, customers, and our communities.
- 2.1.7 The programme recognises the interdependencies of the two elements of our public buildings investment programme, and seeks to balance them, being:
- essential condition work to ensure buildings are safe, weatherproof, watertight, secure and meet all current legislative requirements
 - complementary investment for service development comprising essential fittings & equipment, which is required to support the future sustainability of the buildings, in terms of maximising both commercial income streams, and outcomes for our communities.
- 2.1.8 Working on transformational building projects within the Town Halls portfolio is challenging, as at any time, the focus of activity can change very quickly, as so many factors which affect the business models of these buildings are not within the Venues Service's control. These include for example, trading conditions, audience preferences, the number of operators in the concert/hospitality market, local issues affecting specific locations, the emergence of new competitors, and the council's own strategic direction and motivation.
- 2.1.9 The ability to be flexible in bringing projects forward, changing their focus, or timing, is essential to be able to react and build responsive customer-focused services and products, which are fit for purpose, and commercially attractive. This report therefore sets out an overall thematic approach to future investment set out in Appendix A, which will enable a flexible and dynamic delivery strategy, which allows us to be responsive to opportunities as they arise.

2.2 *Benefits of Investment*

- 2.2.1 Bringing both condition and complementary investment together under this bid ensures the buildings are in the best position to deliver income and/or outcomes.

- 2.2.2 Buildings are well-maintained, where refurbishments and repairs are strategically scheduled and managed, with an overall objective of improving income potential and opportunities for our communities and residents.
- 2.2.3 The Council is able to lever the potential of our public buildings to contribute to town centre masterplans, and play an important role in the development of place-based working practices. Refurbishment and reinvestment in our flagship public buildings will be a pivotal contribution to the delivery of the major regeneration plans for a new Huddersfield Cultural Heart, and the Dewsbury Blueprint; similarly, a destination-distinct approach for refurbishment of Cleckheaton Town Hall complements the council's wider small centres agenda.
- 2.2.4 The commerciality of public buildings is linked to all major capital investments works, and can be maximised, underpinning sustainability.
- 2.2.5 Well-used public buildings contribute to town centre vibrancy, and community development.
- 2.2.6 There are reputational benefits for the council, as a major land/building owner, actively and effectively managing developing and promoting our quality buildings which play a key part in communities – whether that's as a civic centre for governance, a hireable resource for individuals to enjoy as a venue for entertainment and enjoyment; or as a resource for vital community organisations delivering outcomes for our residents.
- 2.2.7 Cafés and bars will generate a revenue net profit.
- 2.2.8 Improved venues will be able to attract higher calibre shows and events not previously secured, with improved ticket margins and revenue net profit position.

2.3 *Impact of lack of strategic investment in Town Halls*

- 2.3.1 Condition investment is likely to continue, but this alone brings little opportunity to improve the commercial position or sustainability of buildings over the longer term.
- 2.3.2 Venues will continue to become less attractive to hirers, meaning the number of shows and performances, and general hires will decline. This reflects badly on the council in terms of vibrancy and place-based approaches, and critically, affects income generation.
- 2.3.3 With less use, buildings are likely to deteriorate – poorly managed and maintained buildings are a reputational risk to the council.

2.4 *Appropriate place-based development for our Town Halls*

- 2.4.1 The One Venue Development Plan reflects a realistic and balanced place-based response for each of our four main Town Halls, which builds on current uses and customers, and identifies where further investment sustains our existing users and or market share, and may open up new commercial potential:
 - 2.4.1.1 Huddersfield Town Hall is the district's flagship public building - the day-to-day home of various civic and executive functions, with daytime public access to services; but also a prestigious venue for professional (and some amateur) concerts, entertainment and functions which drive income generation.

Strategic investment at this location is centred around improving facilities and navigation through the building, to maximise opportunistic trade, maintain market share with promoters, and deliver a high quality flagship civic building.

2.4.1.2 Dewsbury Town Hall is the seat of civic functions in the North of the district, but also has great hospitality potential given the building's configuration, and its place in the heart of the town centre; smaller offices are suitable for rental to local start-up businesses; and the former Dewsbury Court is attractive for location filming opportunities. The building benefited from significant investment and refurbishment to its kitchen, function rooms, circulation spaces and the main concert hall during the pandemic lockdown period, when officers were able to bring forward investment and works planned for 2023/24, to take advantage of the fact the building was closed to the public, creating a high quality town centre venue within the Dewsbury Blueprint.

Strategic investment at this location is required to complete the final project to upgrade flexible concert hall seating, which will support community and commercial uses.

2.4.1.3 Cleckheaton Town Hall is at the heart of a small town with a flourishing night-time economy, presenting further opportunities to develop the commercial return of both commercial events and private hires, but is also widely used by the community during the day, being home to the University of the Third Age.

Strategic investment at this location is required to improve access and provide an environment and facilities which are attractive to existing and potential new commercial and community hirers; and maximise all food and beverage opportunities.

2.4.1.4 Batley Town Hall is a centre for a wide range of community-based activities requiring flexible meeting spaces and performance arts groups.

Strategic investment at this location is required to improve stage facilities for groups, and to upgrade catering facilities which maximise income potential related to servicing these bookings, and also wider opportunistic trading.

2.5 Strategic Investment Themes

2.5.1 The proposed programme breaks the annual budget allocation down by themes, rather than by specific projects or locations, giving the flexibility to be opportunistic about project timing, which could be driven by the trading climate, or the chance to align other works simultaneously, subject to the delegated powers outlined in Paragraph 2.6.

2.5.2 Proposed investment themes are set out in **Appendix A**, and include:

- Accessibility – both for customers and promoters, including the accessibility of buildings for performers and crews doing get-in and get-out, and including large items such as lifts
- Reconfiguration of commercial space – major construction works to reconfigure parts of buildings in order to create better commercial potential, including for example, the creation of multi-function reception/box office/bar entrances
- Refurbishment & redecorations – both minor facelift works, and substantial projects in relation to our concert halls
- Furniture & fittings – including replacement of concert hall seating
- Technical Equipment – professional PA systems, staging and lighting, and conferencing.

- 2.5.3 Schemes will be developed around these themes, and the One Venue Development Plan objectives for each site, as set out in Paragraph 2.4 above.
- 2.5.4 Investment projects brought forward for Huddersfield Town Hall consolidate condition investment to protect a valuable heritage asset and link to delivery of the cultural vision through the Huddersfield Blueprint. These comprise the reconfiguration of the ground floor entrance area to create a combined reception, bar and box office space; improved facilities for commercial hirers to load in shows; improvements to other bar areas, to improve customer flow and trading opportunities and a comprehensive refurbishment of the main concert hall.
- 2.5.5 Projects brought forward for Cleckheaton Town Hall are linked to the council's place-based vision for smaller centres, which build on community use, to deliver both social wellbeing outcomes and small centre regeneration benefits, linked to the flourishing night-time economy in this location. These comprise the recommissioning of lifts to aid accessibility; upgrading the décor, equipment and facilities in function rooms; and a full refurbishment of the main hall to include replacement lighting and PA; and towards the end of the programme, a major reconfiguration of the reception area to accommodate a café bar, better placed to take advantage of night-time economy opportunities.
- 2.5.6 Projects brought forward for Batley Town Hall complement its use as a valuable community performance space and recognise the potential of income opportunities linked to food and drink, in the town centre. These comprise refurbishment of staging and dressing room facilities; the installation of a commercial grade kitchen to service both existing users of the building, but also linked to a reconfiguration of the existing entrance/reception area, to give flexibility to trading opportunities within the building.
- 2.5.7 Dewsbury Town Hall has already benefited from significant investment in 2021 to refurbish public function rooms, circulation spaces and the main concert hall, and does not feature strongly in this programme, however, an allocation is proposed to cover the upgrade of concert hall seating.
- 2.5.8 Further details of the proposed allocations of funding are provided at **Appendix A**.

3. Implications for the Council

3.1 Working with People

- 3.1.1 The projects identified in **Appendix A** ensure that we are investing in better facilities and experiences for our service users and customers, which encourages more organisations and individuals to use our buildings as a base for their activities, generating better outcomes for the council and our communities, contributing to town centre vibrancy, and supporting the local economy.
- 3.1.2 It goes without saying that these are also significant investments in our heritage buildings, ensuring they continue to be quality facilities which benefit our colleagues and communities for the long term.

3.2 Working with Partners

- 3.2.1 Working with our partners and considering their needs, as well as our own commercial opportunities, is at the heart of our Town Halls operation. Being able to offer better accessibility for private promoters who use our venues to stage their shows not only

underpins ticket income, but provides quality entertainment for our residents and communities and builds the vibrancy which is vital to support our town centres.

3.2.2 Equally, we partner with local community organisations, who have different requirements of our buildings, but whose input and commitment is vital to ensure that valuable opportunities to enjoy learning, dancing, drama and wellbeing, are not only available to our residents, but provided by organisations other than the council.

3.3 **Place Based Working**

3.3.1 The investment proposed under this programme is not a simplistic 'one size fits all' approach for all Town Halls. Rather, it aims to achieve a realistic balance of community, corporate and commercial activity across the portfolio of buildings, whilst recognising the individual strengths and potential of each site within its locality.

3.3.2 This approach will help to deliver local distinctiveness:

- for Huddersfield Town Hall, not only as the home of corporate governance, but also making the most of national touring concerts and shows attracted to its outstanding concert hall, and maximising opportunistic food and beverage trading opportunities
- for Dewsbury Town Hall, as the premier town centre venue available for private hire and conferencing, along with television location filming
- for Cleckheaton Town Hall, as the home to the University of the Third Age, many amateur arts groups, and a quirky venue for music and entertainment promotions linked to the town centre's vibrant night-time economy
- for Batley Town Hall, as a valuable community and civic resource, popular with amateur arts and other community groups.

3.3.3 Continuing investment will ensure that these much-valued heritage buildings remain relevant, and continue to be available to serve their local communities.

3.4 **Climate Change and Air Quality**

3.4.1 The refurbishment schemes identified in this report will ensure that we are replacing inefficient equipment and electrical systems with modern, energy efficient materials and equipment that will contribute to an ever-reducing carbon footprint for the Council. The refurbished buildings will be fit for purpose, modern, and energy efficient.

3.5 **Improving outcomes for children**

3.5.1 Our Town Halls are extremely popular with local community groups, who regularly use our main halls, stages and dressing rooms when staging amateur dance and theatre shows, supporting high quality leisure and recreational opportunities for children. Investing in quality facilities in our venues is not only attractive to our commercial customers, but also means our child-focussed community groups, benefit from an enhanced service provision and experience.

3.6 **Financial / Regulatory**

3.6.1 The programme identified in this report is funded through self-financing capital, which is serviced by the additional income generated as a result of investment.

3.6.2 However, Members' should note there are two main factors which may affect the position of this programme, being:

- ***Commercial Space can be repurposed for other council services***
Accommodation within Town Halls which has been benefited from refurbishment with a view to being available for commercial use, can at any time, be

requisitioned by colleagues for corporate use, in circumstances where for example, a council service has an acute need for space in order to continue its service delivery, immediately removing any income generating potential from that particular part of the asset. **This remains a corporate risk rather than a purely Service issue, and is acceptable in order to maintain flexibility over the use of our own assets and be able to repurpose their focus to address an acute need.*

- **Phasing of income-generating projects**

The larger more commercially-focussed income generating projects under this programme are scheduled in later financial years, often in order to line up with other activities on site. **The self-financing capital repayments will be profiled to commence when the major income-generating projects at Huddersfield and Cleckheaton Town Halls are delivered which are staggered towards later years.*

3.6.3 This programme (and any project flexibility required) will be managed in accordance with the council's Financial Procedure Rules and the existing delegations this confers.

4. Consultees and their opinions

4.1 The programme outlined in this report has been subject to consultation with officers responsible for assets and capital planning within Economy and Infrastructure Directorate, and the Environment and Climate Change Senior Leadership Team.

5. Next steps and timelines

5.1 Subject to approval of the proposed programme and themes, officers will develop, design, and procure projects for the approval of the Service Director for Culture & Visitor Economy, followed by procurement and implementation.

6. Officer recommendations and reasons

Members are requested to:

- (a) Consider and approve the Town Hall Strategic Investment themes of work for 2021/22 – 25/26 as detailed in **Appendix A** of this report, and the associated capital allocation, up to £1,835,000 max for the rolling 5 year period, in order to deliver the commercial, community and building condition benefits, as outlined comprehensively in sections 2.1, 2.2, 2.3, and 2.4 of this report.
- (b) Authorise officers to identify, design, tender and implement the delivery of projects aligned with the work themes identified in **Appendix A** within the agreed budget.

7. Cabinet Portfolio Holder's recommendations

Cllr Will Simpson:

I support the recommendations at Paragraph 6(a) and 6(b) in this report, and welcome the strategic investment in our Town Halls, which will not only protect the historic fabric of our flagship heritage buildings, but also ensure they and the facilities they offer, remain relevant to local people for many years to come.

Cllr Paul Davies:

I support the recommendations at Paragraph 6(a) and 6(b) in this report, and welcome a more commercial approach for our flagship buildings, whereby additional investment in equipment, facilities, and decoration sits alongside essential investment in repairs and condition, delivering for both our communities and customers.

8. Contact officer

Jenny Frear – Head of Venues 01484 221000 - Email: jenny.frear@kirklees.gov.uk

Adele Poppleton – Service Director for Culture & Visitor Economy Email:

adele.poppleton@kirklees.gov.uk

9. Background Papers and History of Decisions

12 February 2020 – Budget Council meeting approves £2.235m in the capital plan for the Strategic Investment in Town Halls.

10. Service Director responsible

Adele Poppleton - Service Director – Culture & Visitor Economy

adele.poppleton@kirklees.gov.uk

11. Attachments

Appendix A – Town Halls Strategic Investment Themes 2021-2026.

APPENDIX A: TOWN HALL STRATEGIC INVESTMENT THEMES

THEME 1 - ACCESS

	2022/23	2023/24	2024/25	2025/26	
Huddersfield				£50K	£50K
Cleckheaton	£120K				£120K
Batley					
TOTAL	£120K			£50K	£170K

THEME 2 - RECONFIGURATION OF COMMERCIAL SPACES

	2022/23	2023/24	2024/25	2025/26	
Huddersfield	£350K				£350K
Cleckheaton				£250K	£250K
Batley			£50K		£50K
TOTAL	£350K		£50K	£250K	£650K

THEME 3 - REFURBISHMENT & REDECORATION

	2022/23	2023/24	2024/25	2025/26	
Huddersfield		£20K	£315K	£100K	£435K
Cleckheaton	£45K	£175K			£220K
Batley	£50K				£50K
TOTAL	£95K	£195K	£315K	£100K	£705K

THEME 4 - TECHNICAL EQUIPMENT

	2022/23	2023/24	2024/25	2025/26	
Huddersfield	£10K				£10K
Cleckheaton					£0
Batley		£100K			£100K
TOTAL	£10K	£100K			£110K

THEME 5 - FURNITURE & FITTINGS

	2022/23	2023/24	2024/25	2025/26	
Huddersfield			£70K		£70K
Cleckheaton	£50K	£30K			£80K
Batley					
Dewsbury		£50K			£50K
TOTAL	£50K	£80K	£70K		£200K

	2022/23	2023/24	2024/25	2025/26
ANNUAL TOTALS	£625K	£375K	£435K	£400K

TOTAL PROGRAMME VALUE	£1,835,000
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Name of meeting: Cabinet

Date: 8 March 2021

Title of report: Corporate Financial Monitoring Report, Quarter 3, 2021/22

Purpose of the Report

To receive information on financial monitoring for General Fund Revenue, Housing Revenue Account (HRA) and Capital Plan, as at Quarter 3 (month 9), 2021/22.

Key decision – is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key decision - is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key decision – Yes
The Decision - Is it eligible for “call in” by Scrutiny?	Yes
Date signed off by Strategic Director & name	Rachel Spencer Henshall – 25/2/22
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 25/2/2022
Is it also signed off by the Service Director – Legal, Governance & Commissioning?	Julie Muscroft – 25/2/2022
Cabinet member portfolio - Corporate	Give name of Portfolio Holders Cllr Paul Davies

Electoral wards affected: All
Councillors Consulted: None

Public or private: Public

GDPR: This report contains no information that falls within the scope of General Data Protection Regulations.

1. Summary

1.1 General Fund

- 1.1.1 The Council's revised General Fund controllable (net) revenue budget for 2021/22 is £325.0m. The budget includes planned (net) revenue savings in-year of £1.8m.
- 1.1.2 The revised budget is net of a number of planned transfers from reserves during the year, with the most significant being £1.8m from the Revenue Grants reserve, £1.7m from the Waste Management reserve, £1.0m from the Strategic Investment reserve, £0.5m from the Rollover reserve, and £0.5m from the Transformation reserve.
- 1.1.3 There is a forecast overspend of £0.9m against the £325.0m revised budget at Quarter 3; equivalent to 0.3%.
- 1.1.4 There has been a net reduction of £0.3m in the forecast overspend position since Quarter 2.
- 1.1.5 The forecast revenue outturn as at Quarter 3 is summarised at Appendix 1 and in Table 1 below. Headline variances, including COVID impacts, are described in more detail in sections 1.3 to 1.8 of this report.

Table 1 - Overview of 2021/22 forecast revenue outturn position at Quarter 3

	Revised Budget	Outturn	Variance
	£000	£000	£000
Children & Families	77,393	81,503	4,110
Adults & Health	114,743	114,584	(159)
Environment & Climate Change	37,810	44,149	6,339
Growth & Regeneration	13,848	14,824	976
Corporate Services	36,668	43,184	4,516
Central Budgets	42,526	37,567	(4,959)
General Fund Sub Total	324,988	335,811	10,823
COVID Reserves/Funding Offset	-	(9,886)	(9,886)
Revised General Fund Total	324,988	325,925	937

1.2 COVID Impacts

- 1.2.1 Full year forecasts as at Quarter 3 include £37.4m additional COVID related spend. This is an increase of £10.9m from Quarter 2 estimates which largely reflects additional costs associated with funding streams introduced since the end of September. There are also projected service income losses of £5.4m; compared to £5.8m at Quarter 2. The COVID impacts are shown in more detail at Appendix 2a and summarised in Table 2 below.

Table 2 - Overview of 2021/22 Forecast COVID Pressures at Quarter 3

	COVID spend	COVID Income Loss	Total COVID Pressures
	£000	£000	£000
Children & Families	3,361	395	3,756
Adults & Health	15,439	546	15,985
Environment & Climate Change	2,344	3,621	5,965
Growth & Regeneration	1,749	703	2,452
Corporate Services	14,501	134	14,635
Central Budgets	38	0	38
General Fund Total	37,432	5,399	42,831

- 1.2.2 Of the forecast £37.4m COVID related additional spend at Quarter 3, £28.8m will be funded through a combination of specific COVID grant funding from Government in 2021/22, allocated to councils to cover particular aspects of the response to the pandemic, including specific COVID related grant funding received in 2020/21, rolled forward into 2021/22 through reserves. As such, this does not affect the overall Directorate variances. The balance of £8.6m COVID spend is not funded by specific COVID grant funding and is offset by the drawdown of the COVID Response reserve, as illustrated at Appendix 2b, and described in more detail at paragraph 1.9.3.
- 1.2.3 As confirmed in the Financial Settlement in February 2021, the Sales, Fees and Charges (SFC) income compensation scheme continued to apply for the first 3 months of 2021/22; April to June. The principles remain the same as in 2020/21, whereby Councils absorb losses up to 5% of planned sales, fees and charges against baseline, with Government providing compensation of 75p in every pound thereafter. Officers have submitted a claim, based on the outlined criteria, for £1.3m compensation for Quarter 1 income losses. This is factored into the overall Quarter 3 position.
- 1.2.4 An additional base budget provision of £5m was included in the approved 2021/22 budget to reflect the likelihood of continued income loss from sales, fees and charges and commercial rents as a result of COVID, over the medium term. This budget reduces by £1m per annum over the duration of the MTFP, in anticipation of the medium-term recovery of the local economy. The £5m base budget adjustment reflects the estimated net position for 2021/22 after the application of any SFC income compensation due to the Council for the first three months of the new financial year.
- 1.2.5 At Quarter 3, the full £5m base budget provision has been released. This covers the £4.1m balance of projected income losses unfunded by the income compensation scheme with the remaining £0.9m contributing towards the bottom-line position. This is illustrated as an underspend within Central Budgets at Appendix 1 and at Table 1 above.
- 1.2.6 At the end of September 2021, Government launched a £500m fund for councils to support poorer families through the winter amid the energy supply crisis and the withdrawal of other forms of financial assistance; Kirklees allocation £3.7m. This new Hardship Support Fund is intended to support millions nationally, via small grants for food, clothing and utilities, with money being made available for disbursement by local authorities from October 2021.

- 1.2.7 Various other funding announcements have been made by Government for 2021/22, covering specific aspects of the continued national response to the pandemic. This includes funding for Adult Social Care through extensions of both the Infection Control Fund and the Rapid Testing Fund (Kirklees total allocation of £4.2m for the first half of the year). A further extension of the Infection Control and Testing Fund (Round 3) was announced by Government on 30 September 2021. The fund now extends to the end of March 2022, with an extra £388m of funding nationally to support the care sector to put in place crucial measures over the winter period. Kirklees' allocation of the Round 3 funding is £2.9m.
- 1.2.8 Further announcements to aid Adult Social Care were also announced for the second half of the year. These include two tranches of the Workforce Recruitment and Retention Fund (£3.6m in total combined), and an Omicron Support Fund (Kirklees allocation of £0.5m). These are to assist the care sector in addressing the key pressures being seen.
- 1.2.9 In addition, a further £3.1m income is estimated to be received through Clinical Commissioning Group funding, targeted to cover COVID associated costs related to aspects such as hospital discharge and follow-on care.
- 1.2.10 There has also been further funding through the Contain Outbreak Management Fund (COMF) in 2021/22; Kirklees allocation £3.1m.
- 1.2.11 The ongoing financial impact of the pandemic continues to be monitored sector wide on a monthly basis through 2021/22 by DLUHC, the successor Department to MHCLG, as it was through 2020/21. This Council, working with the Local Government Association (LGA), Special Interest Group of Metropolitan Authorities (SIGOMA) and other sectoral and stakeholder lobbying, will continue to work with Government to ensure Kirklees is appropriately compensated for COVID related impacts not just through in 2021/22, but also over the medium term.

1.3 Children & Families

Learning – High Needs

- 1.3.1 At Quarter 3, the forecast in-year spend on High Needs in excess of the DSG funding allocation is £9.9m (equivalent in-year deficit in 2020/21 was £10.7m). This will be transferred to Kirklees' balance sheet at year end, and the overall DSG Deficit is forecast to be at least £35m by 31 March 2022. This forecast does not yet reflect the outcome of current Council discussions with DfE on a potential Safety Valve funding agreement (see also para 1.3.4 below).
- 1.3.2 High Needs is an area of significant and growing pressure on Council budgets nationally and locally. It is anticipated that medium term, growth pressures will be mitigated at least in part through other measures, with the Council currently working on the implementation of transformational action plan with key educational partners across the borough. The approved budget plans included in the Annual Budget Report to Council on 16 February 2022, affirm the Council's commitment to SEND investment (both revenue and capital) over the medium term.
- 1.3.3 The approved budget plans include the transfer of £1.6m; the maximum allowable within schools forum delegated authority (up to 5% of Schools Block funding), from the DSG Schools Block to the High Needs Block from 2022/23. This was agreed by School's Forum in November 2021 and the funding will ensure more children receive additional support to remain in, or return to, mainstream school and supports the

deficit reduction plans; reflecting the collaborative partner approach to addressing the growing pressures relating to High Needs.

- 1.3.4 The Council has been engaging with DfE to be part of Government's Round 2 Safety Valve Intervention Programme. The purpose of the Programme is for Government to work with a growing number of Councils with significant DSG deficits, with the aim of coming up with a realistic medium-term plan to reduce the in-year DSG deficit, with a view to Government supporting Councils with their accumulated deficit.
- 1.3.5 At the time of writing this report, discussions with DfE were ongoing, and we wont receive official confirmation whether or not we have been successful and the level of funding, before week commencing 21 March which is the intended date for secretary state sign-off of all Round 2 funding agreements.
- 1.3.6 The intention is for officers to take an updated report to Cabinet subsequent to confirmation from the Secretary of State which Councils have been successful in securing a Safety Valve funding agreement. The updated report will set out management plan proposals and extent of any Government funding support; the broader organisational financial implications of which will also be highlighted in subsequent corporate member reports.

Learning and Early Support

- 1.3.7 Currently there are 219 children with Education Health and Care Plans (EHCP's) using Post-16 Home to School Transport. The additional complexity of need and the increase in placements outside of Kirklees is reflected in a projected overspend of £0.6m on Post-16 Home to School Transport at Quarter 3. This is in-line with Quarter 2 projections and relates also to other school transport pressures noted later in the report.
- 1.3.8 The Council is currently exploring a range of alternate approaches, working with pupils, parents, schools sector and providers, to deliver more innovative and tailored transport options while reducing overall cost pressures. An additional £0.6m was built into Post 16 base budgets going forwards as part of the 2022/23 Annual Budget report to address the residual ongoing pressure in this area. This was in addition to the £0.3m previously allocated to the service in the 2021/22 budget round.
- 1.3.9 The increased number of approved applications for funding support from Special Educational Needs and Disability Inclusion Fund (SENDIF) has resulted in the requirement for additional investment. The fund primarily supports 2-4 year olds with special educational needs who attend a Private Voluntary and Independent (PVI) or mainstream school nursery setting. Numbers of children accessing the fund increased from 471 to 548 during 2021/22 and estimates are that this growth will continue in 2021/22. There is also a growth in complexity of need, with average support costs rising from £1,839 to £2,240 per placement during 2021/22.
- 1.3.10 The service has strengthened the resources in the Early Years SEN Inclusion Team and are providing training to nursery settings to upskill their workforce so that they can meet the needs of the children rather than having to access SENDIF. This is intended to help mitigate pressures on this budget going forward. The 2021/22 annual budget report factored this ongoing investment need into approved budget plans, however forecasts at Quarter 3 indicate a further pressure in the region of £0.6m in-year; an increase of £0.3m since Quarter 2 projections.
- 1.3.11 There is also a projected overspend in the SENDACT Team of £1.2m; an increase of £0.5m since Quarter 2. This is as a result of a high volume of Agency staff being

employed to cover vacancies, sickness and maternity leave. Additionally, a temporary team has been employed (through agency) to address the backlog of assessments that has built up. It is anticipated that by March 2022 the majority of these issues will be resolved and substantive employees will be in post.

COVID Impacts – Children and Families

- 1.3.12 Within Children and Families there is forecast additional spend of £3.4m due to COVID; an increase of £0.4m from Quarter 2. The spend includes a £1.5m pressure within External Residential Placements and Independent Fostering Placement budgets related to the deferred placement target for Looked After Children (LAC) resulting from a number of COVID impacted issues affecting the timing of targeted savings. Work is ongoing within the service to address these pressures by looking to safely move children to less costly placements and also to increase local fostering capacity and reduce the reliance of more expensive external provision whilst continuing to maintain successful outcomes.
- 1.3.13 There are also estimated additional costs of £1.9m across Child Protection and Resources, Improvement and Partnership Services. In the main, these costs relate to additional staffing capacity and Covid related sickness absence cover.
- 1.3.14 At Quarter 3, income losses within Learning and Early Support are projected to be £0.4m; reflecting the continued impact of school closures on budgeted Attendance Penalty Notice income and reduced income from the Duke of Edinburgh scheme.

1.4 Adults and Health

- 1.4.1 The overall projected position for Adults is an underspend of £0.2m; a reduction of £0.9m since Quarter 2. Within this, there are some variances across key demand-led headings, with some elements offsetting others.
- 1.4.2 Within Independent Sector Home Care there is £2.0m additional spend (a decrease of £0.6m since Quarter 2); due primarily to continuing increased delivery of home care to the public, a pre-pandemic trend that has accelerated because of a shift in market patterns as a result of COVID.
- 1.4.3 There is a projected underspend on Independent Sector Residential & Nursing placements of £1.3m, compared to an underspend of £2.5m at Quarter 2. This is due to shifting patterns in the market, and the evolving impact of the pandemic. Measures have been taken to assist providers. Similarly, there is underspend on Self Directed Support. Note that these underspends are offset by the homecare overspend outlined above.
- 1.4.4 Other headline variances are around employees (with a projected overspend of £0.1m). Pressures are being seen in relation to recruitment and retention in the workforce, resulting in the use of agency staff where necessary.

COVID Impacts – Adults and Health

- 1.4.5 The pandemic has had a significant impact on the Social Care market. Adult social care providers have seen significant operational and financial pressures, including additional vacancies arising in care homes, additional costs of providing services in the context of COVID impacts on cash flow, and uncertainty within the market. Such challenges have been well documented locally, regionally and nationally.
- 1.4.9 Officers have been working closely with partners to ensure there is stability and

consistency of approach in the market. Work is also ongoing as to the consideration of key pressures being seen by providers and where support may be required (targeted if necessary) – a report has recently gone to Cabinet around options for this. A programme has also been undertaken with the Clinical Commissioning Group (CCG) to support hospital discharge. This continues in the wake of the recent Government announcement around national NHS/Care funding (extending the programme into the remainder of the financial year).

- 1.4.10 The Council also continues to utilise additional funding allocated for Social Care. This includes continuing phases of the Infection Control Funding and Rapid Testing Funding. At Quarter 3, projected COVID spend for Adults is £15.4m; an increase of £6.5m since Quarter 2. This relates to additional costs identified within the service, and for those supporting the provider market, utilising available and prescribed funding streams.
- 1.4.11 Work is also being undertaken with providers in the Care home market to review recent falls in demand, how much of this has been caused by the pandemic, and how much is due to changes in longer term shifts. There is the question of what the new 'normal' will be both in the short and long term, and in terms of the type of support required (with the possibility of it being driven more by people with complex needs). Continued working with partners is key, as is the utilisation of market research. One such example of this is the recent work with providers towards the creation of a Kirklees Care Association.

1.5 Growth and Regeneration

COVID Impacts – Growth and Regeneration

- 1.5.1 Across Growth and Regeneration there are estimated spend pressures totalling £1.7m with respect to COVID; £1.0m of which sit within Development and largely represent costs related to safe recovery of our high streets and town centres. Across the wider directorate, there are also estimated costs of £0.5m related to Housing Temporary Accommodation; consistent with Quarter 2 projections.
- 1.5.2 Of the estimated spend pressures across the directorate, £1.3m is assumed to be offset by specific COVID funding streams. This includes £0.6m from the Welcome Back Fund (formerly the Re-opening High Streets Safely Fund) and £0.3m from Contain Outbreak Management Funding (COMF).
- 1.5.3 There are also estimated income losses of £0.7m within Growth and Regeneration in relation to COVID. These include £0.6m on Commercial Properties largely due to strategic acquisitions for the Cultural Heart and £0.1m on Building Control fees.

1.6 Environment and Climate Change

Environmental Strategy and Climate Change

- 1.6.1 Within Environmental Strategy and Climate Change there is a projected overspend of £0.7m on Schools Transport; in the main linked to an increase in the number of routes to out of area schools. This has increased from £0.4m at Quarter 2. An additional £0.3m was built into the School Transport base budget as part of the 2022/23 Annual Budget report to address some of the ongoing pressures in this area. This was in addition to the £1.2m uplift previously included in the 2021/22 budget round.

Highways and Streetscene

- 1.6.2 At Quarter 3, a pressure of £1.1m has been identified within parking; largely due to

multi storey and other site closures and lower than budgeted parking fees income. This reflects an increase of £0.4m since Quarter 2. There is also a projected £0.4m overspend on Transport services as a result of increased maintenance costs on an ageing fleet and rising fuel prices.

Culture and Visitor Economy

- 1.6.3 There is an estimated temporary income shortfall of £0.4m in Bereavement Services linked to the Cremator Replacement project and resultant short-term capacity reduction. In addition, there is a projected income shortfall of £0.3m for Cliffe House, due to the continued closure of the main house.

COVID Impacts – Environment and Climate Change

- 1.6.4 At Quarter 3 there is an estimated full year pressure of £6.0m across both spend and income budgets within Environment and Climate Change in relation to COVID. This has increased by £0.4m from the Quarter 2 forecasted position.
- 1.6.5 Estimated spend pressures equate to £2.3m across the directorate, with £1.5m of this assumed to be offset in full by a range of specific COVID funding streams. The pressures include projected costs of £0.5m for COVID Community Support Officers and £0.4m additional spend on Waste Services; largely associated with vehicles and hired staff required for additional duties related to COVID. Costs of £0.1m within in Museums and Galleries are also included at Quarter 3; to be offset in full by Cultural Recovery Fund income.
- 1.6.6 The remaining £0.8m balance of spend relates to a range of backlog and recovery issues proposed to be funded from the COVID Response Recovery Fund. This includes £0.5m for Parks for works such as contracting out of the backlog of Forestry work, re-development of Gateway routes and additional litter clearance and bin emptying and £0.2m for Waste. Overall, within Environment and Climate Change, there are estimated spend pressures of £1.5m for this backlog and recovery work. At Quarter 3, it is assumed that £0.7m of the spend will occur in 2022/23.
- 1.6.7 There are projected income losses of £3.6m across the directorate; the most significant being £1.7m on Catering due to under recovery of income from school meals as a result of reduced pupil numbers. Other forecast losses include £0.7m on Markets, £0.4m on Licensing and £0.3m on Parking Fees; the latter due to increased home working and local measures to encourage high street footfall through free parking for key workers in the borough's major towns.

1.7 Corporate Strategy, Commissioning and Public Health

- 1.7.1 Within Legal Services there is an estimated pressure of £1.4m; an increase of £0.5m since Quarter 2. The service is currently reviewing all aspects of service delivery taking into account pre-existing savings targets and the increased demands on Legal Services as the requirement for legal intervention rises; in particular relating to childcare. An additional £1.5m has been included in the Legal services base budget from 2022/23 onwards, as per the 2022/23 Annual Budget report, to address both the increasing caseload and inflationary pressures that the profession now faces.

COVID Impacts – Corporate Strategy, Commissioning & Public Health

- 1.7.2 At Quarter 3 there are projected additional spend pressures of £14.5m within Corporate Strategy, Commissioning and Public Health relating to COVID. This represents an increase of £2.9m from the Quarter 2 position that is largely due to

additional costs within Finance relating to the Household Support Fund. This £500m national fund was made available to councils in October 2021, to support vulnerable households with the cost of essentials as the country continues its recovery from the pandemic. At Quarter 3, there are projected costs of £3.7m against this funding stream.

- 1.7.3 Another £7.2m of the identified costs within the directorate will be funded by a range of specific COVID grant streams. This includes a further £3.5m within Finance, with the most significant spend being £1.8m of welfare provision costs to support for our most vulnerable residents with the cost of food, energy, water bills and other essentials; offset by the Local Support Grant and £1.0m costs for administrating support payments to those on low incomes who had to self-isolate; offset by Self Isolation Grant funding.
- 1.7.4 There is also £3.0m projected spend within Public Health, largely comprised of £1.6m of testing mobilisation costs; offset by Community Testing Funding and £1.1m of test and trace programme costs; offset by the Test and Trace Service Support Grant. In addition, COMF is assumed to be applied across the directorate at £0.6m; largely to fund estimated costs of £0.4m for relevant Ward Activity spend and £0.2m IT and remote working costs.
- 1.7.5 The balance of additional COVID spend within the Directorate, not funded by specific grant, is £3.6m. This mostly reflects continued Council 'underwrite' to Kirklees Active Leisure (KAL) of £3.5m in 2021/22 to address forecast net revenue losses as a result of enforced closure of leisure centres during the pandemic, and gradual recovery of the leisure industry both nationally and locally. This underwrite was part of the Council and KAL Partnership Framework report approved by Cabinet on 27 July 2021. The payments to KAL will be funded through drawdown of the COVID Response reserve. See also paragraph 1.9.3.
- 1.7.6 The income compensation scheme outlined in paragraph 1.2.3 compensates for COVID related losses from Council owned leisure services, or through a planned management fee, where there is an arms-length relationship. However, the income compensation scheme does not cover other 3rd party provider arrangements such as Kirklees Active Leisure (KAL) Trust.

1.8 Central Budgets

- 1.8.1 The 2021/22 Annual Budget Report included provision within central budgets to reflect the likelihood of continued income loss from sales, fees and charges and commercial rents as a result of COVID, over the medium term. There is a £5.0m service income loss provision in 2021/22, reducing by £1.0m per annum, through to 2025/26, in anticipation of the recovery of the local economy. At Quarter 3, the full £5.0m contingency has been released to offset the £4.1m balance of projected income losses unfunded by the Sales Fees and Charges compensation scheme; with the remaining £0.9m contributing to the bottom-line position.

1.9 General Fund Reserves

- 1.9.1 The reserves position at Appendix 3 reflects the Council's reserves strategy and approach reported and approved at Budget Council on 16 February 2022.
- 1.9.2 At Quarter 3, General Fund reserves and balances are estimated to decrease through 2021/22 by £53.4m; from £197.4m at the start of the year to £144.0m as at 31 March 2022. Of this, £21.3m relates to transfers approved in the 2021-26 Annual Budget report; largely the drawdown of £23.5m from the Expanded Business Rates Relief

reserve to offset the carried forward Collection Fund deficit, as outlined in the 2020/21 Financial Outturn Report to Cabinet in July 2021.

1.9.3 The remaining £32.1m balance of movement on reserves is broken down as follows:

- i) Forecast £7.1m net planned drawdowns from reserves during the year, with the most significant being £1.8m from the Revenue Grants reserve, £1.7m from the Waste Management reserve, £1.0m from the Strategic Investment reserve, £0.5m from the Rollover reserve, and £0.5m from the Transformation reserve.
- ii) Transfer of the Quarter 3 projected overspend of £0.9m against earmarked financial resilience reserves at year-end.
- iii) Estimated drawdown of £24.1m from COVID related reserves. This comprises:
 - £8.6m from the COVID Response reserve to offset projected COVID related costs unfunded by specific funding streams. This includes £3.5m for estimated payments to Kirklees Active Leisure (KAL) (paragraph 1.7.4) and £0.8m for backlog and recovery spend (paragraph 1.6.6). The remaining balance of £4.3m relates to COVID impacted spend that is not funded by specific COVID grant streams.
 - £13.6m from the COVID Grants and Business Grants reserves to fund specific eligible COVID related spend.
 - £1.9m from the Tax Income Loss Compensation reserve to support the Council's bottom line as per the 2021-26 Annual Budget report.

1.9.4 The Financial Resilience reserve is informed by the Council's corporate risk register; current version attached at Appendix 7 for information.

1.10 Collection Fund

1.10.1 The Collection Fund accounts separately for council tax and business rates income and payments. Table 3 below summarises the projected financial performance of the Collection Fund at Quarter 3.

Table 3 – Collection Fund Summary

Collection Fund forecast (Council Share)	Council Tax	Business Rates	Total
	£000	£000	£000
(Surplus)/Deficit at 1 April 2021	4,554	30,933	35,487
Re-payments to/(from) General Fund 21/22	(2,117)	(24,613)	(26,730)
Technical impact of expanded reliefs		11,500	11,500
In year Financial Position	(1,500)	(1,406)	(2,906)
(Surplus)/Deficit at 31 March 2022	937	16,414	17,351
Offset of expanded reliefs by s31 grant		(11,500)	(11,500)
Other Repayments from General Fund 2022-24	(1,904)	(4,914)	(6,818)
Adjusted (Surplus)/Deficit	(967)	-	(967)

1.10.2 The 2021/22 Council Tax Base (CTB), approved as part of the 2021-26 Annual Budget Report, incorporated a series of negative adjustments reflecting the forecast economic impact of COVID on Council Tax income, as described further in paragraphs Page 146

1.10.3 to 1.10.5 below. In total, the adjustments amounted to a £4.4m reduction in budgeted Council Tax income compared to previous forecasts included in the 2020-23 MTFP. As at Quarter 3, there is projected to be an in-year surplus of £1.5m against the approved 2021/22 budgeted position for Council Tax.

- 1.10.3 The £4.4m adjustment noted above included an increase in the number of working age Council Tax Reduction claimants in 2021/22; reflecting a rise to approximately 27,000 claimants, from a pre-COVID level of 23,000. This amounted to a £2.0m reduction in budgeted Council Tax income.
- 1.10.4 The local Council Tax Reduction (CTR) scheme supports some of the borough's households on low incomes, is means tested and eligible claimants receive up to 80% discount from their full council tax liability. The local scheme only applies to those of working age. The national pension age scheme means there is no such minimum payment and eligible pensioners can receive up to 100% discount.
- 1.10.5 At 30 December 2021 the working age CTR claimant numbers were 24,550; a reduction of 1,450 over the last 12 months. This is resulting in lower than budgeted spend through the Council Tax Reduction scheme in the region of £0.5m, thereby contributing to the overall in year surplus position for council tax. These figures still remain volatile, with the potential of a further rise over time as Government support for businesses tapers.
- 1.10.6 A further £0.9m adjustment was made to reflect the scaling back of housing growth projections from previous assumptions which had largely mirrored the Local Plan over recent years. In addition, the collection rate was projected to decrease, resulting in a £1.4m uplift in the bad debt provision requirement. At Quarter 3, it is projected that the bad debt provision requirement will be lower than budgeted and making up the remaining balance of the estimated in-year surplus.
- 1.10.7 As at Quarter 3, there is an estimated £10.1m deficit within Business Rates. This includes £11.5m that is 'technical' in nature, as it relates to a downward income adjustment as a result of the continuation of the expanded retail discount scheme, announced by Government after the 2021/22 budgets had already been set. The additional reliefs awarded to businesses are funded in full by Central Government through section 31 grant payments. The payments will be transferred into earmarked reserves at year-end and will be drawn down in 2022/23 against the carried forward Collection Fund deficit.
- 1.10.8 The approved 2021/22 budget for Business Rates income included an estimated reduction in local share of 5%, equating to a £3m loss in income. There was also a further assumed impact of £1.5m due to a projected reduction in the Business Rates collection rate. As at Quarter 3, the in-year collection rate is slightly above target. When combined with the work being undertaken by the service with regards to recovery action on outstanding arrears, this is resulting in a projected in year surplus of £1.4m (excluding the technical adjustment described at 1.10.7 above), compared to the approved budget for 2021/22.
- 1.10.9 Charges to the General Fund each year from the Council (the billing authority) for Council Tax and Business Rates, and to the major precepting authorities (Fire & Rescue Authority, Office of Police & Crime Commissioner) are based on estimates. Actual income collected year on year will vary. These timing differences result in actual surpluses or deficits which are rolled forward year on year through the Collection Fund, and 'settled' over following years, through relevant payment adjustments to the General Fund/major precepting authorities.

1.10.10 The net effect of the above adjustments leaves an estimated residual Collection Fund deficit of £5.9m at year end (after adjusting for the technical impact of the expanded business rate reliefs at £11.5m). This compares to £7.1m at Quarter 2. The estimated overall in-year surplus of £2.9m (£1.7m at Quarter 2) represents an improved in-year performance relative to both Quarter 2 and the original 21/22 budget; and is consistent with the 2022/23 budget assumptions.

1.10.11 The 2020/21 Financial Outturn report outlined approval for a sum of the COVID Response reserve to be earmarked to offset the balance of mainly COVID impacted Collection fund deficit rolled forward from 2020/21. Drawdown of £2.3m against this reserve was included in the recent 2022/23 Annual Budget Report to contribute towards the repayment due to the Collection Fund; addressing the projected year-end deficit noted above.

1.11 Housing Revenue Account

1.11.1 The Council's Housing Revenue Account (HRA) accounts for all Council housing related revenue expenditure and income in a separate statutory (ring-fenced) account. The forecast revenue outturn at Quarter 2 is a £3.2m deficit against an annual turnover budget of £92.1m in 2021/22. This has increased since Quarter 2, where the projected deficit was £2.3m.

1.11.2 The main variance is £1.7m on repairs and maintenance relating to forward programmed investment for revenue compliance due to additional costs associated with compressing the 4 year asbestos programme into 2 years, and also for the additional costs for the patrolling watch for the high rise blocks.

1.11.3 Forecast HRA reserves at 31 March 2022, including set asides for business risks and investment needs is £47.0m. A summary of the HRA outturn and reserves position can be found at Appendix 4.

1.12 Capital

1.12.1 The Council Budget Report presented to Cabinet on 1 February 2022 updated the capital plan budget for 2021/22 at £161.7m. The budget has since been updated with a further £3.2m re-profiled into subsequent financial years mainly due to slippage of schemes (see Appendix 6).

1.12.2 The Council's revised capital budget for 2021/22 is £158.5m. The forecast capital outturn at Quarter 3 is £153.4m; forecast £5.1m variance.

1.12.3 The Quarter 3 position is summarised in Table 4 below, categorised by Council primary outcomes as set out in the Corporate Plan, which illustrates how the Council's investment proposals align with the Council's ambitions for its residents. Each primary outcome is further structured between strategic priorities, baseline work programmes and one-off projects.

Table 4 – Forecast Capital Outturn 2021/22 at Quarter 3

By Category	Revised Budget £000	Actuals to Date £000	Annual Forecast £000	Variance £000
Aspire & Achieve	19,805	11,605	19,666	(139)
Best Start	611	81	611	0
Independent	2,884	1,117	2,131	(753)
Sustainable Economy	88,767	43,172	84,935	(3,832)
Well	11,949	10,403	11,744	(205)
Safe & Cohesive	0	(3)	0	0
Clean & Green	5,756	4,033	5,756	0
Efficient & Effective	3,815	681	3,668	(147)
General Fund	133,587	71,089	128,511	(5,076)
Independent –Strategic Priorities	6,082	3,400	6,082	0
Independent - Baseline	18,851	12,421	18,782	(69)
Housing Revenue Account	24,933	15,821	24,864	(69)
Total Capital Plan	158,520	86,910	153,375	(5,145)

- 1.12.4 Of the forecast £5.1m variance, £3.6m relates to Highways due to reduced staffing and availability of both contractors and materials in relation to Covid. The variance within Independent is mainly due to a reprofiling of expenditure for the Knowl Park House scheme.
- 1.12.5 Officers will continue to review capital budget profiles in year, including any more detailed recommendations for potential re-profiling of scheme budgets between years (allowable under Financial Procedure Rules 3.10-3.15), as part of future financial monitoring. Any such recommendations would reflect the growing complexities and challenges over the next 5 years in delivering to this scale of ambition.
- 1.12.6 Future capital plan updates will continue to be presented to Cabinet and Council as a matter of course; the next key milestone being the Financial Outturn Report to Cabinet and Council in July 2022.

2021/22 Budget Proposals

- 1.12.7 This report also includes a number of specific capital scheme proposals for Cabinet approval in line with Council Financial Procedure Rules:

Adults, Red Laithes Court and Havelock Street, Ravensthorpe

- 1.12.8 An emerging pressure has been identified with the number of children coming through transitions from Childrens Services, and consequential demand on adult day services. The Red Laithes Court and Havelock Street buildings in Ravensthorpe have been identified to meet this demand with interim changes to both buildings. Although both buildings are at maximum capacity, an opportunity has arisen to create additional space at Red Laithes Court with the conversion of the former main kitchen and at Havelock Street by adapting and changing a number of existing rooms to create more open plan space, plus associated improvements to toilet and changing areas at both sites. These changes will be able to meet increased needs over the interim pending longer term options for service re-provision.
- 1.12.9 Cabinet are asked to endorse £250k for the schemes at Red Laithes Court and Havelock Street. The funding will be drawn down from the Day Services Support for Vulnerable Adults programme line within the Independent Capital Plan.

Adult Care Homes, Infection Prevention Control

- 1.12.10 In response to urgent service delivery requirements as a result of the pandemic and Infection prevention and control measures to ensure spaces are meeting service need, remodelling and refurbishment works have been identified in key Care Homes, namely Moorlands, Ings Grove, Castle Grange and Claremont as a one-off project.
- 1.12.11 Cabinet is requested to approve £35k from budget within the current approved Adults capital plan to deliver the works. This will be met from budget identified from within the Day Services Support for Vulnerable Adults Strategic Priorities programme line.

Property Investment Fund (103 New Street)

- 1.12.12 The original scheme approval approved at Cabinet on 21 August 2018 was for £10m loan funding from the Property Investment Fund (PIF). The scheme is now progressing towards completion but the development has been impacted by a particularly challenging environment through the COVID pandemic period.
- 1.12.13 As a consequence, working practices have had to adapt accordingly, and more recently substantial increases in the costs of materials and sub-contracting, alongside managing additional risks that come with refurbishing an old building. The consequence of the above has resulted in an overall increase in cost by upto £2.5m, and Cabinet is requested to approve a corresponding increase of upto £2.5m, to the existing PIF loan to meet the revised costs of this project.
- 1.12.14 As the funding for this project is a proposed variation to an existing loan to the scheme developer, HD1 Living Limited. Officers will, assess the due diligence factors appropriate to offering the additional finance, which will be determined in accordance with the loan practices set out in Council Financial Procedure Rules (FPR) 22.12.
- 1.12.15 Due diligence includes an updated appraisal of the project to which the loan relates including consideration of risk and cost mitigation, and similar updated financial appraisal the organisation to which the loan extension is to be granted, that the terms of the loan extension terms continue to comply with relevant state aid requirements which remain applicable. The above due diligence factors will be considered under delegated authority conferred in FPR 22.12 through the relevant Strategic Director, in conjunction with the relevant portfolio-holder, the Chief Finance Officer and Head of Risk & Insurance.
- 1.12.16 There is sufficient provision within the overall Property Investment Fund allocation within the approved capital plan, to accommodate the increase.

2 Information required to take a decision

- 2.1 The Appendices accompanying this report provide a more detailed breakdown of the outturn financial monitoring position, as follows:

Appendix 1a summarises, by service area, the forecast General Fund revenue outturn position in 2021/22;

Appendix 1b summarises, by service area, the forecast General Fund revenue outturn position in 2021/22 split into gross expenditure and income;

Appendix 2a summarises, by service area, the forecast COVID additional spend and income losses in 2021/22;

Appendix 2b categorises the forecast 2021/22 COVID additional spend by funding source;

Appendix 3a summarises the forecast General Fund reserves and balances movements in-year;

Appendix 4 summarises the forecast HRA revenue outturn position including movements in HRA reserves in-year;

Appendix 5 sets out by Outcome area the forecast capital outturn position in 2021/22.

Appendix 6 shows capital budget changes and re-profiling of spending plans into future years of the capital plan.

Appendix 7 is the Corporate Risk Register, updated as at February 2022;

- 2.2 The corporate risk register at Appendix 7 summarises the key strategic risks or barriers to achieving the corporate objectives. It also provides visibility about the management actions which are either in place or brought into action to mitigate the impact of these risks. Many of these are of a financial nature and provide contextual information when setting the council's budget. There isn't a direct link but they do help to inform the level of reserve held by the council.
- 2.3 Individual risks vary over time, and the need to set aside reserves changes depending on the underlying budget provisions. The risk assessment reflects the approved budget plans updated for emerging and changing medium and significant risk, including COVID impact.

3 Implications for the Council

3.1 Working with People

3.2 Working with Partners

3.3 Place Based working

3.4 Climate Change & Air Quality

3.5 Improving Outcomes for Children

3.6 Other (e.g. Financial, Legal or Human Resources)

- 3.6.1 The Council has a statutory duty to balance its budget under section 31A of the Local Government and Finance Act 1992 and to take any necessary steps in-year to ensure this. Section 151 of the Local Government Act 1972 requires the Council to make proper arrangements for the administration of its financial affairs including budgetary control.
- 3.6.2 The Council's 2021-26 budget plans, approved at Budget Council on 10 February 2021, set out proposals for the delivery of an overall Council balanced budget for 2021/22, and indicative budget spending plans and funding forecasts over the following 4 years. This was against a backdrop of COVID which brought an unprecedented level of challenge and uncertainty to the budget round.

- 3.6.3 The financial planning framework underpinning the budget proposals was pragmatic

in nature, enabled by the relatively strong financial resilience of the Council which existed pre-COVID; in particular by earmarking some of the pre-COVID financial resilience (MRP flexibility) to underwrite the Council's financial stability in 2021/22 as far as possible given the extent of global, national and local volatility.

- 3.6.4 The 2021-26 Annual Budget Report also made extensive reference to the continuing impact of COVID over the course of the medium-term financial plan, with impacts forecasted on a range of funding assumptions going forward, including service income and local tax income and business rates losses. As at Quarter 3, the Collection Fund is projected to achieve an in-year surplus against these budgets for both council tax and business rates.
- 3.6.5 The COVID response is ongoing, with impacts of the pandemic continuing to be a draw on existing Council, Partner and community capacity, however it is recognised that over the next 12 months there is expected to be a transition from pandemic to endemic or 'living with'.
- 3.6.6 The expected pandemic transition to 'living with' is also reflected in emerging earlier global and national economic recovery forecasts from those previously predicted. This was reflected in the budget proposals set out in the recent 2022/23 Annual Budget report, with regard to more optimistic assumptions on council tax base and business rates funding projections for 2022/23, relative to 12 months ago.
- 3.6.7 It should be noted, however, that the OBR forecasts also acknowledge that there remain some significant bumps in the road; in particular global supply chain and labour shortages in specific sectors, and consequential inflationary cost of living and workforce capacity pressures over the next 12 months at least.
- 3.6.8 The 2022/23 Local Government Finance Settlement, finalised in February 2022, included additional core grant of £1.6bn per annum over the next 3 years, in order to provide Council's 'stability'; acknowledging the significant cost of living pressures on Council and bought-in services. However, the settlement was for one year only and, as such, funding for Kirklees post-2022/23 remains uncertain.
- 3.6.9 The Settlement also included a commitment from Government, as part of its national levelling up agenda, to bring forward proposals for implementing the National Fair Funding Review for 2023/24 onwards. However, this is in the context of re-distributing existing national funding allocations between Councils and no additional funding.
- 3.6.10 Given the above context, Councils cannot solely rely on a government funding solution to accommodate any forecast future year budget gaps, which in themselves remain sensitive in the current environment. Over-reliance on "one-off" revenue reserves to support annual balanced budgets over the medium term would not be financially sustainable and any significant depletion in reserves over time would leave the Council very exposed to financial risks. It is therefore imperative that the Council should continue to ensure that it has robust and sustainable plans to deliver its ambitions and priorities over the foreseeable future within sustainable and available means.
- 3.6.11 The Council's refreshed reserves strategy recently approved in the 2022-27 budget plans reflects the above position and includes the s151 Officer recommendation that the Council's financial resilience reserves at £37.1m, demand reserves at £19.3m, and £10m minimum working capital balances requirement, remain 'non-negotiable' for potential re-direction for any other purpose. This also extends to the £4.3m Transformation Fund earmarked within reserves, which is critical to the development of the Council's SEND and Waste Strategy Transformation agendas over the medium term.

3 Consultees and their opinions

This report has been prepared by the Service Director Finance, in consultation with the Executive Team.

4 Next Steps

To present this report to Cabinet as part of the Quarterly financial monitoring reporting cycle.

5 Cabinet portfolio holder's recommendations

The portfolio holder agrees with the recommendations set out in this report.

6 Officer recommendations and reasons

Having read this report and the accompanying Appendices, Cabinet are asked to:

General Fund

- 6.1 note the forecast revenue outturn position at Quarter 3;
- 6.2 note the forecast year end position on corporate reserves and balances at Quarter 3;
- 6.3 note the regular monitoring and review of corporate reserves in 2021/22 reported to Cabinet as part of the Quarterly financial monitoring cycle;

Collection Fund

- 6.4 note the forecast position on the Collection Fund as at Quarter 3;

HRA

- 6.5 note the Quarter 3 forecast HRA position and forecast year-end reserves position;

Capital

- 6.6 note the Quarter 3 forecast capital monitoring position for 2021/22;
- 6.7 approve the re-profiling across future years of the capital plan as set out in this report and at Appendix 6;
- 6.8 approve the capital scheme amendments as noted in paragraphs 1.12.7 to 1.12.13 of this report;
- 6.9 That Cabinet agrees to offer to HD1 Living Ltd an additional loan from the Property Investment Fund (PIF) up to £2.5 Million to support the redevelopment of 103 New Street, Huddersfield subject to due diligence being carried out.
- 6.10 That the Strategic Director, Growth and Regeneration in consultation with the Portfolio Holder for Corporate, having sought appropriate advice from the Service Director Legal, Governance and Commissioning, and the Service Director Finance be authorised to carry out appropriate due diligence on the proposal to offer an additional loan from the PIF.

- 6.11 That the Service Director Legal, Governance and Commissioning in consultation with the Service Director Finance be authorised to enter into any documentation required to agree the additional Property Investment Fund loan and to protect the Council's position as lender.

7 Contact Officer

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8 Background papers and History of Decisions

Annual budget report 2022-27 to Budget Council, February 2022
Corporate Financial Monitoring Report, Quarter 2, November 2021
Budget Update Report to Council, October 2021
Corporate Financial Monitoring Report, Quarter 1, August 2021
Financial Outturn and Rollover Report to Cabinet, July 2021
Annual budget report 2021-26 to Budget Council, February 2021
Budget Update Report to Council, October 2020
Cabinet report 21 August 2018 - Request for funding from the Property Investment Fund in respect of 103 new Street

9 Service Director responsible

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Appendix 1a

Corporate Revenue Budget Monitoring 2021/22 – Quarter 3

	Annual						Q3 Variance made up of:		
Strategic Director portfolio responsibilities	Controllable Budget (Net)	Planned use of reserves	Revised Budget	Forecast	Variance	Change from Q2	General Covid Spend	Covid Income Losses	Other
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Child Protection & Family Support	40,033	350	40,383	42,260	1,877	(199)	2,860	-	(983)
Resources, Improvements & Partnership	18,045	-	18,045	17,099	(946)	(499)	-	-	(946)
Learning & Early Support & Schools	18,875	90	18,965	22,144	3,179	1,043	310	395	2,474
Sub Total (Children & Families)	76,953	440	77,393	81,503	4,110	345	3,170	395	545
Customers and Communities	11,803	288	12,091	11,880	(211)	(113)	177	89	(477)
ASC - Older People and Physical Disabilities	20,368	14	20,382	19,063	(1,319)	(503)	289	-	(1,608)
ASC - Learning Disabilities and Mental Health	68,210	-	68,210	70,220	2,010	(3)	-	457	1,553
Adults Sufficiency	14,060	-	14,060	13,421	(639)	(249)	-	-	(639)
Sub Total (Adults & Health)	114,441	302	114,743	114,584	(159)	(868)	466	546	(1,171)
Environmental Strategy & Climate Change	9,148	222	9,370	10,484	1,114	304	26	427	661
Highways & Streetscene	26,923	1,829	28,752	31,359	2,607	1,074	773	512	1,322
Culture & Visitor Economy	(1,019)	299	(720)	1,810	2,530	(938)	55	2,682	(207)
E&CC Management & Support	408	-	408	496	88	88	-	-	88
Sub Total (Environment & Climate Change)	35,460	2,350	37,810	44,149	6,339	528	854	3,621	1,864
Skills & Regeneration	2,336	81	2,417	2,207	(210)	182	10	92	(312)
Homes & Neighbourhoods	3	-	3	3	-	618	-	-	-
Development	10,063	970	11,033	12,184	1,151	(70)	425	611	115

Strategic Director portfolio responsibilities	Annual						Q3 Variance made up of:		
	Controllable Budget (Net)	Planned use of reserves	Revised Budget	Forecast	Variance	Change from Q2	General COVID Spend	COVID Income Losses	Other
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Management & Support	395		395	430	35	35	-	-	35
Sub Total (Regeneration & Growth)	12,797	1,051	13,848	14,824	976	765	435	703	(162)
Strategy & Innovation	15,051	665	15,716	15,538	(178)	(69)	-	-	(178)
Public Health & People	118	1,107	1,225	4,957	3,732	73	3,602	11	119
Governance & Commissioning	12,188	878	13,066	14,465	1,399	687	25	-	1,374
Finance	8,391	270	8,661	8,717	56	98	-	123	(67)
Former KNH Resources	-	-	-	(493)	(493)	(131)	-	-	(493)
Sub Total (Corporate Strategy, Commissioning & Public Health)	35,748	2,920	38,668	43,184	4,516	658	3,627	134	755
Central	42,526	-	42,526	37,567	(4,959)	(495)	38	-	(4,997)
General Fund Total	317,925	7,063	324,988	335,811	10,823	933	8,590	5,399	(3,166)
COVID Response Reserve - Unfunded Risks				(4,302)	(4,302)	(367)	(4,302)		-
COVID Response Reserve - Recovery Fund				(788)	(788)	(788)	(788)		
COVID Response Reserve - Leisure Support (KAL)				(3,500)	(3,500)	-	(3,500)		
COVID Income Loss Compensation				(1,296)	(1,296)	-		(1,296)	-
Revised General Fund Total				325,925	937	(222)	-	4,103	(3,166)

Controllable Expenditure - Month 9

Strategic Director portfolio responsibilities	Annual				
	Controllable Budget (Net) £'000	Planned use of reserves £'000	Revised Budget £'000	Forecast £'000	Variance £'000
Child Protection & Family Support	43,236	350	43,586	45,667	2,081
Resources, Improvements & Partnerships	18,787	-	18,787	17,852	(935)
Learning & Early Support	54,165	90	54,255	56,224	1,969
Controllable Expenditure (Children & Families)	116,188	440	116,628	119,743	3,115
Customers and Communities	16,928	288	17,216	18,041	825
ASC - Older People and Physical Disabili	85,419	14	85,433	86,954	1,521
ASC - Learning Disabilities and Mental H	90,676	-	90,676	94,404	3,728
Adults Sufficiency	22,323	-	22,323	21,829	(494)
Controllable Expenditure (Adult & Health)	215,346	302	215,648	221,228	5,580
Environmental Strategy & Climate Change	11,661	222	11,883	12,545	662
Highways & Streetscene	73,865	1,829	75,694	81,405	5,711
Culture & Visitor Economy	31,989	299	32,288	31,359	(929)
E&CC Management & Support	408		408	496	88
Controllable Expenditure (Environment & Climate Change)	117,923	2,350	120,273	125,805	5,532
Skills & Regeneration	8,813	81	8,894	11,798	2,904
Homes & Neighbourhoods	65,364	-	65,364	65,364	-
Development	25,629	970	26,599	28,437	1,838
Management & Support	395		395	430	35
Controllable Expenditure (Regeneration & Growth)	100,201	1,051	101,252	106,029	4,777
Strategy & Innovation	18,919	665	19,584	20,001	417
Public Health & People	29,836	1,107	30,943	35,209	4,266
Governance & Commissioning	13,493	878	14,371	16,641	2,270
Finance	77,711	270	77,981	77,915	(66)
Former KNH Resources	2,705		2,705	2,205	(500)
Controllable Expenditure (Corporate Strategy, Commissioning & Public Health)	142,664	2,920	145,584	151,971	6,387
Central	46,118	-	46,118	45,542	(576)
Controllable Expenditure (General Fund)	738,440	7,063	745,503	770,318	24,815

Appendix 1b (continued)

Controllable Income - Month 9

Strategic Director portfolio responsibilities	Annual				
	Controllable Budget (Net) £'000	Planned use of reserves £'000	Revised Budget £'000	Forecast £'000	Variance £'000
Child Protection & Family Support	(3,203)		(3,203)	(3,407)	(204)
Resources, Improvements & Partnerships	(742)	-	(742)	(753)	(11)
Learning & Early Support	(35,290)	-	(35,290)	(34,080)	1,210
Controllable Income (Children & Families)	(39,235)	-	(39,235)	(38,240)	995
Customers and Communities	(5,125)	-	(5,125)	(6,161)	(1,036)
ASC - Older People and Physical Disability	(65,051)	-	(65,051)	(67,891)	(2,840)
ASC - Learning Disabilities and Mental Health	(22,466)	-	(22,466)	(24,184)	(1,718)
Adults Sufficiency	(8,263)	-	(8,263)	(8,408)	(145)
Controllable Income (Adult & Health)	(100,905)	-	(100,905)	(106,644)	(5,739)
Environmental Strategy & Climate Change	(2,513)	-	(2,513)	(2,061)	452
Highways & Streetscene	(46,942)	-	(46,942)	(50,046)	(3,104)
Culture & Visitor Economy	(33,008)	-	(33,008)	(29,549)	3,459
E&CC Management & Support					
Controllable Income (Environment & Climate Change)	(82,463)	-	(82,463)	(81,656)	807
Skills & Regeneration	(6,477)	-	(6,477)	(9,591)	(3,114)
Homes & Neighbourhoods	(65,361)	-	(65,361)	(65,361)	-
Development	(15,566)	-	(15,566)	(16,253)	(687)
Management & Support	-	-	-	-	-
Controllable Income (Regeneration & Growth)	(87,404)	-	(87,404)	(91,205)	(3,801)
Strategy & Innovation	(3,868)	-	(3,868)	(4,463)	(595)
Public Health & People	(29,718)	-	(29,718)	(30,252)	(534)
Governance & Commissioning	(1,305)	-	(1,305)	(2,176)	(871)
Finance	(69,320)	-	(69,320)	(69,198)	122
Former KNH Resources	(2,705)	-	(2,705)	(2,698)	7
Controllable Income (Corporate Strategy, Commissioning & Public Health)	(106,916)	-	(106,916)	(108,787)	(1,871)
Central	(3,592)	-	(3,592)	(7,975)	(4,383)
Controllable Income (General Fund)	(420,515)	-	(420,515)	(434,507)	(13,992)

COVID Spend and Income Losses Summary

Strategic Director portfolio responsibilities	COVID-19 spend	COVID-19 Income Losses	Total COVID-19 Pressures
	£k	£k	£k
Child Protection and Family Support Resources, Improvements & Partnership	2,860	0	2,860
Learning, Early Support and Schools	0	0	0
	501	395	896
Sub Total (Children & Families)	3,361	395	3,756
Customers and Communities	1,204	89	1,293
ASC - Older People & Physical Disabilities	14,235	0	14,235
ASC - Learning Disabilities and Mental H	0	457	457
Adults Sufficiency	0	0	0
Sub Total (Adults & Health)	15,439	546	15,985
Environmental Strategy & Climate Change	935	427	1,362
Highways & Streetscene	1,207	512	1,719
Culture & Visitor Economy	202	2,682	2,884
Sub Total (Environment & Climate Change)	2,344	3,621	5,965
Skills & Regeneration	159	92	251
Homes & Neighbourhoods	598	0	598
Development	992	611	1,603
Sub Total (Regeneration & Growth)	1,749	703	2,452
Strategy Innovation and Planning	314	0	314
Public Health and People	6,590	11	6,601
Governance and Commissioning	416	0	416
Finance	7,181	123	7,304
Former KNH Resources	0	0	0
Sub Total (Corporate Strategy, Commissioning & Public Health)	14,501	134	14,635
Central	38	0	38
General Fund Total	37,432	5,399	42,831

COVID Spend and Funding Sources

Strategic Director portfolio responsibilities	COVID-19 spend	COVID-19 Spend Funded By:	
		COVID-19 Specific Grant Funding	COVID -19 Response Reserve
	£k	£k	£k
Child Protection and Family Support Resources, Improvements & Partnership	2,860	0	2,860
Learning, Early Support and Schools	0	0	0
	501	191	310
Sub Total (Children & Families)	3,361	191	3,170
Customers and Communities	1,204	1,027	177
ASC - Older People & Physical Disabilities	14,235	13,946	289
ASC - Learning Disabilities and Mental Health	0	0	0
Adults Sufficiency	0	0	0
Sub Total (Adults & Health)	15,439	14,973	466
Environmental Strategy & Climate Change	935	909	26
Highways & Streetscene	1,207	434	773
Culture & Visitor Economy	202	147	55
Sub Total (Environment & Climate Change)	2,344	1,490	854
Skills & Regeneration	159	149	10
Homes & Neighbourhoods	598	598	0
Development	992	567	425
Sub Total (Regeneration & Growth)	1,749	1,314	435
Strategy Innovation and Planning	314	314	0
Public Health and People	6,590	2,988	3,602
Governance and Commissioning	416	391	25
Finance	7,181	7,181	0
Former KNH Resources	0	0	0
Sub Total (Corporate Strategy, Commissioning & Public Health)	14,501	10,874	3,627
Central	38	0	38
General Fund Total	37,432	28,842	8,590

General Fund Reserves

	Reserves position as at 1st April 2021	2021-26 Budget report Approved Transfers	Revised reserves position at 1st April 2021	Planned Net Drawdown in-year - COVID Reserves	Planned Net Drawdown in-year - other	Unplanned use of Reserves (Forecast Variance)	Forecasted Reserves position as at 31st March 2022
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Statutory (School Reserves)							
Schools Balances	(13,562)	-	(13,562)	-	-	-	(13,562)
Public Health	(1,539)	-	(1,539)	-	-	-	(1,539)
Total Statutory (School Reserves)	(15,101)	-	(15,101)	-	-	-	(15,101)
Earmarked							-
Transformation/Development Funding							
Ward Based Activity	(1,400)	-	(1,400)	-	438	-	(962)
Strategic Investment support	(4,954)	-	(4,954)	-	1,004	-	(3,950)
Waste Management	(5,684)	2,000	(3,684)	-	1,684	-	(2,000)
Mental Health	(1,202)	-	(1,202)	-	315	-	(887)
Inclusive Investment	(3,000)	-	(3,000)	-	327	-	(2,673)
Place Partnership Theme	(2,000)	-	(2,000)	-	-	-	(2,000)
Transformation	(2,348)	(2,000)	(4,348)	-	520	-	(3,828)
Place Standard	(500)	-	(500)	-	-	-	(500)
Local Welfare provision initiatives	-	(2,237)	(2,237)	-	-	-	(2,237)
Apprenticeship Levy	(3,191)		(3,191)	-	-	-	(3,191)
Total Transformation/Development Funding	(24,279)	(2,237)	(26,516)	-	4,288	-	(22,228)
Revenue Grants/Other							
Revenue Grants (various)	(13,319)	-	(13,319)	-	1,796	-	(11,523)
Rollover	(604)	-	(604)	-	548	-	(56)
Stronger Families Grant	(1,531)	-	(1,531)	-	350	-	(1,181)
Social Care Reserve	(2,099)	-	(2,099)	-	-	-	(2,099)
School PFI	(1,282)	-	(1,282)	-	-	-	(1,282)
Other	(4,315)	-	(4,315)	-	81	-	(4,234)

	Reserves position as at 1st April 2021	2021-26 Budget report Approved Transfers	Revised reserves position at 1st April 2021	Planned Net Drawdown in-year - COVID Reserves	Planned Net Drawdown in-year - other	Unplanned use of Reserves (Forecast Variance)	Forecasted Reserves position as at 31st March 2022
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Total Revenue Grants/Other	(23,150)	-	(23,150)	-	2,775	-	(20,375)
Risk Reserves - Specific Purposes							
Insurance	(1,900)	-	(1,900)	-	-	-	(1,900)
Property and Other Loans	(3,000)	-	(3,000)	-	-	-	(3,000)
Treasury Smoothing	(960)	-	(960)	-	-	-	(960)
Total Risk Reserves - Specific Purposes	(5,860)	-	(5,860)	-	-	-	(5,860)
Risk Reserves - Budget Risks							
Financial Resilience Reserves	(37,146)	-	(37,146)	-	-	937	(36,209)
Demand Reserve	(19,306)	-	(19,306)	-	-	-	(19,306)
Total Risk Reserves - Budget Risks	(56,452)	-	(56,452)	-	-	937	(55,515)
Earmarked (COVID) Reserves							
COVID Response - Unfunded Risks	(8,094)	-	(8,094)	4,302	-	-	(3,792)
COVID Response - Recovery Fund	(2,000)	-	(2,000)	788	-	-	(1,212)
COVID Response - Collection Fund (Risk)	(6,400)	-	(6,400)	-	-	-	(6,400)
COVID Response - Leisure Support (KAL)	(3,500)	-	(3,500)	3,500	-	-	-
COVID Grants (various)	(5,604)	-	(5,604)	5,604	-	-	-
COVID Business Grants Reserve	(7,953)	-	(7,953)	7,953	-	-	-
Extended Business Rate Relief Compensation	(23,955)	23,520	(435)	-	-	-	(435)
Tax Income Loss Compensation	(5,002)	-	(5,002)	1,900	-	-	(3,102)
Sub Total Earmarked (Collection Fund)	(62,508)	23,520	(38,988)	24,047	-	-	(14,941)
Total Earmarked	(172,249)	21,283	(150,966)	24,047	7,063	937	(118,919)
GENERAL BALANCES	(10,003)	-	(10,003)	-	-	-	(10,003)
Grand Total	(197,353)	21,283	(176,070)	24,047	7,063	937	(144,023)
Total usable reserves (excluding schools and public health)	(182,252)	21,283	(160,969)	24,047	7,063	937	(128,922)

Glossary of Reserves

RESERVE	DESCRIPTION
School Balances	Statutory reserves relating to both individual schools balances/deficits carried forwards.
Public Health	Timing issues on Public Health grant spend commitments (Public health grant is statutorily ring-fenced)
Ward Based Activity	Set aside reflecting timing issues on ward based activity spend commitments
Strategic Investment Support	To address the scale of development costs required to support the upscaling of capital investment activity and major project activity over the MTFP.
Waste Management	To support the implementation of the Council's waste management strategy, including phased release over the MTFP to manage current PFI contract transition in light of the current Council PFI Waste Contract ending in 2022/23.
Mental Health (including Domestic abuse)	To support a number of local area based mental health initiatives.
Inclusive Investment Reserve	Set aside for a range of targeted development activity that supports the Council's inclusive investment ambition.
Place Partnership Theme	To encourage Place specific local initiatives
Transformation Reserve	Set aside for strategic transformation developments over the next 12 to 24 months.
Place Standard Reserve	Set aside to support the resourcing of emerging Place Standard action plans.
Local Welfare Provision Initiatives	Set aside for a range of existing Local Welfare Provision measures to support some of the borough's vulnerable families and individuals in financial hardship
Apprenticeship Levy	Set aside to fund future payments into the Apprenticeship levy
Revenue Grants	Represents grants and contributions recognised in the Comprehensive Income and Expenditure Statement before expenditure has been occurred.
Rollover	To fund deferred spend commitments against approved rollover
Stronger Families	Set aside reflecting timing issues on expenditure commitments supporting a range of Stronger Families activity, funded from external grant.
Social Care	Set aside to cover phased rollout of a range of social care expenditure commitments as agreed at Cabinet, August 2018.
Schools PFI Reserve	Will be utilised to cover reduced DSG budget contributions to council services in 2020/21 and 2021/22
Other Earmarked	A range of smaller reserves earmarked for specific purposes.
Insurance	Mitigates against risk from increased liabilities and insurance claims.
Property and Other Loans	Set aside in part against the potential risk of future loan defaults; in part to offset potential unfunded technical accounting entries on General Fund revenue arising purely arising from the introduction of a new local government accounting code intended to strengthen balance sheet transparency.
Treasury Smoothing Reserve	This reserve has been set aside to manage the volatility surrounding treasury management budgets with respect to both potential changes in interest rates and the level of delivery of the capital plan.
Financial Resilience	Covers a range of potential costs highlighted in the Council's corporate risk register, including budget risks as set out in the sensitivity analysis within the 2021-26 Annual Budget report.
Demand Reserve	Set aside to mitigate the impact/volatility of a range of potential demand risks on statutorily provided service activity
COVID Response Reserve	Specific reserve set aside to cover the costs of the Council's COVID-19 response.
COVID Grants	Represents specific COVID grants recognised in the Comprehensive Income and

RESERVE	DESCRIPTION
(various)	Expenditure Statement in 2020/21 before expenditure was occurred.
COVID Business Grants reserve	Reflects the balance of COVID-19 Business Grants received and recognised in 2020/21 before expenditure was incurred.
Extended Business Rate Relief Compensation	During 2020/21, local authorities received approximately £10bn in S31 grants to offset the reliefs given to businesses during lockdown. Under current collection fund accounting rules, the S31 grants received this year will not be discharged against the Collection Fund deficit until 2021/22. The full amount of additional s31 grants received has therefore been transferred into the extended business rates relief reserve, to be drawn down in 2021/22 against the rolled forwards collection fund deficit.
Local Tax Income Loss Compensation	Local authorities are being compensated for the loss of local tax income in 2020/21 as a result of COVID-19. The compensation amount has been transferred into the Tax Income Loss Compensation Reserve to be drawn down in future years against the rolled forwards collection fund deficit.
General Fund Balances	General reserve set at £10m to support general working capital and cashflow requirements.

Appendix 4

HOUSING REVENUE ACCOUNT 2021/22 - MONTH 9

	Year to			Annual		
		Date				
	Controllable Budget (Net)	Actuals	Variance	Revised Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Repairs & Maintenance	20,140	21,424	1,284	27,016	28,760	1,744
Housing Management	14,183	13,626	(557)	39,111	39,330	219
Other Expenditure	390	18,667	18,277	25,602	27,425	1,823
Total Expenditure	34,713	53,717	19,004	91,729	95,515	3,786
Rent & Other Income	(66,845)	(66,670)	175	(92,147)	(91,547)	600
Revenue Contribution to Capital Funding	0	0	0	1,168	0	(1,168)
Planned transfer to HRA Reserves	0	0	0	(750)	(750)	0
Total	(32,132)	(12,953)	19,179	0	3,218	3,218

HRA RESERVES

	Balance at 31 March 2021	Approved Movement in Reserves	Balance at 31 March 2022
	£'000	£'000	£'000
Set aside for business risks	(4,000)	0	(4,000)
Forecast in Year Surplus/Deficit	0	3,218	3,218
Net Transfer of HRA Reserves	0	(2,600)	(2,600)
Set aside to meet investment needs (as per HRA Business Plan)	(52,918)	10,771	(42,147)
Working balance	(1,500)		(1,500)
Total	(58,418)	11,389	(47,029)
* Planned in year transfer from HRA			




	Budget Report	Budget Adjustment incl Re-profiling	Qtr 3 Revised Budget	Actuals to Date	Forecast	Variance	Variance
	£'000	£'000	£'000	£'000	£'000	£'000	%
General Fund							
Aspire & Achieve	19,895	(90)	19,805	11,605	19,666	(139)	(1%)
Best Start	611	0	611	81	611	0	0%
Independent	3,163	(279)	2,884	1,117	2,131	(753)	(26%)
Sustainable Economy	88,867	(100)	88,767	43,172	84,935	(3,832)	(4%)
Well	11,950	(1)	11,949	10,403	11,744	(205)	(2%)
Safe & Cohesive	0	0	0	(3)	0	0	0%
Clean and Green	5,755	1	5,756	4,033	5,756	0	0%
Efficient & Effective	3,815	0	3,815	681	3,668	(147)	(4%)
GENERAL FUND TOTAL	134,056	(469)	133,587	71,089	128,511	(5,076)	(4%)
Housing Revenue Account							
Strategic Priorities	7,309	(1,227)	6,082	3,400	6,082	0	0%
Baseline	20,326	(1,475)	18,851	12,421	18,782	(69)	0%
HOUSING REVENUE TOTAL	27,635	(2,702)	24,933	15,821	24,864	(69)	0%
CAPITAL PLAN TOTAL	161,691	(3,170)	158,520	86,910	153,375	(5,145)	(3%)



Corporate Capital Budget Monitoring 2021/22 Breakdown of Budget Changes since Budget Report



Appendix 6







	£'000	£'000	£'000
BUDGET REPORT			161,691
Re-profiling into Later Years			
General Fund:			
Aspire & Achieve			
Libraries (SP)	(90)		
Independent			
Adults Social Care Operation (OP)	(280)		
Sustainable Economy			
Housing Private (BL)	(100)		
General Fund Re-profile		(470)	
Housing Revenue Account			
Housing Growth (SP)	(300)		
New Build Phase 1 - Ashbrow Extra Care (SP)	(615)		
Council House Building (SP)	(312)		
Compliance (BL)	(756)		
Fuel Poverty (BL)	(211)		
Adaptations (BL)	(507)		
HRA Re-profile		(2,701)	
Total Re-profiling			(3,171)
REVISED OUTTURN BUDGET			158,520
Change in Budget - Funding Breakdown:			
Borrowing		(277)	
Grant (Grants & contributions)		(407)	
Capital Receipts		(590)	
HRA Reserves		(1,897)	
Change in Budget			(3,171)



Key:
 SP = Strategic Priorities
 BL = Baseline
 OP = One Off Projects







Risk No	Risk – Description of the risk	Management actions already in place to mitigate the risk	Control Opptnty	Trend	Risk Matrix Symbol
	Community Impacts & Risks	Delivering service that customers and citizens need			
A1	Responding to crises and events, and the implications on the Kirklees community, and the Council. in the short and medium term, which relate to community, operational and financial matters	<p>This position requires specific event related understanding, coordination and action and is often about dealing with areas of uncertainty.</p> <p>Mitigations need to relate to and consider:</p> <ul style="list-style-type: none"> • Social and economic consequences (including appropriate council interventions therein). • Management of financial consequences • Recognition of longer-term impacts • Ensuring appropriate communication (to community and staff) • For service delivery, business continuity planning <p><i>Responsible for this chief executive and all strategic directors</i></p>	M	 5X4=20	
	Covid 19 coronavirus(mutations) and or seasonal flu has further implications on the Kirklees community, and the Council.	<p>This position requires regular reconsideration as the position can change quickly,</p> <p>Mitigations need to relate to</p> <ul style="list-style-type: none"> • Infection control and management- as a council activity • Management of financial consequences including seeking to spend national grants effectively, and controls against the risk of fraud • Social and economic consequences (including appropriate council interventions therein) • Recognise potential infection and self-isolation issues, on front line service delivery, directly and by contractors. • Recognition of long covid and other consequent diseases • Ensuring staffing compliance where specific rules apply for example if there are vaccination obligations on certain employee groups <p><i>Responsible for this risk –R. Spencer-Henshall and all strategic directors</i></p>		 5X4=20	






<p>A2</p>	<p>The council does not adequately safeguard children and vulnerable adults, and those subject to elder abuse, because of increased complexity, referral volumes and a lack of service capacity to respond to the assessed need.</p>	<ul style="list-style-type: none"> • Disclosure & Barring Service (DBS) checking, staff training, supervision, protection policies kept up to date and communicated. • Effective management of social work (and related services); rapid response to any issues identified and from any Safeguarding Practice Reviews (Children), Safeguarding adults reviews and Domestic Homicide Reviews • Active management of cases with media interest • Completion of the development of the Corporate Safeguarding Policy (scrutiny Jan’22, then Cabinet Mar’22) • Review of current practices following the child sexual exploitation in other authorities and the emerging requirements. • Ensure that workloads are balanced to resources, and that this worked is prioritised when there are staff resource availability issues • Staff and skill development to minimise dependence on key individuals. • Use of agency staff and or contractors when necessary • Ideal manager training • Development of market sufficiency strategy; consider approaches to support the development of the available service offer both locally and regionally. • Ensure competence of the Safeguarding Boards and that they are adequately resourced to challenge and improve outcomes • Adults Safeguarding Board has own specific risk register • Effective listening to messages about threats from other parts of the council and partner agencies • Proactive recognition of Members role as “corporate parent” • Childrens Ambition Board to assist governance and quality improvement • Additional work to ensure that corporate safeguarding activities include appropriate control arrangements. • Ensure effective record keeping • Ensure routine internal quality assessment • Training to ensure that there is a proportionate reaction, • Recognise that referrals may have been suppressed because of lockdown and other coronavirus related concerns <p><i>Responsible for this risk – R Parry and M Meggs</i></p>	<p>H</p>	<p>4X5=20</p>	 
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<p>A3</p>	<p>Legacy issues of historical childcare management practices, and particularly, the heightened national attention to Child Sexual Exploitation and historical abuse cases leads to reputational issues, and resource demands to address consequential matters.</p>	<ul style="list-style-type: none"> • Additional resources and expertise allocated to new and historical Child Sex Exploitation (CSE) and other legacy work, as required. • Risk matrix and risk management approach implemented with the police and partners. • Provision of support pathways to assist victims • Understand relationship with the Prevent strategy, and issues linked to counter terrorism • Ensure effective record keeping • Learning from external reports on CSE issues re Oxford, Rotherham etc <p><i>Responsible for this risk –M Meggs</i></p>	<p>LM</p>	<p>↔</p> <p>4x4=16</p>	
<p>A4</p>	<p>Failure to address matters of violent extremism and related safer stronger community factors, including criminal exploitation, (and with the potential of safeguarding consequences for vulnerable individuals), or national or international incidents (e.g., terrorism), out with the councils control, create significant community tension, with the risk of public disorder, and threats to councillors going about their duties. National terrorism threat level raised. Concerns about Ukraine and Russia</p>	<ul style="list-style-type: none"> • Prevent Partnership Action Plan. • Community cohesion work programme • Local intelligence sharing and networks. • Status as a Prevent Priority Area provides funding for a Prevent Coordinator Post and enables the development of bids for additional funding. • Counter terrorism local profile. • Awareness that some campaigns may give cause to action and reaction. (e.g. black lives matter, LGBTQ) • Global events can create ongoing potential issues and tensions, (national risk status raised recently) which the council needs awareness and mitigations strategies. • West Yorkshire Violence Reduction Unit will assist • Local measures to ensure councillors are/feel protected (and staff and others) including access to relevant information. • Protect and Prepare obligations to mitigate terrorism risk on publicly accessible locations (PAL) <p><i>Responsible for this risk – R Parry and M Meggs (& J Greenfield)</i></p>	<p>LM</p>	<p>↑</p> <p>4x5=20</p>	




A5	Significant environmental events, because of climate change, or otherwise, such as severe weather impact on the Council's ability to continue to deliver services.	<ul style="list-style-type: none"> • Effective business continuity and emergency planning (including mutual aid) investment in flood management, gritting deployment plans. • Winter maintenance budgets are supported by a bad weather contingency. • Operational plans and response plans designed to minimise impacts (e.g., gully cleansing for those areas which are prone to flooding.) • Emergency Planning risks for current year reflect risks of (e.g.) staff sickness for both services such as gritting and meeting home care commitments • Actions to address global warming consequences of higher summer temperature and more volatile weather conditions, such as different road surfacing materials, tree planting for water runoff retention, work practice changes in hot weather (<i>see also A21</i>) <p style="text-align: right;"><i>Responsible for this risk – C Parr</i></p>	M	As a long-term environmental trend  4x5=20	
A6	Reconsidered individual and community and partner and business sector priorities. Understanding the financial and other on-going impact on partner agencies, including the voluntary sectors –in way that reduces their ability to support communities, with an impact on the council. Understand the impact that other entities have on e.g., demands for council service	<ul style="list-style-type: none"> • Understand the impacts including those of rising prices/ changed customer demand for paid for activity • Consider what types of support the council might provide • Engagement in resilience discussions with NHS partners • Secure funding as appropriate (e.g., consider extension of pooled funds • Understanding potential impacts on demand for council services • Strengthen partnership arrangements to ascertain whether other funding or cost reduction solutions can be introduced. Understand if changes in the availability of council facilities is affecting VOs • Assess dependency on voluntary organising, and impacts that coronavirus has on their sustainability, and consider actions. • Understand the impact on demand and resources from the broader economic microsystem • Determine which of these are really adverse <p style="text-align: right;"><i>Responsible for this risk – R Parry and M Meggs * all strategic directors</i></p>	H	 4x4=16	
	The finances of the Council	Keeping the Council solvent			
A7	A failure to achieve the Councils savings plan impacts more generally on the councils finances with the necessity for unintended	<ul style="list-style-type: none"> • Significant impacts on incomes and cost pressures on certain service areas • Established governance arrangements are in place to achieve planned outcomes at Cabinet and officer level • Escalation processes are in place and working effectively. 	MH		



	savings (from elsewhere) to ensure financial stability	<ul style="list-style-type: none"> Alignment of service, transformation and financial monitoring. Tracker developed which allows all change plans to be in view and monitored monthly Monthly (and quarterly) financial reporting Understand impacts of inflation(sse A8) (and make adjustments within funds allocated) <p style="text-align: center;"><i>Responsible for this risk - E Croston & ET</i></p>		4x5=20	
A8	Above inflation cost increases, impact on the ability of providers to deliver activities of the specified quality, and or impacting on the prices charged and impacting on the budgets of the Council. (Noting inflation in costs of energy, food and construction, the latter likely to be ongoing)	<ul style="list-style-type: none"> Be aware of underlying issues through effective communication with service providers and suppliers about likely impact on prices (e.g., 5-year expectation of cost increases by one quarter on construction projects) Renegotiate or retender contracts as appropriate. Ensure that budgets anticipate likely cost impacts Reduce extent or number of capital projects Be willing to amend service or activity prices reflecting cost changes Recognise that some changes such as the costs of energy are longer term (but with severe shorter term impacts) Seek additional funding because of government-imposed cost Determine if increased costs such as energy make efficiency projects more financially attractive or reduce consumption by less use of heating. <p style="text-align: center;"><i>Responsible for this risk - E Croston & all strategic directors</i></p>	LM	<p style="text-align: center;">↑</p> <p style="text-align: center;">↑</p> <p style="text-align: center;">5x4=20</p>	
A9	The council has significant financial risks related to # Volumes (more than budget) of. <ul style="list-style-type: none"> Complex Adult Care services Childrens Care Services Educational high needs # Coronavirus income impacts on commercial rents and other fees and charges. # HRA Rent collection. (UC roll-out) # Waste disposal and waste	<ul style="list-style-type: none"> Monitor short term loss of income and additional costs (& be sure they are all captured) and recognise these in budget plans Scenario plan for changed level of demand, or customer tastes. Scenario plan for recurrences of coronavirus or similar Scenario plan for default by debtors- although income collection on council tax, business rates, rents and sundry debtors is in line with expected levels. Seek to recover additional costs where budgets held by other parties or partners Significant service pressures recognised as part of resource allocation Responsibility for budgetary control aligned to Strategic and Service Directors. 	M	<p style="text-align: center;">↔</p>	

	<p>strategy</p> <p>And potential risks in relation to grant schemes, especially where the council takes on cost or outcome risk</p>	<ul style="list-style-type: none"> Examine alternative strategies or amend policies where possible to mitigate growth in demand or reduce costs Utilise supplementary resources to cushion impact of cuts and invest to save. Assess grant related risks and seek to mitigate (with the grant regime) Proactive monitoring as Universal Credit is introduced Possible financial implications from Heath & Social Care legislation being prompted by government <p><i>Responsible for this risk - E Croston & ET</i></p>		5x5=25	
A10	<p>Making inappropriate choices in relation to lending or and borrowing decisions, leads to financial losses.</p>	<ul style="list-style-type: none"> Effective due diligence prior to granting loans and careful monitoring of investment decisions. Effective challenge to treasury management proposals by both officers and members (Corporate Governance & Audit Committee) taking account of external advice <p><i>Responsible for this risk - E Croston</i></p>	MH	2x5=10	 
A11	<p>Exposure to uninsured losses or significant unforeseen costs, leads to the necessity for unintended savings to balance the councils finances.</p> <p>Insurance market unwilling to cover certain risks. -such a clad building.</p>	<ul style="list-style-type: none"> Ensure adequacy of financial revenue reserves to protect the council financial exposure and managed effectively not to impact on the council essential services. Consider risks and most cost-effective appropriate approach to responding to these (internal or external insurance provision). Awareness of risk activity that is not insured or uninsurable. <p><i>Responsible for this risk - E Croston & J Muscroft</i></p>	H	4x4=16	 
A12	<p>The future national budget position and allocation of funding to local authorities causes a loss of resources or increased and under-funded obligations (e.g., in relation to social care), with impact on the strategic plans, Although the government has provided resource to meet coronavirus consequence, but it is unclear the how long this</p>	<ul style="list-style-type: none"> Monitor government proposals and legislation, and their impact on council and partner services. Continue to lobby, through appropriate mechanisms, for additional resources e.g., Local Government Association (LGA) Be aware of underlying issues through effective communication with citizens, partners, service providers and suppliers about likely impact on resources Ensure that budgets anticipate likely impacts Ensure adequacy of financial revenue reserves to protect the council financial exposure and managed effectively not to impact on the council essential services. 	L	4x5=20	 

	will continue. Medium term risks remain, as the need to address recent high level of national debt, and inflation/ interest, with other spending areas deemed of greater priority. NHS given all social care additional tax revenues initially.	<ul style="list-style-type: none"> • Lobby for appropriate shares of NI levies for local authorities- or similar funding. • Ensuring efficacy of social care levy if ever shared <p style="text-align: center;"><i>Responsible for this risk - E Croston & all strategic director</i></p>			
	Governance	Operating legally and ethically			
A13	The councils arrangements to effectively determine policies, are inadequate, leading to the potential for failure or delay	<ul style="list-style-type: none"> • Open policy development • Open decision making, including full consultation • Effective challenge (between officers, officers and members, and between member), with sufficient time for adequate consideration (e.g., Key Decision Notices) • Proper recording of all decisions • Clarity of responsibility and understanding <p style="text-align: center;"><i>Responsible for this risk – chief executive and all strategic directors</i></p>	H		
	The councils arrangements to effectively implement policies and practices, are inadequate, leading to the potential for failure, error, illegality or delay	<ul style="list-style-type: none"> • Open decision making, including full consultation • Proper recording of all decisions • Carefully following all rules and requirements, particularly those related to Financial Procedures Rules and Contract Procedure Rules • Doing basis well- strong training and effective assurance • Clarity of management responsibility and understanding <p style="text-align: center;"><i>Responsible for this risk – chief executive and all strategic directors</i></p>			
A14	National legislation, especially that which is not fully funded, impacts on the councils current policies and strategies (Examples Waste Strategy, Social care reforms)	<ul style="list-style-type: none"> • Horizon scanning and work to ensure that the local impacts of national legislation, or other changes are fully understood as soon as practical • Open consideration of options and how these may impact across communities, and impact on current activities • Financial assessments <p style="text-align: center;"><i>Responsible for this risk – chief executive and all strategic directors</i></p>	L		 

<p>A16</p>	<p>Management of information from loss or inappropriate destruction or retention and the risk of failure to comply with the Council’s obligations in relation to Data Protection, Freedom of Information legislation and the General Data Protection Regulations (GDPR) leading to reputational damage, rectification costs and fines.</p>	<ul style="list-style-type: none"> • Thorough, understandable information governance policies and practices that are clearly communicated to workforce and councillors • Effective management of data, retention and recording. • Compliance with retention schedules. • Comply with new legislation around staff access to sensitive data. • Council has a Senior Information Risk Owner (“SIRO”) officer and a Data Protection Officer (DPO) supported by an Information Governance Board • Development of action plan to respond to GDPR requirements and resourcing requirements as appropriate • Recognition of increased risk from homeworking may increase risks or change their perspective (e.g., destruction of paper records, extra training) • Compliance with IT security policy. • Increased awareness of officers and members as to their obligations, responsibilities etc, through training • Recognising and understanding “cloud” based products and the advantages and risks that they provide • Business continuity procedures. <p style="text-align: right;"><i>Responsible for this risk – J Muscroft & Rachel Spencer Henshall</i></p>	<p>H</p>	<p style="text-align: center;">↑</p> <p style="text-align: center;">4x5=20</p>	
<p>A17</p>	<p>Cyber related threats affecting data integrity and system functionality/security</p>	<ul style="list-style-type: none"> • Organised crime and state actors are predominant causes. • Impact mitigation important • Immutable back up equipment to at least preserve data • Thorough, understandable security policies and practices that are clearly communicated to workforce and councillors • Recognition of increased risk from homeworking which may increase or Change mitigations required (e.g., additional training) • Compliance with IT security policy. • Increased awareness of officers and members as to their obligations, responsibilities etc, through training • Recognising and understanding “cloud” based products and the advantages and risks that they provide 	<p>M</p>	<p style="text-align: center;">↑</p> <p style="text-align: center;">5x5=25</p>	

		<ul style="list-style-type: none"> Business continuity procedures.(in various scenarios) including recognising that some solutions may involve a return to paper based solutions and records Proactive management of cyber issues, including additional web controls <p><i>Responsible for this risk – T Hudson, A Simcox & Rachel Spencer Henshall</i></p>			
A18	Health and safety measures are inadequate leading to harm to employees or customers and possible litigious action from them personally and/or the Health and Safety Executive. (And the potential of prosecution and corporate /personal liability) (and particularly issues of fire safety)	<ul style="list-style-type: none"> Ensuring appropriate H&S responses re Coronavirus (appropriately balancing statutory obligations, desirable positions and commerciality/business risk) New Fire Safety Policy approved and being implemented with improved monitoring of fire risk Prioritised programme of remedial works to buildings to tackle fire safety and other issues Review work practices to address H&S risks Monitor safety equipment Improved employee training as to their responsibilities, as employees and (where appropriate) as supervisors. Improved employee work practices Approval of additional resources to improve corporate monitoring regime. <p><i>Responsible for this risk – R Spencer Henshall</i></p>	H	↔	 3x5=15
A19	Exposure to increased liabilities arising from property ownership and management, including dangerous structures and asbestos, cladding and fire controls with reputational and financial implications.	<ul style="list-style-type: none"> Active site management Routine servicing and cleansing regimes (including coronavirus compliance in both operational and managed tenanted commercial property) Work practices to address risks from noxious substances Property disposal strategy linked to service and budget strategy Review of fire risks, Housing Building Safety Assurance Board established Develop management actions, categorised over the short to medium term and resource accordingly. Prioritisation of funding to support reduction of backlog maintenance Clarity on roles and responsibilities particularly where property management is outsourced <p><i>Responsible for this risk – C Parr/ D Shepherd</i></p>	H	↑	 5x4=16
A20	The risk of retaining a sustainable, diverse, workforce, including <ul style="list-style-type: none"> aging and age profile 	<ul style="list-style-type: none"> Effective Workforce Planning (including recruitment and retention issues) Modernise Human Resources policies and processes Increased accessibility to online training managers/ employees. 	H	↑	

	<ul style="list-style-type: none"> encouraging people to enter hard to recruit roles (which often have low pay, or challenging hours or tasks) recognising that labour shortage affect a large part of economic activity. and ensuring that the workforce is broadly content, <p>without whom the council is unable to deliver its service obligations.</p>	<ul style="list-style-type: none"> Selective use of interim managers and others to ensure continuity of progress regarding complex issues Ensure robust change processes including Equality Impact Assessments (EIA's) and consultation. Understanding difficult to recruit areas Understand market pay challenges and considering changes to grading/je structure Promote the advantages of LG employment Emphasise the satisfaction factors from service employment Engage and encourage younger people through targeted apprenticeships, training, and career development (and recognising that young people's skills, knowledge, and expectations may be impacted by coronavirus) encouraging entrants to professional roles where pay is often below market levels. Ensuring awareness to ensure employees safety and health (including stress) Consider issues about a workforce reflective of the community, inclusion, diversity and coronavirus issues <p><i>Responsible for this risk – R Spencer Henshall</i></p>		4x4=16	
A21	<p>Compliance with the councils own climate change commitments, and or statutory climate change obligations fails to achieve objectives and ambitions, and or causes unanticipated costs or operational consequences. Certain government grants require demonstration of climate commitments, impacting on funding available. Council needs to address impacts of climate change on assets and operations.</p>	<ul style="list-style-type: none"> Reconsideration of priorities and potential achievability within timescales Monitoring of achievements/effective project planning and costing Awareness of local consequences such as ensuring appropriate levels of energy efficiency in residential and commercial property, and the financial consequences Lobbying for financial and other government support in relation to the costs of meeting obligations WYMCA related projects will require assessment of carbon impacts Consultancy study advice on how the council might address global warming consequences of higher summer temperature (affecting road surfaces), and more volatile weather conditions, (e.g., rainstorms) and heating and ventilation in new and refurbished property (<i>see also A5</i>) <p><i>Responsible for this risk – C Parr</i></p>	M	 4x4=16	

All risks shown on this corporate matrix are considered to have a potentially high probability, or impact, which may be in the short or medium horizon

TREND ARROWS

Worsening	
Broadly unchanged	
Improving	

CONTROL OPPORTUNITIES

H	This risk is substantially in the control of the council
M	This risk has features that are controllable, although there are external influences
L	This risk is largely uncontrollable by the council

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Name of meeting: Cabinet
Date: 8 March 2022
Title of report: Disposal of Open Space adj 39 Carrside Crescent, Batley

Purpose of report

The purpose of this report is for Cabinet to consider the objections received as a result of advertising the Council's intention to dispose of an area of Open Space adjoining 39 Carrside Crescent, Batley, shown edged red on the plan, 20-0344, contained within Appendix 1 and to determine whether to proceed with the intended disposal of the Open Space.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director and name	David Shepherd – 2 February 2022
Is it also signed off by the Service Director - Finance, IT and Transactional Services?	Joanne Bartholomew - 25 January 2022 Eamonn Croston – 26 January 2022
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft – 27 January 2022
Cabinet member portfolio	Cllr Paul Davies – 9 February 2022

Electoral wards affected: Batley East

Ward councillors consulted: Cllr Mahmood Akhtar, Cllr Fazila Loonat, Cllr Habiban Zaman

Public or private: Public

1. Summary

Cabinet are asked to consider the objections received in response to the advertisement of disposal of open space adjoining 39 Carrside Crescent, Batley and to determine if the intended disposal should proceed.

2. Information required to take a decision

Approval to dispose of the land was granted by Housing, following consultation with local ward members and residents subject to advertising the proposed disposal of Open Space under Section 123(2A) of the Local Government Act 1972 and planning permission for change of use of the land to garden first being approved.

Notices advertising the intention to dispose of this Open Space were placed in the newspapers circulating in the area the Reporter Series” on 21 October and 28 October 2021, with a deadline for objections to be received by no later than 11 November 2021

The land is unallocated in the Local Development Plan. No application for planning permission has been submitted.

The land is an area of open space, maintained by Housing Services.

There have been two objections to the disposal. The main objections are to the following:

- a. The applicant does not look after his own garden
- b. It is believed the applicant may use the land to extend his property
- c. Loss of Light and access to maintain adjoining wall/ remove self-seeding saplings
- d. Suggestions of bat habitat

In response to the above points:

Point a: Inspections have been made of the applicant’s garden and it would appear to be well kept

Photographs are contained within Appendix 2

Point b: The intention is also to sell with restrictions for use as garden land only with no permanent structures allowed on the land.

Point c: The Access to Neighbouring Land Act 1992 would allow maintenance of the adjoining property if agreement could not be agreed between the two parties

Point d: Although there are no indications within our records to suggest the presence of Bats, it would be possible to request the applicant arrange a bat survey as part of the planning application, although the proposed use as additional garden is unlikely to impact on the surrounding area

Due to the objections, it is necessary for this report to Cabinet for consideration of the objections and a final decision to be reached on whether to proceed with the intended disposal of the land.

3. Implications for the Council

3.1 Working with People

The intention was to dispose of the land subject to a covenant for additional garden use only and despite liaison with the adjoining owners, the concerns have not been resolved.

3.2 Working with Partners

None

3.3 Place Based Working

- Approval to dispose of the land was granted by Housing Services following consultation with local ward members, local residents and the local school
- The advertisement of the disposal of open space raised concerns from two adjoining residents
- The restriction of the use would prevent the land being used for development even though the land is unallocated in the Local Development Plan.
- It is proposed that the land will be disposed of, which will:
 - Raise a capital receipt
 - Reduce the need for future maintenance

3.4 Improving outcomes for children

None

3.5 Other (e.g. Legal/Financial or Human Resources)

The disposal is in line with the Disposal and Acquisition Policy 2017.

A capital receipt will be received through the sale

Savings will be made by reduced maintenance responsibility.

4. Consultees and their opinions

Ward Members Consultation – Batley East

The Ward Councillors were consulted on 26 September 2020 as part of the Housing consultation process

No objections were received.

5. Next steps and timelines

If approved, the instructions will be sent to our Legal Team for contracts to be prepared and the applicant will need to submit and obtain planning permission for change of use to garden – prior to completion of the sale

6. Officer recommendations and reasons

It is recommended that Cabinet approve the disposal of this area of Open Space in order that:

- i) The land can be better utilised and maintained
- ii) A capital receipt would be achieved

7. Cabinet portfolio holder's recommendations

Cllr Paul Davies, as Portfolio Holder concurs with the officer's recommendation and recommends the land be sold

8. Contact officer

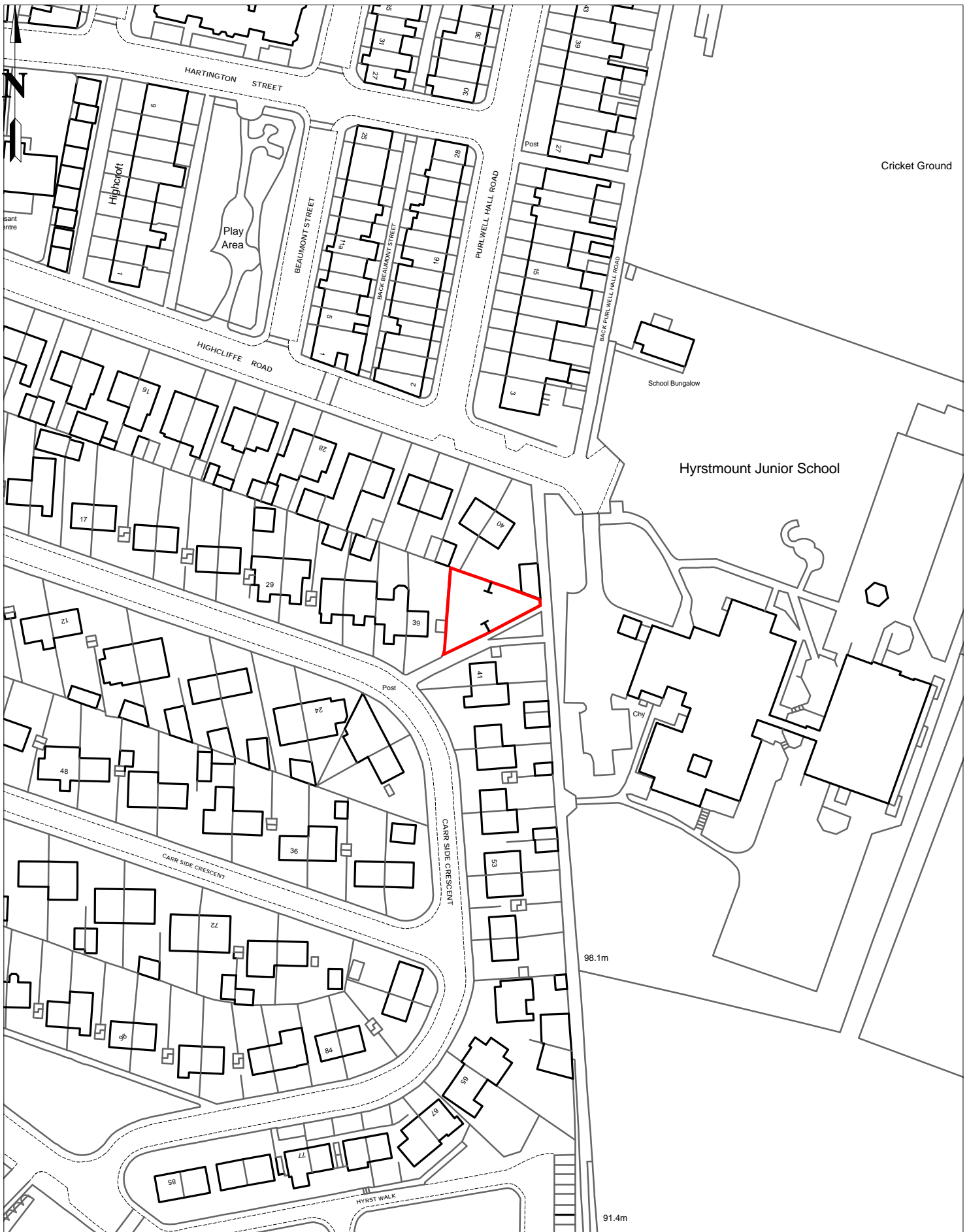
Corinne Wilson Disposals & Acquisitions Officer
Stuart Wilson Technical Development Officer – Homes & Neighbourhoods
Gary Fowler Team Leader: Disposals & Acquisitions

9. Background Papers and History of Decisions

Disposals and Acquisition Policy - 3.03.17

10. Service Director responsible

David Shepherd: Growth & Regeneration



STRATEGIC ASSETS

Plan No: 20-0344
Scale: 1:1250

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