

Public Document Pack

Kirklees Council



Main Hall - Town Hall, Huddersfield

Tuesday 5 September 2023

Dear Member

The Council will meet on Wednesday 13 September 2023 at 5.30 pm in the Main Hall - Town Hall, Huddersfield.

This meeting will be webcast live and will be available to view via the Council's website.

The following matters will be debated:

Pages

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

3: Minutes of Previous Meetings

1 - 10

To approve the Minutes of the Meetings of Council held on the 12 July 2023 and 18 August 2023.

4: Declaration of Interests

11 - 12

Members will advise if there are any items on the Agenda in which they have a Disposable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

5: Petitions (From Members of the Council)

To receive any Petitions from Members of the Council in accordance with Council Procedure Rule 9.

6: Deputations & Petitions (From Members of the Public)

Council will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

7: Public Question Time

To receive any public questions.

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

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

8: West Yorkshire Combined Authority - Minutes

13 - 66

To receive the Minutes of the Meetings of West Yorkshire Combined Authority held on 2 February, 16 March, 25 May and 22 June 2023.

9: Election of the Leader of the Council

To elect the Leader of the Council in accordance with Article 7 of the Constitution.

10: Planning Scheme of Delegation and Planning Committees (Reference from Corporate Governance and Audit Committee) 67 - 128

To consider the report.

Contact: Mathias Franklin, Head of Planning and Development

11: Members Allowances Scheme (Reference from Corporate Governance and Audit Committee) 129 - 136

To consider the report.

Contact: Julie Muscroft – Service Director, Legal, Governance and Commissioning

12: Council Budget Strategy Update: 2024/2025 and Future Years (Reference from Cabinet) 137 - 200

To consider the report.

Contact: James Anderson, Head of Accountancy

13: Overview and Scrutiny Annual Report 2022/2023 201 - 278

To receive the Overview and Scrutiny Annual Report.

Contact: Leigh Webb, Governance Manager

14: Appointment of Committee and Panel Chairs

279 -
282

To consider the report and appoint Chairpersons.

Contact: Julie Muscroft – Service Director, Legal, Governance and Commissioning

15: Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons

To receive written questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons in accordance with Council Procedure Rule 12.

A schedule of written questions will be tabled at the meeting.

16: Key Discussion - Addressing The Council's Financial Challenge

Council will hold a Key Discussion on Addressing the Council's Financial Challenge.

(Under the provision of Council Procedure Rule 5 (5), this agenda item must commence not later than 7.00pm).

17: Motion submitted in accordance with Council Procedure Rule 14 as to the Ending of the Practice of using Council Street Furniture for the Displaying of Election Posters

To consider the following Motion in the names of Councillors Taylor and D Hall;

“This Council notes that:

The ‘Election Campaign Material Policy’ (last updated 24 January 2023) currently allows for small posters to be placed on the authority’s lamp posts.

The use of election posters on street furniture is mixed across Kirklees and political parties and there is no discernible correlation between those areas where posters are used and increased engagement or turnout. The policy distracts both Police and Council resources in needing to police it and where posters are used it can leave a place looking very untidy, especially when posters become defaced, damaged or start to peel. There are also issues about

fairness in that posters cannot be installed in areas where streetlights are hosted in other ways, such as on telegraph poles, which means some more rural parts of the borough do not have the same level of Council support.

Their use is often hotly objected to by residents, especially where the poster is from a candidate the resident does not support, generating further work for Council Officers. Whilst there was a place for this type of advertising in the past, the current proliferation of media which are open to candidates to communicate their message to the electorate means that this is no longer the effective medium it may have been.

Furthermore, the Council does an excellent job in letting the public know when there is an election, and does so through a wide variety of media, as does the press, social media and political parties.

Removing the ability to erect posters on Council owned assets allows the following benefits:

- Reduces workload for Council staff and Police.
- Reduces the use of single use plastic (cable ties), which are often left to pollute the environment or remain around the lamppost.
- Frees up time for candidates and activists to engage with the public directly.
- Removes the health & safety issues and road safety issues associated with the erection and removal of posters.
- Frees up election expenses to be used to communicate directly with the electorate.

This Council therefore resolves to update the 'Election Campaign Material Policy' to remove the ability for parties to use Council street furniture for the displaying of election posters."

18: Motion submitted in accordance with Council Procedure Rule 14 as to Helping address the Council's Financial Crisis

To consider the following Motion in the names of Councillors J Lawson and Marchington;

"This Council notes that:

- 1) Like many other local authorities, Kirklees Council faces financial challenges that are on a scale and depth not seen in its fifty-year history;

- 2) While budget measures taken in March 2023 have provided savings in Quarter 1, these savings have already been outstripped by increasing need and unexpected costs, ongoing Government reductions in funding and rising charges, especially energy. Rising demand in social care for children and adults has also resulted in increasing pressure due to unresolved Government funding;
- 3) A new Leader and Cabinet will be in place at September Council. Kirklees Liberal Democrat group believe that there is an opportunity for a new Cabinet to reassess decisions made by previous portfolio holders and to refresh the council as a whole, both in terms of its priorities and the way it marshals all its resources to deal with the complex issues faced by its residents in these challenging times.

This Council believes that:

This process should be aided by councillors and officers from the Local Government Association (LGA) who are able to independently and constructively challenge (peer challenge) the Administration and report back their findings.

This Council, therefore, resolves to:

Instruct the relevant Cabinet member to:

- Ask the Council's Section 151 officer to assess any costs or financial risks involved in requesting a peer challenge through the Local Government Association. That assessment should also outline the possible costs and risks of not inviting a peer challenge. The information should be reported to a meeting of Cabinet for a decision as soon as possible;
- Inform the Department for Levelling Up, Housing and Communities (DLUHC) of this decision as part of the Council's ongoing conversation with them to avoid Government intervention."

19: Motion submitted in accordance with Council Procedure Rule 14 as to Kirklees Council's Financial Position

To consider the following Motion in the names of Councillors Cooper, Lee-Richards and Allison;

"The Council is facing a severe financial crisis that will affect our ability to deliver services for the people of Kirklees. It is vital that the

Council comes together to address this crisis and finds innovative ways to tackle the funding gap that needs to be bridged to provide the support and services needed by local people.

This Council asks Kirklees Cabinet to:

1. Investigate establishing a Corporate Opportunities Register to demonstrate that the Council is aware of and has considered all potential external funding and partnerships that will help the Council achieve its objectives.
 2. Work with the Community, Voluntary Sectors and Parish Councils to maximise external funding that the Council can't access to deliver local schemes and services e.g. National Lottery funding, Parish council funds and other sources.
 3. Consider new working patterns for employees, where appropriate, in consultation with staff and Trade Unions to help preserve jobs within the Council and the skills and capacity needed to bid for external funding and deliver projects. Also consider approving overtime when it helps the council generate income.
 4. Establish a local lottery to help support activity by the voluntary and community sectors. This has had a positive impact in other areas.
 5. Ask Leaders from all parties on the Council to jointly lobby Government regarding the resources needed to deliver local services.
 6. Take advantage of support available from the Local Government Association to help with financial resilience.
 7. Explore how we might collaborate effectively with other West Yorkshire Councils to share costs and provide shared services and back office functions.
 8. Work with West Yorkshire Combined Authority to see how funding such as gainshare may be better used to help the Council achieve its objectives.
 9. Ensure cost saving measures such as use of pool cars are being fully utilised and expand the supply of pool cars if necessary, on an invest to save basis.
 10. Provide space for timely discussion of all parties budget proposals with the aim of producing a cross party budget amendment for the 2024/25 financial year."
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20: Motion submitted in accordance with Council Procedure Rule 14 as to Water Quality and Sewage Discharge

To consider the following Motion in the names of Councillors Marchington and P A Davies;

“This Council notes that:

- 1) Most of the UK has a combined sewerage system, meaning that both rainwater and waste water (from toilets, bathrooms and kitchens) are carried in the same pipes to a sewage treatment works. However, during heavy rainfall, the capacity of these pipes can be exceeded, which has the potential to back up and flood people’s homes, roads and open spaces, unless it is allowed to spill elsewhere. As a result, the system is designed to overflow occasionally and discharge excess wastewater into our rivers and seas. However, data shows that the use of overflows is not occasional, as it should be;
- 2) Sewage and wastewater discharge is a significant factor in water quality and has an adverse impact on the health of river ecosystems;
- 3) According to the Wildlife Trusts, only 16% of waters in England are currently in good ecological health and none meet chemical standards. This means that, overall, there are no rivers, lakes, estuaries or seas in England that are currently in a healthy condition;
- 4) This is a local issue as well. Last year, the amount of time sewage was allowed to spill into Yorkshire’s waterways was 232,054 hours, with 54,273 monitored spill events. According to the Environment Agency, parts of Yorkshire have some of the highest number of serious water pollution incidents in England and Kirklees has ranked amongst the highest in recent years. Data from 2021 has revealed that 5 of the top 20 most polluted rivers are in Yorkshire, with the River Calder the second most sewage-polluted waterway in the country, with sewage flowing into the river and tributaries for 27,901 hours.

This Council believes that:

- 1) Healthy waterways are the foundation for all life, but our rivers and lakes have become poisoned, with has had a hugely negative impact on aquatic wildlife and habitats;
- 2) The Government needs to set out more ambitious targets to repair the damage inflicted on our rivers and watercourses;

- 3) The council has a number of legal responsibilities in relation to protecting its rivers and watercourses as well as in relation to public health;
- 4) Local authorities, including Kirklees Council, should also have powers to fine water utility companies for preventable sewage dumping. The Council should use its voice to put pressure on water companies and the Government to make improvements and fulfil their obligations to Kirklees residents, and resident elsewhere across the country;
- 5) Many Kirklees residents are concerned about water quality and the impact of regular wastewater discharge and untreated sewage into our rivers, and the impact that this has on human health and wildlife. Now, more than ever, water quality is at the forefront of public consciousness, as releasing sewage into rivers is no longer an emergency-only situation occurring as a result of severe rainfall, but a regular occurrence. This is at a time when water companies are reportedly pushing to be allowed to increase water bills in England by up to 40% by 2030 to pay for the sewage crisis, essentially offloading the cost of cleaning up sewage spills on to British households.

This Council, therefore, resolves to:

1. Work collaboratively with the Canal & River Trust, Yorkshire Water and the Government, to improve water quality and the health of our rivers, lakes and watercourses across our district;
2. Write to the Secretary of State for Environment, Food and Rural Affairs calling for an urgent ban on sewage discharge in our rivers, lakes and watercourses. Furthermore, to request that the Government is more ambitious in its overall target to improve water quality. It should be in line with the Wildlife Trusts' target for at least 75% of rivers, streams and other freshwater bodies to reach an overall 'clean waters' status by 2042;
3. Write to Yorkshire Water to request that:
 - (1) They stop the routine discharge of sewage in our district's rivers, lakes and watercourses and invest in appropriate infrastructure to reduce the frequency of the discharges;
 - (2) They provide the Council with an action plan outlining the steps they are taking to mitigate such instances of sewage discharge; and
 - (3) They review the plan on a 6 monthly basis to consider how they are complying with their legal obligations on this issue."

By Order of the Council

J. Geelman

Chief Executive

Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Main Hall - Town Hall, Huddersfield on Wednesday 12 July 2023**

PRESENT

The Mayor (Councillor Cahal Burke) in the Chair

COUNCILLORS

Councillor Beverley Addy	Councillor Masood Ahmed
Councillor Itrat Ali	Councillor Karen Allison
Councillor Ammar Anwar	Councillor Bill Armer
Councillor Donna Bellamy	Councillor Aafaq Butt
Councillor Martyn Bolt	Councillor Andrew Cooper
Councillor Moses Crook	Councillor Nosheen Dad
Councillor Paola Antonia Davies	Councillor Paul Davies
Councillor Donald Firth	Councillor Eric Firth
Councillor Charles Greaves	Councillor Adam Gregg
Councillor David Hall	Councillor Steve Hall
Councillor Tyler Hawkins	Councillor James Homewood
Councillor Manisha Roma Kaushik	Councillor Viv Kendrick
Councillor Musarrat Khan	Councillor Jo Lawson
Councillor John Lawson	Councillor Susan Lee-Richards
Councillor Andrew Marchington	Councillor Naheed Mather
Councillor Harry McCarthy	Councillor Tony McGrath
Councillor Bernard McGuin	Councillor Hannah McKerchar
Councillor Matthew McLoughlin	Councillor Paul Moore
Councillor Alison Munro	Councillor Darren O'Donovan
Councillor Shabir Pandor	Councillor Carole Pattison
Councillor Mussarat Pervaiz	Councillor Amanda Pinnock
Councillor Andrew Pinnock	Councillor Elizabeth Reynolds
Councillor Imran Safdar	Councillor Cathy Scott
Councillor Joshua Sheard	Councillor Anthony Smith
Councillor Elizabeth Smaje	Councillor Mohan Sokhal
Councillor John Taylor	Councillor Mark Thompson
Councillor Graham Turner	Councillor Sheikh Ullah
Councillor Adam Zaman	Councillor Habiban Zaman

- 1 Announcements by the Mayor and Chief Executive**
The Mayor presented Councillor Masood Ahmed with a commemorative yearbook in respect of his year in Mayoral Office, 2022-2023.

Council - 12 July 2023

2 **Apologies for absence**

Apologies for absence were received on behalf of Councillors Amin, Bamford, Holmes, Hussain, Lees-Hamilton, Lowe, K Pinnock, Ramsay, Simpson, Stephen and R Smith.

3 **Minutes of Previous Meeting**

RESOLVED – That the Minutes of the Meeting of Annual Council held on 24 May 2023 be approved as a correct record.

4 **Declaration of Interests**

No interests were declared.

5 **Petitions (From Members of the Council)**

No petitions were received.

6 **Deputations & Petitions (From Members of the Public)**

Under the provision of Council Procedure Rule 10, Council received the following deputations;

- (i) Gez Walsh, on behalf of Platform 1, with regards to access to mental health services.

A response was provided by the Cabinet Member for Adults and Health (Councillor Khan).

- (ii) Dave Minich, on behalf of Cleckheaton Folk Festival, regarding the upkeep and maintenance of Cleckheaton Town Hall.

A response was provided by the Cabinet Member for Regeneration (Councillor Turner).

- (iii) Janet Foggin, on behalf of Cleckheaton and Spenborough Amateur Operatic and Dramatic Society, regarding the current closure of Cleckheaton Town Hall.

A response was provided by the Cabinet Member for Regeneration (Councillor Turner).

7 **Public Question Time**

No questions were asked.

8 **West Yorkshire Combined Authority - Minutes**

The Minutes of West Yorkshire Combined Authority held on 8 December 2022, 2 February 2023 and 8 December 2023 were received and noted.

9 **Pay Policy Statement (Reference from Personnel Committee)**

It was moved by Councillor P Davies, seconded by Councillor Pandor and

RESOLVED – That the Pay Policy Statement be approved, in accordance with the Localism Act 2011.

10 Council Financial Outturn and Rollover Report 2022/2023 (Reference from Cabinet)

It was moved by Councillor P Davies, seconded by Councillor Pandor and

RESOLVED –

- 1) That, in regards to the General Fund, (i) the revenue outturn position for 2022/2023 including Cost of Living Impacts be noted (ii) the application of the Council's flexible capital receipts strategy to the value of £2.9m applied against eligible transformation in 2022/2023; as approved in the 2023/2024 Annual Budget Report (March 2023) be noted (iii) the Government's £13.5m funding contribution on 31 March 2022 towards the Council's Dedicated School's Grant deficit be noted (iv) the year end position on corporate reserves and balances be noted (v) the proposed use of pre-existing reserves be reaffirmed and the proposed use of new reserves (section 1.9 of the report refers) be endorsed and (vi) it be noted that regular monitoring and review of corporate reserves in 2023/2024 will be reported to Cabinet as part of the quarterly financial monitoring cycle.
- 2) That the year end position on the Collection Fund be noted.
- 3) That the Housing Revenue Account outturn and reserves position 2022/2023 be noted.
- 4) That, in regards to the Capital budget, (i) the Council capital outturn position for 2022/2023 be noted (ii) the £34.5m capital rollover from 2022/2023 to 2023/2024 be approved (iii) approval be given to the revised capital plan for the period 2023/2024 onwards after taking into account rollover, the rephasing of schemes and changes to grant assumptions (iv) £0.9m for replacement parking ticket machines (£0.3m 2023/2024, £0.6m 2024/2025) be approved (v) £0.5m for the land acquisition and development of new burial provision in North Kirklees be approved (£0.1m feasibility 2023/2024 / £0.4m land acquisition 2024/2025) (vi) approval be given to an additional £0.5m funding for the existing New Street Public Realm Project, in order to complete the landscaped public space contributing to the delivery of the Huddersfield Blueprint (vii) approval be given to £1m top slice of the Cultural Heart programme for internal fees, transfer of £1.7m from Huddersfield Southern Corridors to manage the overspend for the A62 Smart Corridor, and £60k for Accessibility to Public Spaces and Places project, all with net nil borrowing additionality.
- 5) That the Review of Treasury Management activity 2022/2023 be noted.

11 Council Plan (Reference from Cabinet)

It was moved by Councillor Pandor, seconded by Councillor Scott and

RESOLVED –

- 1) That the Council Plan, as attached at Appendix 1 of the report, be adopted and included in the Policy Framework for the Council, setting the overarching strategic direction for the services and activities relating to the business of the Council.

Council - 12 July 2023

- 2) That any required amendments be delegated to the Service Director (Strategy and Innovation) in consultation with the Leader of the Council.

12 **Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons**

Council received the following written questions in accordance with Council Procedure Rule 12;

Question from Councillor Taylor to the Cabinet Member for Environment – Councillor Ahmed

“What is the road sweeping & maintenance regime for A roads across Kirklees?”

A response was provided by the Cabinet Member for Environment (Councillor Mather).

Question from Councillor Taylor to the Cabinet Member for Culture and Greener Kirklees – Councillor Mather

“How should residents dispose of DIY waste?”

A response was provided by the Cabinet Member for Environment (Councillor Mather).

Question from Councillor Taylor to the Leader of the Council – Councillor Pandor

“Does the Council value volunteer groups and should it focus on making it easy for them to assist the Council delivering services at a time of strained finances?”

Under the provision of Council Procedure Rule 12(15) the Leader referred the question to the Cabinet Member for Corporate Services (Councillor P Davies) to respond.

Question from Councillor Greaves to the Leader of the Council – Councillor Pandor

“What is the population of the 6 valley wards that make up the rural part of Kirklees?”

Under the provision of Council Procedure Rule 12(15) the Leader referred the question to the Cabinet Member for Regeneration (Councillor Turner) to respond.

Question from Councillor Greaves to the Leader of the Council – Councillor Pandor

“Which is the largest settlement in South Kirklees after Huddersfield?”

Under the provision of Council Procedure Rule 12(15) the Leader referred the question to the Cabinet Member for Regeneration (Councillor Turner) to respond.

Question from Councillor Greaves to the Leader of the Council – Councillor Pandor

“How much capital funding remains for Towns and Villages after funding Batley, Cleckheaton, Heckmondwike and Holmfirth?”

Under the provision of Council Procedure Rule 12(15) the Leader referred the question to the Cabinet Member for Regeneration (Councillor Turner) to respond.

Question from Councillor Bellamy to the Cabinet Member for Regeneration – Councillor Turner

“How much money from 106 contributions has been received from developers in Holme Valley North ward for education over the last 5 years?”

A response was provided by the Cabinet Member for Regeneration (Councillor Turner).

13 Minutes of Cabinet and Cabinet Committee - Local Issues

Council received the Minutes of (i) Cabinet held on 21 December 2022, 17 January 2023, 14 February 2023, 21 February 2023, 14 March 2023 and 11 April 2023 and (ii) Cabinet Committee – Local Issues held on 19 December 2022.

14 Holding the Executive to Account

Council received a portfolio update from the Leader of the Council.

Under the provision of Council Procedure Rule 13(2)(iii) Council received the following oral questions;

Question from Councillor D Hall

“In regards to Councillor Pandor’s response to the conviction of Councillor Loonat, can the Leader produce any evidence that he suspended Councillor Loonat on 28 February when he was made aware of the criminal investigation, and why did he not inform the Chief Executive if this suspension?”

A response was provided by the Leader of the Council.

Question from Councillor Thompson

“Why has the Council spent £158k on new uniforms and rebranding vans when the housing department came back in house when it could have waited until they were necessary, and why has the number of complaints in housing doubled in the last twelve months since it came back in house?”

A response was provided by the Cabinet Member for Housing and Democracy (Councillor Scott).

Question from Councillor A Smith

“West Yorkshire Combined Authority takes decisions affecting over two million people but the levels of engagement with public consultation remain low to negligible. Why does Councillor Pandor think this is a reoccurring theme, what does he think can be done about it and will he take this up with the Mayor”

A response was provided by the Leader of the Council.

Question from Councillor Greaves

“In relation to Cabinet Minutes from 14 March, Asset Rationalisation Strategy savings, what are the Council’s plans for redundant buildings, and when will they be disposed of?”

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

Question from Councillor Cooper

“I’m aware of a business in Huddersfield which parks in excess of 40 vans every day and is completely ignored by parking wardens. Does the Cabinet member think that that is right?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Mather).

Question from Councillor Taylor

“When the ratios were calculated for Annual Council, they were done so incorrectly as Councillor Loonat was treated as a member of the labour group when the ratios were calculated. Can I ask Councillor Scott what action can be taken to rectify that, to make sure that the ratios are correct?”

A response was provided by the Cabinet Member for Housing and Democracy (Councillor Scott).

Question from Councillor Bolt

“The Nolan Principles set out integrity, accountability, openness and leadership, has that been shown tonight in response to these questions? Can something be described as subjudicy as when a Crown Court has passed sentence? We are told to consider how a member of the public in possession of the facts would view the incident. Having just been told that the Councillor is still technically a member of the labour group, how would a member of the public view the incident?”

The Mayor responded to the question that was put.

Question from Councillor McGrath

“In regards to Huddersfield Stadium, can the Cabinet Member update us on the debt and the reported £9m maintenance backlog of the stadium along with the plans to make sure that we have a stadium at the end of our station to stadium gateway when its finally achieved, and has Mr Nagle been contacted about the potential purchase of the stadium since taking control?”

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

Question from Councillor Greaves

“In respect of school section 106 contributions, will the money be released to the schools that are legally entitled to it, or wait for developers to claw the money back?”

A response was provided by the Cabinet Member for Regeneration (Councillor Turner).

Question from Councillor J Lawson

“At 14 February 2023 Cabinet I asked a question regarding the Oakenshaw Cross, which Councillor Mather responded to . Can I ask when there will be some action and has there been a briefing to the current Cabinet Member?”

A response was provided by the Cabinet Member for Environment (Councillor Ahmed).

Question from Councillor Bolt

“I have an email from a resident with regard to the Council’s affordable housing criteria on planning applications. The resident finds it unbelievable that the Council are wanting two, and preferably three, certified accounts to be accepted onto an affordable housing scheme. Can we look at this? Would you meet the Mirfield resident? If self employed people are now allowed to self certify for the HMRC, but are getting barriers put in the way by the Council, how are they supposed to get on the affordable housing ladder?”

A response was provided by the Cabinet Member for Regeneration (Councillor Turner).

Question from Councillor Taylor

“Would the Cabinet Member commit to undertaking a review of Section 106? Members experience frustrations with monies being collected from developers and maybe we could work cross party to find a better way of using the funding, and a better way of collecting it?”

A response was provided by the Cabinet Member for Regeneration (Councillor Turner).

15 Minutes of Other Committees

Under the provision of Council Procedure Rule 13(1)(ii) Council received the Minutes of (i) Corporate Governance and Audit Committee held on 2 December 2022, 10 February 2023, 10 March 2023, 21 April 2023 and 12 May 2023 (ii) Corporate Parenting Board held on 15 November 2022, 24 January 2023 and 28 March 2023 (iii) Health and Wellbeing Board held on 24 November 2022, 19 January 2023 and 30 March 2023 (iv) Licensing and Safety Committee held on 5 October 2022 (v) Overview and Scrutiny Management Committee held on 20 December 2022, 6 February 2023, 7 March 2023, 18 April 2023 and 24 May 2023 (vi) Personnel Committee held on 30 March 2023 (vii) Standards Committee held on 23 March 2023 and 24 May 2023 (viii) Strategic Planning Committee held on 8 December 2022, 14 December 2022, 26 January 2023, 2 March 2023, 15 March 2023, 6 April 2023, 11 May 2023, 24 May 2023 and 8 June 2023.

16 Oral Questions to Committee/Sub Committee/Panel Chairs and Nominated Spokespersons of Joint Committees/External Bodies

Council received the following oral question prior to the termination of the meeting in accordance with Council Procedure Rule 16:2;

Question from Councillor Bolt

“Can I ask the nominated spokesperson for KAL, at the meeting of Cabinet on 14 February 2023, and at other Council meetings, the point of having a spokesperson from KAL who can't actually speak was raised and was to be looked at. Does Councillor Sokhal still think he serves a valid purpose as a spokesperson for an organisation on which he cannot speak?”

A response was provided by the Spokesperson for Kirklees Active Leisure (Councillor Sokhal).

17 Motion submitted in accordance with Council Procedure Rule 14 as to the Ending of the Practice of Using Council Street Furniture for the Displaying of Election Posters

Item not considered (Meeting terminated in accordance with Council Procedure Rule 16:2).

18 Motion submitted in accordance with Council Procedure Rule 14 as to Renewable Energy

Item not considered (Meeting terminated in accordance with Council Procedure Rule 16:2).

19 Motion submitted in accordance with Council Procedure Rule 14 as to Local Government Pay to Council : A Fully Funded, Proper Pay Rise for Council and School Workers

Item not considered (Meeting terminated in accordance with Council Procedure Rule 16:2).

Contact Officer: Andrea Woodside

EXTRAORDINARY COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Main Hall - Town Hall, Huddersfield on Wednesday 18 August 2023**

PRESENT

The Mayor (Councillor Cahal Burke) in the Chair

COUNCILLORS

Councillor Masood Ahmed	Councillor Itrat Ali
Councillor Karen Allison	Councillor Ammar Anwar
Councillor Bill Armer	Councillor Timothy Bamford
Councillor Donna Bellamy	Councillor Martyn Bolt
Councillor Aafaq Butt	Councillor Andrew Cooper
Councillor Paola Antonia Davies	Councillor Paul Davies
Councillor Eric Firth	Councillor Charles Greaves
Councillor Adam Gregg	Councillor Steve Hall
Councillor Tyler Hawkins	Councillor Yusra Hussain
Councillor Manisha Roma Kaushik	Councillor Musarrat Khan
Councillor John Lawson	Councillor Jo Lawson
Councillor Susan Lee-Richards	Councillor Gwen Lowe
Councillor Naheed Mather	Councillor Harry McCarthy
Councillor Bernard McGuin	Councillor Paul Moore
Councillor Alison Munro	Councillor Shabir Pandor
Councillor Mussarat Pervaiz	Councillor Amanda Pinnock
Councillor Jackie Ramsay	Councillor Elizabeth Reynolds
Councillor Imran Safdar	Councillor Elizabeth Smaje
Councillor Anthony Smith	Councillor Melanie Stephen
Councillor John Taylor	Councillor Mark Thompson
Councillor Sheikh Ullah	Councillor Habiban Zaman

1 **Announcements by the Mayor and Chief Executive**

The Mayor advised Council that he would be participating in the Great North Run on 10 September 2023 in support of the Mayor's charities and would welcome any sponsorship for the event.

The Mayor conveyed best wishes to the England Women's Football Team in advance of their participation in the FIFA World Cup Final on 20 August 2023.

2 **Apologies for absence**

Apologies for absence were received on behalf of Councillors Addy, Amin, Crook, Dad, D Firth, D Hall, Homewood, Kendrick, Lees-Hamilton, Holmes, Munro, McGrath, McKerchar, McLoughlin, O'Donovan, Pattison, A Pinnock, K Pinnock, Scott, Sheard, Simpson, R Smith, Stephen, Turner and A Zaman.

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3 **Declaration of Interests**

No interests were declared.

4 **Appointment of Chief Executive**

It was moved by Councillor P Davies, seconded by Councillor Taylor and

RESOLVED – That Stephen James Mawson be appointed as Kirklees Council's Chief Executive and Head of Paid Service and appointed Electoral Registration Officer and (Acting) (Local) Returning Officer for elections with effect from 1 October 2023.

KIRKLEES COUNCIL				
COUNCIL/CABINET/COMMITTEE MEETINGS ETC				
DECLARATION OF INTERESTS				
Council				
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.



**MINUTES OF THE MEETING OF THE
WEST YORKSHIRE COMBINED AUTHORITY
HELD ON THURSDAY, 2 FEBRUARY 2023 AT COMMITTEE ROOM 1,
WELLINGTON HOUSE, 40-50 WELLINGTON STREET, LEEDS**

Present:

Mayor Tracy Brabin (Chair)	West Yorkshire Combined Authority
Councillor Susan Hinchcliffe	Bradford Council
Councillor Stewart Golton (Substitute)	Leeds City Council
Councillor James Lewis	Leeds City Council
Councillor Shabir Pandor	Kirklees Council
Councillor Rebecca Poulsen	Bradford Council
Councillor Jane Scullion (Substitute)	Calderdale Council
Councillor Andrew Waller	City of York Council
Mark Roberts	Leeds City Region Local Enterprise Partnership

In attendance:

Ben Still	West Yorkshire Combined Authority
Melanie Corcoran	West Yorkshire Combined Authority
Angela Taylor	West Yorkshire Combined Authority
Dave Haskins	West Yorkshire Combined Authority
Dave Pearson	West Yorkshire Combined Authority
Alan Reiss	West Yorkshire Combined Authority
Philip Witcherley	West Yorkshire Combined Authority
Caroline Allen	West Yorkshire Combined Authority
Ian Parr	West Yorkshire Combined Authority

63. Apologies for Absence

Apologies for absence were received from Cllr Carter, Cllr Holdsworth, Cllr Jeffery, Cllr Morley, Cllr Robinson, and Cllr Swift.

64. Declarations of Disclosable Pecuniary Interests

Mark Roberts declared an interest in item 9 – LEP Governance, owing to his current position as Interim Chair of the LEP. It was clarified that no decisions on the current meeting agenda are affected, however Interim LEP Chair will not be involved in any future discussions regarding the Independent Remuneration Panel or any decisions it makes.

65. Exempt Information - Possible Exclusion of the Press and Public

The Mayor noted that appendices 1, 2, and 3 of item 13 were identified as

exempt from the press and public.

Resolved: That in accordance with paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, the public be excluded from the meeting during consideration of appendices 1, 2, and 3 to Agenda item 13 on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information and for the reasons set out in the report that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

66. Minutes of the Meeting of the Combined Authority held on 8 December 2022

Resolved: That the minutes of the meeting of the West Yorkshire Combined Authority held on 8 December 2023 be approved and signed by the Chair.

67. Business Planning and Budgets

The Combined Authority considered a report from the Director of Finance and Commercial Services to approve the 2023/24 outcome-led business plan, and to consider and approve the proposed revenue budget and transport levy for 2023/24, the revised position for 2022/23, the indicative capital budget and programme and treasury management statement.

Officers noted that much has been achieved, despite the significant budget pressures caused by the ongoing cost of living crisis and other economic challenges. Decisions have already been taken to tackle the budget pressures, including freezing the local authority transport levy, and identifying more efficiency and cost-saving measures. The Combined Authority remains committed to delivering an inclusive economy, embedding equality, diversity, and inclusion, and tackling the climate emergency.

Officers noted the plans on page set out the key aims for each directorate, all of which have a spending plan against which progress will be reported. The presented budget is not without risks, so proposals are being made to ring fence some savings on concessionary reimbursement, to add to savings which have already been identified.

Officers explained that the Bus Service Improvement Plan (BSIP) funding can support the ambitions of the Combined Authority, especially since the existing Bus Recovery Grant funding is expected to end in March 2023. Decisions on this matter will be made by the Transport Committee and update reports will be made to the Finance, Resources and Corporate Committee and Combined Authority.

Officers clarified that this budget is the first to be set around the Combined Authority's new directorate structure. All officers are aware of the budget pressures, though once a more established pipeline of projects is developed the Combined Authority will be ready to take advantage of future opportunities. Members asked if comparisons are made against the plans of other Mayoral Combined Authorities, officers responded that this is the case and further information can be included in future reports. Members requested further

details on what is being spent towards longer-term outcomes, officers responded that further discussions are forthcoming, but that sustainability and income generation are both important to meet long-term aims.

Members raised concerns that the Economy Scrutiny Committee meeting was held in private. Officers clarified that there was an open session of the committee, as well as a private session. The public session was inquorate due to illness and so had to be held as an informal meeting, however the conversations still took place as planned. The Mayor noted the Combined Authority has three separate scrutiny committees which is high among other Mayoral Combined Authorities, and encouraged as many people as possible to view the proceedings of the other committees for a broader understanding of the work of the Combined Authority.

Resolved:

That the outcome led business plans for 2023/24 be approved.

That the revised outturn budget for 2023/24 be approved.

That the indicative capital programme and budget for 2021/22 – 2024/25 be approved.

That in accordance with the powers contained in the Local Government Finance Act 1988 (as amended) and by virtue of article 9(6) of the West Yorkshire Combined Authority Order and the Transport Levying Bodies Regulations 2015 (as amended) a levy of £103 million be determined for the year ended 31 March 2024.

That the Director, Finance and Commercial Services be authorised to issue the levy letter in respect of the financial year ending 31 March 2023 to the five District Councils in West Yorkshire.

That a payment of £5.09 million be made to the five District Councils in accordance with Table 1 of the report.

That authorisation be given to the Director, Finance and Commercial Services to arrange appropriate funding for all expenditure in 2022/23 and 2023/24 subject to statutory limitation, including the most appropriate application of capital funding as set out in the report.

That approval be given to the continuing of the policy, effective from 2017/18, for recovering the Combined Authority costs of managing the capital programme against the capital programme spend being mainly West Yorkshire plus Transport Fund, Transforming Cities, Getting Building Fund, Brownfield Housing, Local Transport Plan Integrated Transport and any schemes developed in year.

That the adoption of the CIPFA Code of Practice for Treasury Management in Public Services be reaffirmed.

That the treasury management policy as set out in Appendix 5 be approved.

That the prudential limits for the next three years as set out in Appendix 5 be

adopted.

68. Pipeline Development Priorities

The Combined Authority considered a report from the Director of Strategy, Communications and Intelligence to endorse proposals for the next phase of development of programmes to support the delivery of the West Yorkshire Investment Priorities and associated outcomes, and to approve in principle £5 million additional capacity funding to support pipeline development within the local authorities.

Officers noted that since 2020, a key focus has been supporting communities and businesses through the pandemic, and similar programmes have also been agreed to tackle the crisis in the cost of living and doing business. Longer-term issues should also be addressed in a sustainable way, so future programmes should wherever possible contribute to more than one investment priority, and also towards one of the aims of growing an inclusive economy, tackling the climate emergency and promoting equality, diversity and inclusion. By identifying which projects meet the criteria the Combined Authority will be able to take advantage of any available and future funding as quickly as possible. Projects that do not meet the criteria can be scaled back or put on hold until they become viable, and all projects will proceed through the assurance framework at the appropriate time.

The Mayor thanked officers for their work in developing the pipeline of project delivery, and noted that there are numerous upcoming cultural projects already under way that will bring employment and training opportunities to many people, and additionally will make a strong case for further investment in the region.

Members asked if the development on investment zones a direct response to the government's proposals, officers responded that it is not directly related as the original proposals have since been withdrawn. The work is undertaken proactively and includes more areas than those suggested by the government which can work cohesively instead of as one predetermined zone.

Resolved:

That the proposed direction of the programmes for development set out above be endorsed. Funding allocations and approvals to spend will be considered as programmes become ready. Any proposals to be brought forward will be progressed in line with the Combined Authority's Assurance Process.

That £5m funding per year from the Single Investment Fund to Local Authorities to support capacity issues and enable pipeline development work to be undertaken against the Investment Priorities be indicatively approved in principle. Full approval will be granted once the project has progressed through the assurance process in line with the Combined Authority's Assurance Process.

That the approval for programme to pass through Decision Point 2, totalling no more than £10m of funding from the Single Investment Fund be delegated to

the Finance, Resources and Corporate Committee.

69. Bus Service Funding Update

The Combined Authority considered a report from the Director of Transport Operations and Passenger Experience to provide an update on current issues affecting bus services in West Yorkshire and the actions to be taken to mitigate these risks and issues in 2023/24.

The Mayor noted that she continues to urge the government for longer-term funding for bus operators outside of London. Without continued funding some operators may need to reduce services, potentially leaving some communities cut off. The Mayor raised that there is not enough funding to cover every at-risk route, and so there is a need to consider how BSIP funding can be used to help stabilise network. Members highlighted the key role that buses play in supporting the local economy, and the Mayor confirmed that a meeting with the Minister for Transport is being arranged, where the issue will be addressed in greater detail.

The Mayor's Fares scheme has been operating for three months, and initial assessments have shown 7.2 million journeys have benefitted, saving passengers roughly £3.6 million. Passenger levels have risen from 81% of pre-pandemic levels to 87%, and more detailed figures will be presented to the Transport Committee. The Mayor expressed thanks to the people of West Yorkshire who have contributed to supporting bus services.

Members questioned the availability of data from the Mayor's fares scheme, officers responded that there had been delays retrieving the data from operators, however a full report will be provided to the members of the Transport Committee. The Chair and deputy Chairs of the Transport Committee are holding ongoing meetings with operators and reporting back to the Transport Committee.

Officers explained there is further information due to be circulated regarding the successful Levelling Up Fund bid of £41 million. The funding will be used to support a wide array of improvements across West Yorkshire including to bus stations and stops, funding to improve access to buses, and funding towards specific schemes which will improve bus priority and encourage active travel.

Members questioned if the bus patronage will increase to pre-pandemic levels, officers responded that bus use by under 19s is growing and is potentially higher than 2019. There are other demographics that have fallen in use, especially for those commuting to work. Use of the free bus pass has also fallen which may be linked to the relative health concerns experienced by bus pass holders.

Resolved: That the actions being taken to manage bus service costs in 2023/24 be noted.

70. Adult Education Budget Rates

The Combined Authority considered a report from the Interim Director of Inclusive Economy, Skills and Culture to provide an update on progress with devolved Adult Education Budget (AEB), to seek approval for an increase to the AEB Funding Rate as recommended by the Employment and Skills Committee, and to seek approval for the proposal regarding Residential Uplift funding.

The Mayor noted that the recommendation made by the Employment and skills committee addresses the government's pre-devolution decision to freeze the funding rate for the last decade. Similar decisions are being taken across the Mayoral Combined Authorities where the AEB is also devolved, and without further funding providers have reported they may scale back or cut their courses entirely.

Members added that the recommendations have arisen as a result of multiple discussions at the Employment and Skills Committee and other conversations with education providers and employers. The Combined Authority has already saved over £1 million in administration fees due which has been put back in to benefitting learners.

Resolved:

That the proposal for an AEB rate increase, as outlined in 2.26 be approved

The decommitment to residential uplift funding, as outlined in 2.36 be approved

71. LEP Governance

The Combined Authority considered a report from the Head of Legal and Governance Services to seek approval to proposed changes to the LEP Constitution and governance arrangements following the approval of the LEP Integration Plan. The report also seeks approval to convene an Independent Remuneration Panel to advise the Mayor and the Combined Authority on the level of allowance for the LEP Chair.

The Mayor noted that the Levelling Up White Paper provided clarity for the role of LEP boards and their integration with Mayoral Combined Authorities. The Combined Authority has now received the approval with no changes, and so the proposed governance arrangements will allow the integration to progress. The Mayor expressed thanks to the private sector members for their input and their support of the LEP, and also to Mark Roberts for his interim leadership so far.

Resolved:

That the proposed LEP governance arrangements as set out in the draft Articles at Appendix 1 and draft Terms of Reference at Appendix 2 and the revised Recruitment and Appointment Procedure for Private Sector Representatives as set out at Appendix 3 for consideration by the LEP Board

at its meeting on 8 March 2023 be endorsed.

Subject to 10.1, the Head of Legal & Governance Services, in consultation with the Mayor and the Chair of the LEP Board as appropriate, be authorised to:

- finalise the Articles, Terms of Reference and the Recruitment and Appointment Procedure
- make such consequential amendments to the Authority's Constitution as are necessary
- set a date from which the proposed changes are brought into effect.

That the Head of Legal & Governance Services be authorised to convene an Independent Remuneration Panel to make recommendations to the Mayor and the Combined Authority as to the allowance that shall be payable to the LEP Chair.

72. Assurance Framework Annual Review

The Combined Authority considered a report from the Interim Chief Operating Officer to report on progress on the annual review of the Leeds City Region Local Framework, and to request the Combined Authority to review and approve the proposed revisions to the Leeds City Region Assurance Framework.

Officers explained that the assurance framework was initially developed in 2015, and is required to be updated annually, incorporating any new government guidance. The amendments include clarifications about the AEB and Multiply funding, and further reviews will be undertaken with a network group for peer review and presented at a future Combined Authority meeting. Members noted the need for partnership in put into the framework, as well as the need for all projects to be delivered at speed and to represent value for money.

Resolved:

The proposed revisions to the Leeds City Region Assurance Framework be reviewed and approved.

That delegated authority be given to the Combined Authority's Chief Executive in consultation with the LEP Chair and the Combined Authority Chair to approve the final Local Assurance Framework, in case any further changes are needed to be made to the Local Assurance Framework prior to its publication.

73. Project Approvals

(a) Investment Priority 1: Good Jobs and Resilient Businesses

Members received a report from the Interim Director of Inclusive Economy & Skills on the progression of, and approval of funding for schemes.

High Growth Enterprise Programme

Members noted the scheme will last for three years, providing support for up to 2,400 new businesses across west Yorkshire with targeted support and advice. Officers added that the scheme builds upon previous successful support packages, and incorporates funding from external sources such as the Prince's Trust to increase the array of eligible businesses.

Digital Enterprise

Officers noted that the Digital Enterprise scheme will support businesses with their growth at a time when the central government has dropped its own 'Help to Grow Digital' programme. Support will be available for up to 450 businesses, with around 30 high-impact grants available for specialist support. The progress of the scheme will be monitored and evaluated alongside providers. Members noted that investment in digital enterprise is crucial to support the development of new jobs, and ensuring West Yorkshire is on the front foot as the sector continues to develop.

Resolved:

With respect to the High Growth Enterprise Programme the Combined Authority, subject to the conditions set by the Programme Appraisal Team, approved that:

- (i) The High Growth Enterprise scheme proceeds through decision point 2 to 4 (Business Justification) and work commences on activity 5 (Delivery).
- (ii) The Combined Authority's contribution of £5,000,000 be given. The total scheme value is £10,352,563.
- (iii) The Combined Authority enters into a Funding Agreement with Leeds City Council for expenditure of up to £5,000,000.
- (iv) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report, any change requests are delegated to the Business, Economy and Innovation Committee. This will be subject to the scheme remaining within the tolerances outlined in this report.

With respect to Digital Enterprise the Combined Authority approved that:

- (i) The Digital Enterprise scheme proceeds through decision point 2 to 4 (business justification) and work commences on activity 5 (delivery).
- (ii) The Combined Authority's contribution of £4,676,147 be given. The total scheme cost is £8,686,772.

(iii) The Combined Authority enters into a Funding Agreement with Leeds City Council for expenditure of up to £4,676,147.

(iv) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report, any change requests are delegated to the Finance, Corporate and Resources Committee. This will be subject to the scheme remaining within the tolerances outlined in this report

(b) Investment Priority 3: Creating Great Places and Accelerated Infrastructure

Members received a report from the Director of Policing, Environment & Place on the progression of, and approval of funding for schemes.

Capital Flood Risk Management Programme

Officers noted that the Combined Authority has previously invested in flooding management. The approval relates to next phase of the programme, developing the business case and identifying further opportunities.

Flood Alleviation Scheme 2

Officers explained this scheme is on-site, however the impact of cost inflations has resulted in delays to delivery.

Members questioned if the schemes provide opportunities for local apprentices, officers responded that they do, and in this case the apprentices are managed by Leeds City Council. The number of apprentices can be disclosed outside of the meeting.

BHF Armley Tower Works

Officers noted that the BHF Armley Tower Works Scheme and Galem House were indicatively approved by the Place, Regeneration and Housing committee at its inquorate meeting on 5 January 2022, and are being presented to the Combined Authority for full approval.

Officers explained the scheme will support 50 affordable homes, including six apprenticeships.

Galem House

Officers explained the scheme will develop 77 new apartments in Bradford city centre. The apartments will all be available for rent and maintained by the developer, creating jobs and apprenticeships. Members asked if the apartments will be affordable rent, officers offered to find out and respond outside of the meeting.

Resolved:

With respect to the Capital Flood Risk Management Programme the Combined Authority approved that:

- (i) The Capital Flood Risk Management Programme proceeds through decision point 1 (strategic assessment) and work commences on the development of individual business cases.
- (ii) Development costs of £113,735 be approved taking the total scheme approval to £113,735.
- (iii) The principal that £10,000,000 of Combined Authority funding is utilised in order to engage and leverage funding from other funding sources and that work commences on the development of individual business cases, which will seek approval through the Assurance Framework.
- (iv) Approval of individual business cases through the Assurance Framework be delegated to the Place, Regeneration Housing Committee.
- (v) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report and where required, any change requests for the Capital Flood Risk Management Programme are delegated to the Place, Regeneration and Housing Committee. This will be subject to the scheme remaining within the tolerances outlined in this report.

With respect to the Leeds Flood Alleviation Scheme 2, the Combined Authority approved that:

- (i) The Leeds Flood Alleviation Scheme (Step 2) scheme proceeds through Decision Point 1 to 4 (business justification) and work continues on activity 5 (delivery), subject to assurances on a two outstanding questions from Government's Department for Business, Energy, and Industrial Strategy (BEIS).
- (ii) The Combined Authority's contribution of £12,565,000 be given. The total scheme cost is £125,826,000.
- (iii) The Combined Authority enters into a funding agreement with Leeds City Council for expenditure of up to £12,565,000.
- (iv) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report. This will be subject to the scheme remaining within tolerances outlined in this report.

With respect to the Brownfield Housing Programme delegation for pipeline of schemes, the Combined Authority approved that:

- (i) The existing delegation, as approved by the Combined Authority in July 2021, to the then Director of Delivery to make changes to the pipeline of schemes in the Brownfield Housing Programme, be transferred to the Director of Policing, Environment and Place.

With respect to BHF Armley Tower Works the Combined Authority approved that, subject to the conditions set by the Programme Appraisal Team:

- (i) The BHF Armley Tower Works scheme proceeds through decision point 2-4 (business justification) and work commences on activity 5 (delivery).
- (ii) The Combined Authority's contribution of £932,775 be given. The estimated total scheme cost is £9,909,032.
- (iii) The Combined Authority enters into a funding agreement with Yorkshire Housing Ltd for expenditure of up to £932,775.
- (iv) Future approvals are made in accordance with the assurance pathway and approval route outlined in the original report. This will be subject to the scheme remaining within the tolerances outlined in the original report.

With respect to BHF Galem House the Combined Authority approved that, subject to the conditions set by the Programme Appraisal Team:

- (i) The BHF Galem House scheme proceeds through decision point 4 (full business case) and work commences on activity 5 (delivery)
- (ii) The Combined Authority's contribution of £1,200,000 be given. The total scheme cost is £9,752,717.
- (iii) The Combined Authority enters into a funding agreement with Trident House Development Limited for expenditure of up to £1,200,000.
- (iv) Future approvals are made in accordance with the assurance pathway and approval route outlined in the original report. This will be subject to the scheme remaining within the tolerances outlined in this report.

(c) Investment Priority 5: Future Transport

Members received a report from the Interim Director of Transport Policy and Delivery on the progression of, and approval of funding for schemes.

Transformational – North East Calderdale

– Officers explained the scheme was originally a part of the West Yorkshire Plus Transport Fund. If approved, the project will proceed to the outline business case and also allow for the development of bus priority measures to prepare the area for larger-scale development.

CRSTS Asset Management and Enhancement Programme and Off Highway Walking and Cycling Network

Officers explained the three City Region Sustainable Transport Settlement (CRSTS) schemes were made possible due to the devolution deal. The Combined Authority has worked closely with the Department for Transport to ensure the funding is used appropriately. The scheme will promote active travel across West Yorkshire through maintenance and development of existing infrastructure.

CRSTS Network Management Renewals and Enhancements

– Officers explained the bid will fund the replacement of outdated traffic control systems. Members highlighted the need to consider the types of replacements used, as other authorities are experiencing difficulties with the supply of necessary components.

CRSTS Safer Roads

Officers explained the aim of the scheme to deliver a variety of traffic-calming measures and active travel enhancements across West Yorkshire. The local authorities will decide upon their own lists of priorities for action, which will be reviewed periodically.

Leeds City Centre – City Square Plus – Thirsk Row

Officers explained the scheme is a part of the Leeds City Square plus scheme, and concerns converting Thirsk Row from a one-way street to two-way operation, which is key to improving the bus routing and improving access for pedestrians and cyclists.

Resolved:

With respect to Transformational – North East Calderdale the Combined Authority approved that:

- (i) The Transformational North East Calderdale scheme proceeds through decision point 2 (strategic outline case) and work commences on activity 3 (outline business case).

(ii) An indicative approval to the Combined Authority's contribution of £4,300,000. The total scheme value is £78,400,000 - £88,100,000

(iii) Development costs of £1,560,000 are approved in order to progress the scheme to decision point 3 (outline business case) taking the total scheme approval to £1,960,000.

(iv) The Combined Authority enters into an addendum to the existing Funding Agreement with Calderdale Council for expenditure of up to £1,960,000.

(v) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report and where required, any change requests are delegated to the Transport Committee. This will be subject to the scheme remaining within the tolerances outlined in this report.

With respect to CRSTS Asset Management and Enhancement the Combined Authority approved that:

(i) The CRSTS Asset Management and Enhancement Programme proceeds through decision point 2 and 4 and delivery continues until the end of quarter 1 of year 2023/24, and work commences on the development of the SOC for year 2.

(ii) An indicative approval to the total CRSTS Asset Management and Enhancement Programme value of £248,000,000 and to the total CRSTS Off Highway Walking and Cycling value of £3,440,000 for Off Highway Walking and Cycling is given.

(iii) An additional £24,800,000 of development and delivery costs for quarter 3 and quarter 4 of the CRSTS Asset Management and Enhancement programme (year 1) be given to provide a total allocation of £49,600,000 for the 2022/23 financial year. For Off Highway Walking and Cycling approval to an additional £344,000 to is given to provide a total allocation for the 2022/23 financial year of £688,800.

(iv) £12,400,000 of development and delivery costs for quarter 1 for the 2023/24 financial year for the CRSTS Asset Management and Enhancement programme be given and approval to £172,000 of development and delivery costs for quarter 1 for the 2023/24 financial year for the CRSTS Off Highway Walking and Cycling.

(v) The Combined Authority enters into addendums to the existing funding agreements with the partner councils of the apportioned £37,200,000 for Q3 and 4 2022/23 and Q1 of 2023/24 financial year for CRSTS Asset Management and Enhancement programme and £516,000 for 2022/23 and Q1 of 2023/24 financial year for CRSTS Off Highway Walking and Cycling, up to the amounts shown below:

Bradford - £7,906,412

Calderdale - £4,979,964

Kirklees - £7,767,932

Leeds - £11,375,332

Wakefield - £5,686,360

(vi) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report and where required, any change requests are delegated to the Transport Committee. This will be subject to the scheme remaining within the tolerances outlined in this report.

With respect to CRSTS Network Management and Enhancement the Combined Authority approved that:

(i) The CRSTS Network Management and Enhancement programme proceeds through Decision Point 2 and 4 and delivery continues until the end of quarter 1 of year 2023/24, and work commences on the development of the SOC for year 2.

(ii) An indicative approval to the total CRSTS Network Management and Enhancement programme value of £25,000,000 be given.

(iii) An additional £1,862,500 of development and delivery costs for quarter 3 and quarter 4 for the CRSTS Network Management and Enhancement programme (year 1) be given to provide a total allocation of £4,362,500 for the 2022/23 financial year.

(iv) Approval to £931,250 of development and delivery costs for quarter 1 for the 2023/24 financial year for the CRSTS Network Management and Enhancement programme (Year 2) be given taking total approval up to £5,293,750.

(v) The Combined Authority enters into addendums to the existing funding agreements with the five partner councils of the apportioned £2,793,750 for Q3 and 4 of 2022/23 and Q1 of 2023/24 financial year taking, up to the amounts shown below:

Bradford - £1,475,000

Calderdale - £280,000

Kirklees - £1,006,250

Leeds - £1,657,500

Wakefield - £ 875,000

(vi) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report. This will be subject to the scheme remaining within the tolerances set out in this report.

With respect to CRSTS Safer Roads the Combined Authority approved that:

(i) The CRSTS Safer Roads Programme proceeds through Decision Point 2 and 4, and delivery continues until the end of quarter 1 of year 2023/24, and work commences on the development of the strategic outline case for Year 2.

(ii) An indicative approval to the total CRSTS Safer Roads programme

value of £25,000,000 be given.

(iii) An additional £2,500,000 of development and delivery costs for quarter 3 and quarter 4 for the CRSTS Safer Roads programme (Year 1) be given to provide a total allocation of £5,000,000 for the 2022/23 financial year.

(iv) £1,250,000 of development and delivery costs for quarter 1 for the 2023/24 financial (year 2) for the CRSTS Safer Roads programme (Year 2) be given taking total approval up to £6,250,000.

(v) The Combined Authority enters into addendums to the existing funding agreements with the five partner councils for expenditure of the apportioned £3,750,000 for Q3 and 4 of the 2022/23 financial year and Q1 of the 2023/24 financial year, up to the amounts shown below:

Bradford: £866,250

Calderdale: £330,000

Kirklees: £693,750

Leeds: £1,297,500 301

Wakefield: £562,500

(vi) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report. This will be subject to the scheme remaining within the tolerances set out in this report.

City Square Plus – Thirsk Row

The Combined Authority approved that:

(i) The change request to approve £939,000 from the CRSTS Fund to progress the Thirsk Row works as part of the City Square Plus scheme to Activity 5 (Delivery), and to extend the delivery timescale to July 2023, is approved.

(ii) The Combined Authority enters into an addendum to the existing Funding Agreement for the City Square Plus scheme with Leeds City Council for expenditure of up to £11,641,000.

(iii) Future approvals are made in accordance with the assurance pathway and approval route outlined in this report. This will be subject to the scheme remaining within the tolerances set out in this report.

74. Governance Arrangements

The Combined Authority considered a report from the Interim Chief Operating Officer to appoint a non-voting advisory representative of the West Yorkshire Housing Partnership to the Climate, Energy and Environment Committee, and to appoint a non-voting advisory representative of the West Yorkshire Business Groups to the Business, Economy and Innovation Committee. Further recommendations seek the appointment an Interim Director of Transport Policy and Delivery, and to consider a recommendation for the use

of the Chief Executive's powers of delegation in cases of urgency.

Officers clarified the nomination of the Climate, Energy and Environment Committee will add to the existing expertise of the membership, and the case is similar for the Business, Economy and Innovation Committee and the role will be filled on a rotating basis. The proposed changes to the Chief Executive delegation would allow for decisions to be taken swiftly in the case of inordinate committees and other emergency reasons.

Resolved:

That a nonvoting advisory representative from West Yorkshire Housing Partnership to the Climate, Energy and Environment Committee be appointed.

That a nonvoting advisory representative of the West Yorkshire Business Groups to the Business, Economy and Innovation Committee be appointed.

That the appointment of Dave Haskins into the post of Interim Director, Transport Policy & Delivery until such time as a substantive Chief Operating Officer appointment is made be approved.

That the Chief Executive be authorised to take decisions which would have been taken by a committee and where, for exceptional circumstances, that committee has been unable to meet, and the decisions are of an urgent nature and cannot wait until the next scheduled meeting.

That the Head of Legal & Governance Services be authorised to make such consequential amendments to the Authority's Constitution as are necessary.

75. CoSTAR Innovation Hub

The Combined Authority considered a report from the Interim Director of Inclusive Economy, Skills and Culture providing an overview of an opportunity to bid for up to £51 million UK Research and Innovation (UKRI) funding to create a national innovation centre in the creative industries and to seek approval to be a participant in the bid. The report also seeks an initial release of funding to progress design and enabling works for the Langthwaite Enterprise Zone site.

Officers clarified that the appendices are exempt due to the commercial sensitivities and competitive nature of the bid. The bid is undertaken in partnership with the University of York, one of the leaders in this field, as well as other partners who cannot be named at present. If successful, the innovation hub will be a centre of innovation excellence in the creative sector, and will complement the existing businesses in the area.

Resolved:

That the participation as a party in the CoSTAR bid and submission of the non-binding letter of support outlining the potential financial support the Combined Authority is providing to the bid (subject to full Combined Authority Agreement and Assurance) provided at Appendix 2 be approved.

That the principles of the draft Memorandum of Understanding (to which the

Combined Authority will be a signatory) outlined at Appendix 3 be approved. Both the letter of support and the Memorandum of Understanding would be in substantially the form attached and subject to further legal input.

The release of £250k in initial resourcing capacity to enter into this bidding process and to enable development of the Langthwaite site, funded through residual Growing Places Fund monies be agreed.

That the indicative funding package for Langthwaite enabling works as detailed in Appendix 1, para 5.1 be noted.

76. Minutes for information

Resolved: That the minutes and notes of the Combined Authority's committees and panels be noted.

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**MINUTES OF THE MEETING OF THE
WEST YORKSHIRE COMBINED AUTHORITY
HELD ON THURSDAY, 16 MARCH 2023 AT COMMITTEE ROOM 1,
WELLINGTON HOUSE, 40-50 WELLINGTON STREET, LEEDS**

Present:

Mayor Tracy Brabin (Chair)	West Yorkshire Combined Authority
Councillor Susan Hinchcliffe	Bradford Council
Councillor Jane Scullion (Substitute)	Calderdale Council
Councillor Shabir Pandor	Kirklees Council
Councillor James Lewis	Leeds City Council
Councillor Rebecca Poulsen	Bradford Council
Councillor Sam Firth	Leeds City Council
Councillor Sue Holdsworth	Calderdale Council
Mark Roberts	LEP Board Representative

In attendance:

Ben Still	West Yorkshire Combined Authority
Melanie Corcoran	West Yorkshire Combined Authority
Dave Haskins	West Yorkshire Combined Authority
Liz Hunter	West Yorkshire Combined Authority
Dave Pearson	West Yorkshire Combined Authority
Kevin Murray	West Yorkshire Combined Authority
Alan Reiss	West Yorkshire Combined Authority
Philip Witcherley	West Yorkshire Combined Authority
Caroline Allen	West Yorkshire Combined Authority
Ian Parr	West Yorkshire Combined Authority

77. Apologies for Absence

Apologies for absence were received from Cllr Jeffery, Cllr Morley, Cllr Swift and Cllr Waller.

The Mayor welcomed Cllr Sam Firth as a new member of the Combined Authority.

The Mayor reflected upon the Spring budget presented by government on 15 March 2023, and welcomed the announcement that West Yorkshire will contain one of 12 investment zones across the UK. Work will be undertaken with government and local partners to design how the investment zone will be implemented.

The Mayor welcomed the announcement of Trailblazer devolution deals which strengthen the existing devolution deals. Trailblazer deals have already been agreed with Greater Manchester and the West Midlands, and the Mayor has already and will continue to make a case for West Yorkshire to be next in line for deeper devolution.

The Mayor welcomed the extension of the domestic energy price cap for a further three months, but raised concerns that there seems to be no additional help for businesses. The confirmation of a second five-year City Region Sustainable Transport Settlement is encouraging and the Combined Authority is anticipating using this to part-fund its mass transit ambitions. The Mayor continues to seek reassurance that the slow-down of work on HS2 will not affect the overall ambition of the project or have a detrimental impact on the region.

Members welcomed the stability for local businesses, but noted businesses still need to be given confidence to make longer-term investment decisions. The increased eligibility for childcare funding will encourage more parents to re-enter the workforce and have a positive impact for businesses. It was noted that government support for LEPs will be withdrawn from April 2024, but the LEP integration work puts West Yorkshire in a strong position to maintain and grow its public and private sector partnerships.

Members raised concerns that the budget does not solve key issues for the region such as the high price of energy which has resulted in the closure of multiple leisure centres due to inability to meet costs. Local authorities cannot always fund at-risk services and the constituents are the most negatively affected when they are withdrawn.

78. Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

79. Exempt Information - Possible Exclusion of the Press and Public

There were no items that required the exclusion of the press and public.

80. Minutes of the Meeting of the Combined Authority held on 2 February 2023

The Mayor requested a typing error in the minutes be corrected.

Resolved: That subject to amendments, the minutes of the meeting of the West Yorkshire Combined Authority held on 2 February 2023 be approved and signed by the Chair

81. West Yorkshire / Homes England Strategic Place Partnership

Members received a report seeking approval for the West Yorkshire/Homes England Strategic Place Partnership (SPP) – Partnership Business Plan. The Mayor noted the partnership will help to unlock funding and support the delivery of 5,000 affordable homes for the region.

Officers noted the report was discussed and endorsed by the Place, Regeneration and Housing Committee. Members emphasised the importance of consulting the local authorities throughout the process, and queried what the longer term aims of the partnership. Officers responded that, subject to approval, the first board meeting is scheduled in April 2023 with further dates to agree the next steps. The focus has been on the first year to support the initial stages, and all parties acknowledge more work will be required over the course of the partnership.

Resolved: The Combined Authority agreed:

That entry into the Strategic Place Partnership be agreed.

That the Strategic Place Partnership Business Plan be approved.

That the Terms of Reference for the SPP Board be approved.

82. Bus Reform Update

Members received a report providing an update on the Bus Reform Assessment and to seek approval to secure the conditional availability and preliminary briefing of a suitably qualified independent audit organisation.

The Mayor noted that buses are vital to a strong economy, and West Yorkshire needs a London-style transport system to meet its ambitions. The government has extended the bus recovery grant for a further three months, but bus operators are still cutting back on services. The Combined Authority is undertaking a bus franchising assessment and is required to go through audit and consultation. , An additional Combined Authority meeting will be scheduled shortly after the local elections to discuss bus reform.

Members queried what conversations are happening are happening with operators to mitigate the planned operator cuts to services. Officers responded that the Mayor as well as the Chair and Deputy Chairs of the Transport Committee have regular meetings with operators about the issue, but as private businesses operators can make any decisions they feel necessary. A list of withdrawn services was circulated to members of the Transport Committee as soon as it was feasible.

Members queried why Bus Service Improvement Plan (BSIP) funding is not yet used to restore service cut by operators. Members responded the BSIP funding is not intended to replace services, but to increase the quality of existing services.

Resolved: That securing the conditional availability and preliminary briefing of a suitably qualified independent audit organisation ("Auditor") be approved, so that after having prepared the assessment and should the Combined Authority wish to proceed, the Auditor may then be instructed to prepare a report in accordance with section 123D of the TA 2000.

83. Mass Transit Programme Update Report

Members received a report providing a progress update for the West Yorkshire Mass Transit Programme. The Combined Authority has an initial £200 million of funding towards the programme, but more funding is required to deliver on the intended aims. Members noted the system will provide a significant boost to the regional economy and is a key reason for mayoral devolution.

Members questioned the extent of the data collection, officers responded the travel surveys are being undertaken in partnership with local authority partners, and a stratified sample of homes has been identified to best represent the population of West Yorkshire for a household travel survey element. Further details were requested, and it was agreed details would be supplied outside of the meeting.

Resolved: That the content of the report be noted.

84. West Yorkshire Tourism

Members received a report proposing changes to the promotion of West Yorkshire level at a regional level, and seeking the establishment of a Local Visitor Economy Partnership (LVEP) for West Yorkshire.

The Mayor expressed the importance of Tourism to West Yorkshire, contributing approximately £5 billion to the regional economy and providing employment to roughly 10% of the workforce. West Yorkshire is a major tourist destination and promotion on a regional level will increase its draw to potential visitors.

Officers noted the changes are a response to government policy relating to VisitEngland and destination management. Three tiers of destination management have been introduced with the North East as the only top tier region. West Yorkshire has been placed in the second tier, and will be accredited by VisitEngland which qualifies for funding and support. The LVEP for West Yorkshire will be led by Leeds but represented by all local authorities. Members noted there is also strong private sector report for the establishment of the LVEP.

Members expressed that the governance of the partnership will need to be finalised. Members noted the Leeds team has had success in promoting the city and a partnered approach will bring benefits to the whole region. The Mayor noted she will chair the board, and the many cultural events across West Yorkshire in this and coming years will provide many opportunities to celebrate the region.

Resolved: The Combined Authority agreed

That a Local Visitor Economy Partnership (LVEP) application for West Yorkshire to Visit England be supported.

That as part of this work, appropriate governance will be developed. The Mayor will play a key role in championing the tourism sector and this will be reflected in the governance.

That an independent Destination Management Plan be commissioned, utilising capacity gainshare funding already allocated to Leeds City Council.

85. Project Approvals

(a) Investment Priority 1: Good Jobs and Resilient Businesses

Members introduced the Business Productivity Programme scheme, which aims to boost small and medium enterprises by providing financial and advisory support to a minimum of 283 businesses. Members noted improving productivity is key to growing the economy, and providing access to new and good jobs is a significant way to achieve this.

Resolved: The Combined Authority approved:

The change request for approval of £3,500,000 of UKSPF funding to replace £3,500,000 of the gainshare funding and increase the programme delivery timeframes from March 2025 to March 2026. To note UKSPF to be spent by March 2025.

Future approvals be made in accordance with the assurance pathway and approval route outlined in this report. This will be subject to the scheme remaining within the tolerances outlined in this report.

(b) Investment Priority 3: Creating Great Places and Accelerated Infrastructure

Officers introduced the Investment Priority 3 scheme, which consists of a portfolio of programmes which will deliver resilient infrastructure in line with the West Yorkshire Investment Strategy. Where possible, extra funding will be sought to contribute to the overall cost. Officers noted the Place, Regeneration, and Housing committee has discussed the range of projects at great length, and the schemes will deliver a wide range of outcomes.

Officers noted two further schemes, the Safety of Women and Girls – Pillar 1, and Rural England Prosperity Fund are recommended to be delegated to the Chief Executive to allow for expediency of delivery due to tight timelines.

Resolved: The Combined Authority approved that:

The Investment Priority 3 - Creating Great Places and Accelerated Infrastructure portfolio proceeds through decision point 1 (strategic assessment) and work commences on the development of individual business cases.

An indicative approval to the Combined Authority's contribution of £7,132,098. The total capital value of known projects and programmes in the IP3 portfolio is £72,044,680.

Development costs of £632,098 are approved in order to progress the individual business cases, taking the total approval to £745,833. Future approvals be made in accordance with the assurance pathway and approval route outlined in this report.

Additional Recommendations

Where scheme approval is required before 30 June 2023, the schemes outlined in paragraph 3.11 are delegated for approval to the Chief Executive, due to expediency of delivery.

Any change requests for the Capital Flood Risk Management Programme are delegated to Climate, Energy and Environment Committee.

The update on the Langthwaite Enterprise Zone Phase 1 project be noted.

(c) Investment Priority 4: Tackling the Climate Emergency and Environmental Sustainability

Officers introduced the Social Housing Decarbonisation – Wave 2 scheme for approval. The Wave 1 element was agreed by the Climate, Energy and Environment Committee in January 2022. The funding is the result of a bid from the government and so if approved and the bid is successful the work can begin as soon as possible. The scheme will be completed in partnership with West Yorkshire housing providers and local authority partners.

Resolved: The Combined Authority approved that:

The Social Housing Decarbonisation Fund programme proceeds through decision point 1 (strategic assessment) and work commences on activity 3 (outline business case).

Indicative approval to the Combined Authority's contribution of £15,032,090 be given. The total scheme cost is £31,967,212.

That the Combined Authority enter into the Memorandum of Understanding and Data Sharing Agreement with BEIS.

That delegated authority be granted:

- (i) To the Head of Economic Implementation to accept receipt of the funding from BEIS for the SHDF.
- (ii) To the Head of Economic Implementation and the Head of Legal and Governance Services in consultation with each other to finalise the Memorandum of Understanding and Data Sharing Agreement with BEIS and the Funding Agreements / letter between to Combined Authority and the Housing Providers (Accent Housing Limited, Chartford Housing

Limited, Manningham Housing Association Limited, Wakefield District Housing Limited, Leeds and Yorkshire Housing Association Limited, Leeds Federated Housing Association Limited, Yorkshire Housing Limited, Kirklees Council, Incommunities Limited) and all other related legal documents that may be required.

That future approvals be made in accordance with the assurance pathway and approval route outlined in this report, any change requests are delegated to the Climate, Energy and Environment Committee. This will be subject to the scheme remaining within the tolerances outlined in this report.

(d) Investment Priority 5: Future Transport

Officers introduced two schemes for delivery, the Castleford Growth Corridor and the CRSTS Programme. The Castleford Growth Corridor brings two separate schemes together by including the Wheldon Road pedestrian and cycle bridge. The scheme will improve the existing road provision which is more dangerous and discourages active travel. The CRSTS Programme consists of 39 schemes across 10 packages, enabling wider access to public transport and more safety improvements to walking and cycling in line with district, regional and national strategies. Further delegation requests for a number of schemes are requested for delegation to the Transport Committee and Chief Executive to maintain delivery targets.

Members queried how quickly the delivery will take place for projects, officers responded that the timescales can vary depending on external factors, but officers are able to provide updates to relevant members outside of the meeting.

Resolved: The Combined Authority approved that:

Castleford Growth Corridor

The change request to the Castleford Growth Corridor scheme to increase the Combined Authority contribution funding to £11,519,000 and to increase the outputs as detailed in this report be approved. The total scheme value will increase from £9,491,000 to £11,740,000.

The Combined Authority enters into a variation to the existing Funding Agreement with Wakefield Council for expenditure of up to £3,497,473. Future approvals be made in accordance with the assurance pathway and approval route outlined in this report. This will be subject to the scheme remaining within the tolerances outlined in this report.

CRSTS Programme

The Combined Authority, approved that:

The change request to the CRSTS Programme to increase the approved programme development costs by £7,000,000 to £10,000,000 be approved, and delegation to the West Yorkshire Combined

Authority's Chief Operating Officer to authorise schemes access to these development costs, in accordance with the Assurance Framework be approved.

The Combined Authority be authorised to enter into funding agreements between the Combined Authority and Districts for District led schemes for business case development for CRSTS led schemes.

Where scheme approval is required before 30 June 2023, the schemes outlined in paragraph 3.5 be delegated for approval to the Transport Committee, due to expediency of delivery.

Where scheme approval is required before 30 June 2023, the schemes outlined in paragraph 3.6 be delegated for approval to the Chief Executive, due to expediency of delivery.

86. Regional Investment Vehicles for Innovation Finance

Members received a report providing an overview of Northern Gritstone Ltd, and seeking approval of, following appropriate assurance and due diligence, a £1.5m contribution from the Combined Authority towards the Northern Gritstone investment company from the Single Investment Fund.

Officers informed members that Northern Gritstone is an investment vehicle founded by the Universities of Leeds, Manchester, and Sheffield aiming to support science and technology businesses. The company has raised £215 million out of a £500 million target, and the return on investment of the funds is expected to be in excess of 20% over the next decade. Investment would help to fund university spinouts, furthering growth and employment opportunities for the region. Due diligence will be undertaken before any investment is made.

Members questioned how funding fits into the Investment Strategy. Officers responded that the strategy required proposals to address market failure, which was not evident in this case. However, the proposals was being recommended to the Combined Authority despite this, because of the clear contribution towards priorities and the potential for a financial return. The strategy is reviewed annually, and the upcoming 2023 amendments would clarify that similar situations are in line with the Investment Strategy.

Members questioned how Northern Gritstone identifies funding targets, officers answered that the company is experienced and understands which businesses are likely to develop a strong return. The company has strong existing links within West Yorkshire spanning a variety of industries. Members agreed that investment in businesses is a priority and West Yorkshire should explore innovative ways to produce positive results.

Resolved: That delegated authority be granted to the Chief Executive Officer to approve £1.5 million investment to Northern Gritstone. This delegation is requested to allow time for further due diligence and application of the Combined Authority assurance processes before the deadline for investment.

87. UK Shared Prosperity Fund

Members received an update regarding progress made on implementing the West Yorkshire UKSPF Local Investment Plans, including Core UKSPF, Multiply and the new Rural England Prosperity Fund.

Members noted there has been considerable work so far and expressed thanks to officers for their efforts. The Local Partnership Group last met on 6 March 2023, receiving helpful advice towards the progress included within the report. The Local Partnership group raised concerns about the timescale of delivery, but noted officers are doing as much as possible so there are no missed funding opportunities.

Officers noted the delegation of funding was already approved, but there is a deadline in early May to inform the government about how the money is spent. The government funding comes with guidelines about how it can be spent, and the Combined Authority is trying to align the spending with the Investment Strategy. The Mayor noted the needs of West Yorkshire are different to the needs of other areas of the country, and will support any dialogue with government to make a stronger case for being a part of the next Trailblazer devolution deal.

Members asked which partners have been consulted as part of the rural fund, members noted there are members on the panel who specifically engage with the network of rural stakeholders including the National Farmers' Union, the Yorkshire Agricultural Society, and the Land and Business Association among others. Members asked if local parishes are included in consultation, officers responded they are not but consultation with them can be explored.

Resolved:

That the progress made on implementing the West Yorkshire UKSPF Local Investment Plans be noted.

That the recommendations made by the West Yorkshire UKSPF Local Partnership Group at its meeting on 6 March 2023 be noted and approved. The recommendations made are:

- the LPG was supportive of the £972,762 Women and Girls Programme providing their feedback and advice is taken in to account as the business case is finalised.
- the LPG endorsed the design of the Calls and the scoring framework at its meeting on the 6th March 2023 including the proposed funding envelopes and key policy areas for intervention as set out above providing their feedback and advice is taken in to account as the Invitation to Bid is finalised.
- the LPG endorsed the operating model at its meeting on 6 March 2023 providing their feedback and advice is taken in to account as the full business case is finalised.

That the progress made on Pillar 1 Safety of Women and Girls strand and the delegation requested in Item 10b for the Chief Executive to authorise the scheme to proceed through the Assurance Process with full delivery costs approved for an April 2023 start be noted.

That the funding envelopes and priority areas for the three Pillar 2 Business Support open calls for projects via an invitation to bid be approved, and the Chief Executive be authorised to agree, prior to publication, the full Invitation to Bid documentation in consultation with the Mayor, the Chair of the Business, Economy and Innovation Committee and the Interim Chair of the LEP – also Chair of the UKSPF Local Partnership Group (LPG), given the launch timescales.

That the progress made on Rural England Prosperity Fund be noted, the operating model be approved, and the delegation requested in Item 10b for the Chief Executive to authorise the scheme to proceed through the Assurance Process with full delivery costs approved for an April 2023 start be noted.

88. Spatial Priority Areas

Members received a report seeking endorsement to the inclusion of two additional Spatial Priority Areas (SPAs) to the existing locations agreed across West Yorkshire, and endorsement of an amendment to the boundary of one existing SPA.

Officers noted the report has been discussed by the Place, Regeneration and Housing Committee, and all affected authorities have been involved in discussions as well as in any future discussions.

Resolved: The Combined Authority agreed:

That the content of the report be noted.

That the SPA name changes listed in Table 1 be approved.

That the additional two SPAs of North Halifax Growth Area (Calderdale) and Huddersfield Station to Stadium Enterprise Corridor (Kirklees) and the amended South Kirkby and South Elmsall Urban Extension SPA in Wakefield be approved. Subject to this approval, the content on the Combined Authority website relating to SPAs will be refreshed.

89. Corporate Plan 2023/24

Members received a report seeking endorsement to the approach for developing and publishing the Corporate Plan 2023-24.

Officers noted the new corporate plan will focus more on outcomes and reflect the new organisational structure. The targets will be measurable so progress is as transparent as possible.

Resolved:

That the approach to the development of the Corporate Plan 2023-24 be endorsed.

That final approval of the Corporate Plan be delegated to the Mayor, LEP Chair and the Managing Director.

90. Governance and Appointment Arrangements

Members received a report regarding several changes to committee membership, to consider the report and recommendations of the Independent Remuneration Panel (IRP) in relation to the payment of remuneration to the LEP Chair. Given the gap between meetings, the appointment of Executive Directors, the Chief Operating Officer, and Directors was agreed to be delegated to the Chief Executive in consultation with the Mayor and following notification to Combined Authority members.

Mark Roberts left the room during the discussion of the Independent Remuneration Panel.

The Mayor noted that the input of private sector members is invaluable to the Combined Authority, and the outcome of the IRP was discussed at the previous meeting of the LEP. The Spring budget was clear that LEP funding would end by 2024. Officers noted the IRP report has been provided to members, and clarified the panel was chaired by Declan Hall and joined by Fara Butt to provide broader private sector input. The panel recognised the changes to the role of LEP Chair and so there is the potential need to review the outcome if it is required.

Members questioned if the LEP Chair being a Mayoral appointment will affect the level of scrutiny. Officers responded the LEP Chair is expected to be a member of the Combined Authority and subject to the same code of conduct as the elected members, and the three scrutiny panels will also have the same level of oversight as at present. Members agreed the need for private sector input and noted that members will make any concerns known if the LEP Chair does not deliver in their role.

Officers noted that Cllr Sam Firth has replaced Cllr Robinson a member of the Combined authority, as well as the Governance and Audit Committee. Officers noted that Cllr Peter Harrand has resigned as Chair of the Corporate Scrutiny Committee, Cllr Geoff Winnard is recommended as his replacement. The Mayor expressed thanks to Cllr Harrand for his work during his tenure as Chair.

The Mayor noted that further recruitment to director posts may be made ahead of the annual meeting and so for expediency the Chief Executive should be delegated authority to make the appointments.

The Mayor announced the appointment of Simon Warburton to the post of Executive Director for Transport, and noted his experience developing transport in Greater Manchester will be crucial to the Combined Authority achieving its ambitions.

Resolved: The Combined Authority agreed:

That with effect from 17 February 2023, Councillor Sam Firth replaces Councillor Matthew Robinson as one of the three political balance members of the Combined Authority be noted.

That Councillor Sam Firth be appointed to the Governance and Audit Committee as the Conservative Group replacement for Councillor Matthew Robinson.

That the resignation of Councillor Peter Harrand as Chair of the Corporate Scrutiny Committee be noted, and Councillor Geoff Winnard be appointed as his replacement.

That a representative of the Local Skills Improvement Plans (LSIPs) be appointed as a non-voting advisory representative to the Employment and Skills Committee.

That the report and recommendations of the Independent Remuneration Panel at Appendix 1 and determines the level of remuneration which is expected to be paid to the LEP Chair from the start of the new municipal year be considered.

That the Chief Executive be authorised, in consultation with the Mayor, the LEP Chair as appropriate and following notification to Combined Authority members, to make future appointments to the roles of Exec Director, Chief Operating Officer and Director following the outcome of the respective recruitment processes.

91. Minutes for Information

Resolved: That the minutes and notes of the Combined Authority's committees and panels be noted.

**MINUTES OF THE MEETING OF THE
WEST YORKSHIRE COMBINED AUTHORITY
HELD ON THURSDAY, 22 JUNE 2023 AT COMMITTEE ROOM 1,
WELLINGTON HOUSE, 40-50 WELLINGTON STREET, LEEDS**

Present:

Mayor Tracy Brabin (Chair)	West Yorkshire Combined Authority
Councillor Susan Hinchcliffe	Bradford Council
Councillor Jane Scullion	Calderdale Council
Councillor Shabir Pandor	Kirklees Council
Councillor James Lewis	Leeds City Council
Councillor Denise Jeffery	Wakefield Council
Councillor Claire Douglas	City of York Council
Councillor Rebecca Poulsen	Bradford Council
Councillor Alan Lamb	Leeds City Council
Councillor Sue Holdsworth	Calderdale Council
Mark Roberts	LEP Board Representative

In attendance:

Ben Still	West Yorkshire Combined Authority
Alan Reiss	West Yorkshire Combined Authority
Simon Warburton	West Yorkshire Combined Authority
Luke Albanese	West Yorkshire Combined Authority
Melanie Corcoran	West Yorkshire Combined Authority
Liz Hunter	West Yorkshire Combined Authority
Angela Taylor	West Yorkshire Combined Authority
Philip Witcherley	West Yorkshire Combined Authority
Caroline Allen	West Yorkshire Combined Authority
Ian Parr	West Yorkshire Combined Authority

1. Membership of the West Yorkshire Combined Authority

The Combined Authority received a report from the head of Legal and Governance which sought the appointment of Combined Authority Members and Substitute members to the Combined Authority; to grant voting rights to the non-constituent council and LEP Members; and to note the position regarding appointment of the Leeds City Region Local Enterprise Partnership Combined Authority Member.

The Mayor formally welcomed Cllr Jane Scullion as the appointed member for Calderdale Council, following her assumption of the role of Leader of Calderdale Council. The Mayor also welcomed Cllr Claire Douglas, the new

leader of the City of York Council, and Cllr Alan Lamb, political balance member representing Leeds City Council.

The Mayor welcomed Fatima Khan Shah, who was appointed as the Inclusivity Champion for the Combined Authority and would support the Combined Authority in tackling issues concerning diversity and inequality.

A round of introductions took place for the benefit of new members and observers.

Resolved: That the Combined Authority noted:

- the position of Mayor as Chair of the Combined Authority by virtue of that office,
- the ongoing appointment of the Deputy Mayor by the Mayor,
- the appointment of Constituent Combined Authority Members and their Substitutes by the Constituent Councils, and
- the appointment of the Non-Constituent Council Member and Substitute by York City Council, as set out in Appendix 1 to the submitted report.

That the LEP Member of the Combined Authority and the Substitute LEP member would be appointed to the Combined Authority in due course, and the proposal that to ensure LEP Board private sector representation on the Combined Authority at its next meeting on 27 July, a nominated LEP Member may attend to provide representation be agreed.

That the Non-Constituent Council Combined Authority Member may exercise one vote at any Combined Authority meeting (including any decision-making committee or sub-committee to which the Non-Constituent Council Combined Authority Member is appointed) only in respect of any decision which gives rise to a direct and significant financial liability for the Non-Constituent Council.

That the Substitute Non-Constituent Council Combined Authority Member may exercise the voting rights granted to the Non-Constituent Council Combined Authority Member, when acting in the absence of the Non-Constituent Council Member.

That the LEP Member, once appointed, may vote at any meeting of the Combined Authority (including any committee or sub-committee to which the LEP Member is appointed) on any decision, subject to the following exceptions:

- decision-making in relation to budget and levy setting; and
- the adoption of any implementation plans appended to the Local Transport Plan which relate specifically to the Combined Authority's area (that is, West Yorkshire).

That the Substitute LEP Member (once appointed) may exercise the voting rights granted to the LEP Member, when acting in the absence of the LEP Member.

2. Apologies for Absence

There were no apologies for absence.

The Mayor thanked Mark Roberts for his leadership as Interim Chair of the LEP, and for his contributions to the LEP as well as to the Combined Authority. The Mayor noted that the recruitment process for a permanent LEP Chair had already begun and a candidate would be appointed in due course. It was proposed that should a new Chair not be in place before the next meeting of the Combined Authority, a current LEP member would be invited as LEP representative.

3. Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

4. Exempt Information - Possible Exclusion of the Press and Public

No items were identified as exempt from the press and public.

5. Minutes of the Meeting of the Combined Authority held on 25 May 2023

Resolved: That the minutes of the meeting of the West Yorkshire Combined Authority held on 25 May 2023 be approved and signed by the Chair.

6. Mayor's Update

The Mayor highlighted some of the achievements made by the Combined Authority over the previous year.

The Mayor's Fares Scheme which lowered bus fares for passengers throughout the region, a model which was subsequently utilised by the government for a similar national scheme. TransPennine Express had also been placed under the control of the operator of last resort which should improve the reliability of the service.

The Mayor embarked on a trade mission to India, securing over 1,000 jobs for the region. More than 43,000 adults enrolled onto training through the Adult Education Budget, and 2,000 more learners in low-paid jobs had accessed training course.

The mass transit programme was further developed, with a team put in place to deliver the delivery of the project, and a new partnership was agreed with Homes England which would deliver thousands of new homes over the coming years.

Investments have been made in culture and the creative industries, working on a northern cultural corridor with the Chair of the Royal Society. The WOW Barn achieved success by inspiring women into joining the construction industry.

The Mayor noted the challenges faced by the residents of West Yorkshire due

to the issue of rising inflation, which has forced many families to rely on food banks and caused more children to grow up in poverty. The Mayor noted that poorer households were hit the hardest, and that the Cost of Living Fund set up by the Combined Authority had been vital in supporting local authorities to reach approximately 6,500 additional households. The Energy Price Emergency Grant had also supported businesses through the challenges of rising energy prices.

The Mayor noted there was more work to be completed in the upcoming year, and the West Yorkshire Plan had recently been published setting out the five missions to achieve before 2040. The Mayor noted that the decisions made by the Combined Authority over the coming year would help pave the way towards a more prosperous and inclusive region that worked for all.

7. Committee Arrangements and Appointments

The Combined Authority received a report from the head of Legal and Governance to appoint committees of the West Yorkshire Combined Authority. The report also sought to appoint the Chair and Deputy Chairs, the membership, and the voting rights for each committee.

The Mayor noted that at the time of the publication the table of committee appointments included with the pack was incomplete, and nominations had since been received as follows:

- Corporate Scrutiny Committee – Cllrs Jane Dowson and Paul Wray
- Economy Scrutiny Committee – Cllr Gohar Almass
- Transport/Infrastructure Scrutiny Committee – Cllrs Kayleigh Brookes and Izaak Wilson

The Mayor noted that Cllr Jane Dowson was proposed as the Deputy Chair of the Corporate Scrutiny Committee. Officers added that the recruitment of LEP Board members was ongoing, and appointments would be made when recruitment has concluded.

Resolved: That each of the following statutory committees with the terms of reference set out in the relevant appendix of the submitted report be appointed:

- Governance and Audit Committee (Appendix 1)
- Economy Scrutiny Committee (Appendix 2)
- Transport/Infrastructure Scrutiny Committee (Appendix 3)
- Corporate Scrutiny Committee, Terms of Reference (Appendix 4)

That each of the following decision-making committees, with the terms of reference set out in the relevant Appendix be appointed:

- Business, Economy and Innovation Committee (Appendix 5)
- Climate, Energy and Environment Committee (Appendix 6)
- Culture, Heritage, and Sport Committee (Appendix 7)
- Employment and Skills Committee (Appendix 8)
- Finance, Resources and Corporate Committee (Appendix 9)

- Place, Regeneration and Housing Committee (Appendix 10)
- Transport Committee (Appendix 11)

The Joint Independent Audit Committee be appointed, and that the arrangements for the committee were matters for the Mayor and the Chief Constable for West Yorkshire be noted.

That Combined Authority Members be appointed to the Governance and Audit Committee, as set out in Appendix 1 of the submitted report, and Joanna Wardman and Debbie Simpson be appointed as Independent Members of the Governance and Audit Committee for this municipal year.

That Combined Authority Members as set out in Appendix 13 of the submitted report, be appointed to each of the decision-making committees.

That members as set out in Appendix 13 of the submitted report be appointed to the overview and scrutiny committees.

That members as set out in Appendix 13 of the submitted report be co-opted to committees.

In relation to voting rights for committee members, (in addition to any Combined Authority Member exercising one vote) that the Combined Authority:

Resolved that any Independent Member of the Governance and Audit Committee shall be a voting member of that committee.

Noted that any member of a Constituent Council appointed to an overview and scrutiny committee has one vote and resolved that this may be exercised in their absence by their substitute.

Resolved that any Co-optee from a Constituent Council on any ordinary decision-making committee shall be a voting member of that committee (and of any sub-committee to which they may be appointed by that committee).

Resolved that any Co-optee who is Deputy Chair of a committee shall be a voting member of that committee (and of any sub-committee to which they may be appointed by that committee).

That the Chairs and Deputy Chairs to committees, as set out in Appendix 13 be appointed.

That Ian Brown and Carolyn Lord continue as Independent Persons in relation to complaints concerning allegations of a breach of the Combined Authority's Members' Code of Conduct on the existing terms for remuneration, until the Combined Authority's annual meeting in 2024.

8. Representation on Outside Bodies

The Combined Authority received a report from the head of Legal and Governance to consider the representation on outside bodies from the West

Yorkshire Combined Authority.

Members noted that a private sector member was required to attend the Transport for the North Board, which was usually a member of the LEP. Private sector members have also represented the Combined Authority on other boards, and their continued representation was important as the Combined Authority and LEP become integrated. The Mayor noted the importance of strong private sector representation.

Resolved: That the appointments to the outside bodies for the municipal year 2023/24 as detailed in Appendix 1 of the submitted report be approved.

9. Officer Arrangements

The Combined Authority received a report from the head of Legal and Governance to approve the Officer Delegation Scheme for Non-Mayoral Functions as outlined in the submitted report.

Officers clarified that though the appendix included with the submitted report was the updated version, it did not show the tracked changes as intended. Officers confirmed that the changes were minor mostly minor points of clarification where there may have been ambiguity, and provided a verbal summary of the changes made to the document.

Resolved: That Officer Delegation Scheme in relation to Non-Mayoral Functions attached as Appendix 1 to the submitted report be approved.

10. Constitutional Arrangements

The Combined Authority received a report from the head of Legal and Governance to confirm the additional Constitutional arrangements of the West Yorkshire Combined Authority.

Officers noted the constitution is approved yearly. Some small typographical and formatting changes had been made throughout the year which were included as a list in the appendix to the submitted report.

Resolved:

The minor amendments to Constitution documents as set out at Appendix 1 of the submitted report be approved

The remaining, unamended Constitution documents, for the next municipal year be approved.

11. Corporate Governance Code and Framework

The Combined Authority received a report from the Corporate Performance Manager to advise the Combined Authority on necessary revisions to the Code of Corporate Governance and an associated timeline for this work.

Officers explained that the Corporate Code of Governance set out the

principles of how the Combined Authority should operate as a public body. The updated Code of Governance captured the change from having LEP panels to Combined Authority committees, and the integration of the LEP into the Combined Authority with private sector representatives on decision-making committees. The update also included the expansion of inclusive engagement activity beyond the digital platform to further ensure that diverse communities were engaged with, along with the adoption of the West Yorkshire Plan and the annual State of the Region report. Officers noted there was an ongoing programme of organisational change, and further updates would be provided following the conclusion of that process.

Resolved: That the proposed revisions to the Code of Corporate Governance and the proposal to review it further and receive a report in the Autumn be endorsed.

12. Member's Allowance Scheme

The Combined Authority received a report from the head of Legal and Governance to consider and approve the West Yorkshire Combined Authority's Members' Allowances Scheme.

Officers noted there were three proposals for change to the Members Allowance Scheme. Due to the integration of the LEP with the Combined Authority, the two separate allowance schemes have been adapted into one scheme which will simplify policy. The second change was a review of the childcare and other dependents expenses paid to members, which has been increased up to £10.90 per hour in line with the UK living wage. The third proposal was to remunerate the independent members of the statutory audit committee, who had previously received no remuneration. The amount of remuneration was benchmarked against that of other combined authorities, and calculated based on the expected time contribution.

The Mayor noted the positive change which would reduce the potential barriers faced by members with childcare and caring responsibilities.

Resolved: That the Members' Allowances Scheme attached as Appendix 1 to the submitted report be adopted for the municipal year 2023/2024, as amended to reflect those matters set out at paragraph 2.2 in the submitted report.

13. Scrutiny Annual Report 2022/2023

The Combined Authority received a report from the Scrutiny Support Officer to summarise and highlight the work undertaken by the three Scrutiny Committees during the 2022/23 municipal year.

Officers noted the report included examples of the work undertaken by the scrutiny committees, and the topics that had arisen in the Mayor's Question Time sessions held by each committee. The Mayor expressed thanks to the scrutiny committee members for their role in ensuring the decisions of the Combined Authority are reviewed and the Mayor challenged to deliver on her pledges for West Yorkshire.

Resolved: That the Combined Authority annual report summarising the work undertaken by the overview and scrutiny committees in 2022/23 be noted.

14. Calendar of Meetings 2023/2024

The Combined Authority received a report from the head of Legal and Governance to approve the calendar of meetings proposed for the West Yorkshire Combined Authority for 2023-2024.

The Mayor noted that the proposed dates of the Transport Committee were still subject to change to accommodate the diaries of the committee membership.

Resolved:

That the calendar of meetings of the Combined Authority and its committees for 2023-24 as detailed in Appendix 1 of the submitted report be approved.

That the dates identified for the Transport Committee may be subject to change be noted.

15. Crisis in the Cost of Living and Doing Business

The Combined Authority received a report from the Economic Analysis Manager to provide an update on the latest economic and business intelligence, and to provide an update to members on the delivery of policies aimed to help businesses and individuals with the crisis in the cost of living and doing business.

The Mayor noted that the people and businesses of West Yorkshire continued to struggle with the impacts of inflation, with increasing energy, rent, and mortgages among the rising costs. The Mayor suggested that there are longer term issues facing the region, and increased devolution powers would help West Yorkshire to support people more effectively.

Officers summarised the report which provided outlines and updates of the programmes undertaken to support people and businesses in West Yorkshire. Analysis has shown that West Yorkshire has a higher proportion of households in significant poverty compared to the national average, with around 1 in 3 in fuel poverty and the rates of food bank usage increasing by roughly 33% between 2021/22 & 2022/23.

Officers noted that two key programmes had provided support to people and businesses. The Mayor's Cost of Living Emergency Fund provided £3 million of support to the Voluntary, Community, and Social Enterprise sector via the local districts. The interim evaluation was published with the meeting papers, and to date had provided £1 million of support to just under 6,500 households, with further support over the coming year.

The Energy Price Emergency Grant was a £1 million fund for small businesses across all sectors to support energy-saving measures and build resilience against longer-term price rises. Officers noted that as of June 2023, 71

projects had been completed with roughly £250,000 of funding allocated.

The Mayor expressed thanks to leaders and district partners for going above and beyond to support people and businesses impacted by inflation.

Members questioned if there had been any lessons taken from the programmes which would inform the delivery of future projects. Officers responded that it had been highlighted that programmes should not be overly prescriptive about how funding is spent in favour of more meaningful consultation with communities involved, and there were also lessons regarding the information collected about those supported which could feel intrusive. The statistics of larger geographical areas may not show the deprivation faced by some who reside there, and so it is important not to discount any areas which are perceived as more affluent than others. Members noted the statistics regarding fuel poverty and food bank use were concerning, and encouraged districts to work together to provide skills support so households could be empowered to access higher incomes. The Mayor noted the importance of gathering data to inform the Combined Authority to provide more effective support.

The Mayor queried if the allocation for businesses was being widened, officers responded that the scheme was one of the first business-to-consumer schemes which had provided significant lessons for future programmes.

Resolved: That the latest economic evidence, as well as the policy interventions that had been rolled out thus far be noted.

16. Local Visitor Economy Partnership

The Combined Authority received a report from the Policy Officer for Employment and Skills to approve the joint application for West Yorkshire LVEP status; note the update of the Destination Management Plan and governance model; and endorse the development of a funding proposal, to establish the region's LVEP, once accredited, subject the Combined Authority's Assurance Framework.

The Mayor noted that West Yorkshire is already prominent on the cultural map thanks to vibrant cities and heritage rich towns. The region has also featured prominently in recent television series which has further bolstered tourism. The region welcomed over 65 million visitors in 2022, and the tourism industry employs approximately 55,000 people.

Officers noted that the Combined Authority had previously discussed tourism in March 2023, and since then the Local Visitor Economy Partnership had been developed in joint working with the West Yorkshire districts, and will provide an overarching strategy to promote the region as a destination for visitors. The partnership sets out a starting point, and a joint working group comprised of members from the visitor economy sector will convene to further the progress made.

Members welcomed the report, and questioned who will lead the working group if elected members will be consulted. Officers responded that the

engagement would be led by officers from each district area and include regional stakeholders, but the overall governance model had not yet been confirmed. Multiple working groups would contribute, including a membership group to be chaired by the Mayor, and the suggestion to include district members would be taken into account.

Members questioned what lessons were taken from the 'Welcome to Yorkshire' campaign. Officers responded there were many elements that contributed to the lack of success of the Welcome to Yorkshire campaign and a national review of projects such as 'Welcome to Yorkshire' had been undertaken. The lack of a similar group presented a challenge since there was no national or regional funding allocated and so it is proposed the Combined Authority would contribute and as a result the project would be measure against the spending principles. Officers added that there was a Yorkshire-level campaign as well as a West-Yorkshire-level campaign, and the partnership reviewed how the proposals were taken forward collaboratively without impacting either campaign. Future updates would be presented to members to review the progress.

Resolved:

That the approach of a West Yorkshire LVEP application to VisitEngland be endorsed.

That the proposed Governance structure and proposals for considering the gainshare to support the activity of the LVEP (to be brought to a future meeting) be noted.

17. Partnership Working with West Yorkshire Integrated Care Board

The Combined Authority received a report from the Associate Director for Improving Population Health to seek approval to enter into the partnership agreement and to agree reciprocal membership arrangements between the Combined Authority and the NHS West Yorkshire Integrated Care Board.

The Mayor noted that targeting socio-economic disparity was a key focus for West Yorkshire, and partnership working was an important way to meet the needs of the region. The partnership with the West Yorkshire Integrated Care Board sets out how more formally describes the relationship between the organisations and how more strategic collaboration can be achieved.

Officers noted that there were many factors that impact health outside of immediate healthcare professions, and good health was vital to an improved personal, local, and regional economy. The collaboration between the Combined Authority and Integrated Care Board should promote the health of the population for current and future generations. The partnership agreement codified existing strong relationships, with the proposal that the Mayor become a part of the Integrated Care Board.

The Mayor expressed frustration that the Combined Authority did not have responsibility for health, and welcomed the innovative collaboration across West Yorkshire to achieve positive outcomes. Members added the Combined

Authority can play a large role in improving health, which will also benefit the regional economy, but that it was important to ensure there was no duplication or extra bureaucracy that may hinder progress.

Resolved:

That the Combined Authority enter into the Partnership Agreement with the West Yorkshire Integrated Care Board as attached at Appendix 1.

The determinants of health and inclusion work programme be endorsed.

The appointment of the Mayor and the Chief Executive onto the West Yorkshire Health and Care Partnership Board be agreed.

The Chair of the Integrated Care Board (or their delegated representative) onto the Place, Regeneration and Housing Committee as an ex-officio advisory representative be appointed.

18. Assurance Framework post LEP integration update

The Combined Authority received a report from the Head of Portfolio Management and Appraisal to approve the proposed revisions to the Assurance Framework required because of the changes to the LEP Constitution and governance arrangements following the approval of the LEP Integration Plan.

Officers noted the update factored the changes to the LEP integration, and the management of the end of European funding. The Assurance Framework was also undergoing peer review compared to other combined authorities, and the recommendations were being worked through before a future decision by the Combined Authority.

Resolved:

The proposed revisions to the West Yorkshire Combined Authority Assurance Framework required because of the changes to the LEP Constitution and governance arrangements following the approval of the LEP Integration Plan be reviewed and approved.

The update on the West Yorkshire Combined Authority Assurance Framework peer review be noted.

19. Project Approvals

(a) Investment Priority 2: Skills and training for people

Members introduced the 'Digital Skills, Green Skills, and Skills Support for Business' programme for consideration. The programme aimed to support employers to develop the digital and green skills of existing employees and promote training for future talent. The members of the Employment and Skills Committee had contributed to this programme, and acknowledged that digital and green skills required development to create better outcomes for West Yorkshire. The Mayor added the

committee had pledged to introduce 1,000 green jobs for young people, and that target had already been met, but more are required to deliver on the climate emergency response.

Resolved:

With respect to the Digital Skills, Green Skills, and Skills Support for Business, the Combined Authority approved that:

- (i) Projects 1 to 4 (Phase 1) of The Digital Skills, Green Skills, and Skills Support Programme proceed through decision point 2 (strategic outline case) and decision point 4 (full business case) and work commence on 320 activity 5 (delivery) of these projects. Project 5 continues work on its full business case.
- (ii) An indicative approval to the Combined Authority's contribution of up to £7,500,000 be given (Projects 1 to 5). The total programme cost is £7,500,000.
- (iii) Approval be given to the Combined Authority's contribution of up to £6,650,000 for Projects 1 to 4 (Phase 1).
- (iv) Future approvals be made in accordance with the assurance pathway and approval route and tolerances outlined in the submitted report. Where required, any future committee level approvals be delegated to the Employment and Skills Committee.

(b) Investment Priority 4: Tackling the Climate Emergency and Environmental Sustainability

Members outlined the three schemes for consideration by the Combined Authority. Members noted that the 'Better Homes Hub scheme' aimed to reduce the carbon impact of the region through means such as retrofitting homes. The project for consideration provided a starting point towards meeting the aims of the Combined Authority, but members noted there was still pace to be gained.

The 'Landscapes for Water – Natural Flood Management' scheme would be conducted in partnership with the National Trust, and members noted the greater impact that could be achieved through partnership with other influential organisations.

Members noted the 'Chellow Dene Wetland' project would provide preventative measures against flooding, and would further reduce the carbon impact of the area by introducing a wildflower meadow.

Officers added that there was a potential for additional development funding regarding the Better Homes Hub, subject to confirmation from the government.

Resolved:

With respect to the Natural Flood Management Programme the Combined Authority approved that:

- (i) Programme costs of £1,186,090 be approved in order to support the delivery of the Natural Flood Management - Flood Risk and Drainage Programme. The total programme value is £7,392,862.

With respect to Landscapes for Water – Natural Flood Management the Combined Authority approved that:

- (i) The Landscapes for Water – NFM scheme proceeds through decision points 2 to 4 (business justification) and work commence on activity 5 (delivery).
- (ii) An approval to the Combined Authority's contribution of £1,984,000 be given. The total scheme value is £1,984,000.
- (iii) The Combined Authority enter into a funding agreement with the National Trust for expenditure of up to £1,984,000.
- (iv) Future approvals be made in accordance with the assurance pathway and approval route outlined in the submitted report. This will be subject to the scheme remaining within the tolerances outlined in the submitted report.

With respect to the Chellow Dene Wetland the Combined Authority approved that:

- (i) The Chellow Dene Wetland scheme proceed through decision point 2 to 4 (business justification) and work commences on activity 5 (delivery).
- (ii) Approval to the Combined Authority's contribution of £41,000, to the Chellow Dene Wetland scheme. The total scheme value is £75,530.
- (iii) The Combined Authority enter into a funding agreement with Aire Rivers Trust for expenditure of up to £41,000.
- (iv) Future approvals be made in accordance with the assurance pathway and approval route outlined in the submitted report. This will be subject to the scheme remaining within the tolerances outlined in the submitted report.

With respect to the Better Homes Hub the Combined Authority

approved that:

- (i) The Better Homes Hub programme proceed through decision point 2 (strategic outline case) and work commence on the development of individual scheme business cases as outlined in the submitted report.
- (ii) An indicative approval to the Combined Authority's contribution of up to £18,425,000 be given and the reallocation of indicative funding between programmes and schemes within the Better Homes Hub Programme be delegated to the Director of Policing, Environment & Place. The total scheme value is up to £18,425,000.
- (iii) Development costs of up to £2,585,000 be approved to secure staffing resources, consultancy support, undertake research work, develop individual scheme business cases, and deliver the Local Energy Advice Demonstrator element of the programme, taking the total programme approval to £3,303,293.
- (iv) Future approvals be made in accordance with the assurance pathway and approval route outlined in the submitted report. This will be subject to the scheme remaining within the tolerances outlined in the submitted report.

(c) Investment Priority 5: Future Transport

The Combined Authority considered five schemes for progression. Members noted that several schemes listed within the report had already been approved by the Transport Committee, and the additional schemes would provide further benefit to the people of West Yorkshire. The schemes included the 'Rail Accessibility Package' which would improve the accessibility of 64 rail stations, and the 'Mobility Hubs', 'Leeds City Centre Active Travel Links', and 'Bus Enhancement Package' would provide an array of benefits to commuters and those using public transport for leisure activities.

Officers explained the 'Rail Accessibility Package' was led by Northern, however there was insufficient funding to cover all of the West Yorkshire rail stations and so required some CRSTS funding to supplement the project. All stations would benefit, and 44 stations had been prioritised for larger-scale upgrades. Members welcomed the accessibility upgrades, especially for stations such as Todmorden.

Members raised concerns that rural communities do not have the same level of access to public transport, and suggested more partnership working could help to alleviate some of the issues that frequently affect them. The mayor noted that rural communities are frequently engaged with, and their views considered. Members added that effective public transport solves many issues, though the national financial position

presents challenges regarding the implementation of projects in all locations where they were required.

Members queried if the provisions for e-scooter facilities suggested that e-scooters were permitted on the public highway, and that antisocial behaviour was already prevalent within some areas. The Mayor responded that there were opportunities for pilot schemes as had taken place in other authority areas, and when the scooters are well-regulated they can act as a viable alternative to cars. Officers added the inclusion of e-scooters would act as future-proofing based on the eventual decision made by the government.

Members noted that e-scooters are currently banned from buses and trains and raised concerns that commuters may face difficulty using multiple modes of transport. The Mayor responded there are challenges for cyclists regarding the requirement to pre-book ahead of train journeys. Officers added that e-scooters were currently only permitted within the trial areas and so some operators had banned them from services since they are technically illegal to use outside of those areas.

Resolved:

With respect to the West Yorkshire Rail Accessibility Package the Combined Authority approved that:

- (i) The West Yorkshire Rail Accessibility Package proceed through decision point 2 (strategic outline case) and work commence on activity 4 (full business case)
- (ii) An indicative approval to the Combined Authority costs of up to £5,000,000 be given. The total scheme value is £20,042,450.
- (iii) Development costs of £337,100 be approved in order to progress the scheme to decision point 4 (full business case), taking the total scheme approval to £583,100.
- (iv) The Combined Authority enter into a funding agreement, under Section 56 of the Transport Act, with Northern, for expenditure of up to £583,100.
- (v) Future approvals be made in accordance with the assurance pathway and approval route and tolerances outlined in the submitted report. Where required, any future committee level approvals be delegated to the Transport Committee.

With respect to Mobility Hubs the Combined Authority approved that:

- (i) The Mobility Hubs scheme proceeds decision point 2 (strategic outline case) and work commence on activity 4 (full business case).

- (ii) An indicative approval to the Combined Authority's contribution of £3,312,811. The total scheme value is £3,312,811.
- (iii) Development costs of £200,000 be approved in order to progress the scheme to decision point 4 (full business case) taking the total scheme approval to £310,000.
- (iv) Future approvals be made in accordance with the assurance pathway and approval route and tolerances outlined in the submitted report. Where required, any future committee level approvals be delegated to the Transport Committee.

With respect to the Leeds City Centre Active Travel Links (North and South) the Combined Authority approved that:

- (i) The Leeds City Centre Active Travel Links (North and South) scheme proceed through decision point 2 (strategic outline case) and work commence on activity 4 (full business case).
- (ii) An indicative approval to the Combined Authority's contribution of £3,304,000. The total scheme value is £3,815,488.
- (iii) Development costs of £400,000 be approved in order to progress the scheme to decision point 4 taking the total scheme approval to £500,000.
- (iv) The Combined Authority enter into an addendum to the existing funding agreement with Leeds City Council for expenditure of up to £500,000.
- (v) Future approvals be made in accordance with the assurance pathway and approval route and tolerances outlined in the submitted report. Where required, any future committee level approvals be delegated to the Transport Committee.

With respect to the Levelling Up - Bus Enhancement Package the Combined Authority approved that:

- (i) The Levelling Up - Bus Enhancement Package proceed through decision point 2 (strategic outline case) and work commence on development of a programme business case to government and individual scheme business cases.
- (ii) An indicative approval to the Combined Authority's contribution of £47,628,832 be given. The total

programme cost is £47,628,832.

- (iii) Approval of the delivery costs of £1,500,000 for the Thirsk Row bus hotspot scheme be given, and work continue on activity 5 (delivery). This will replace the existing £1,500,000 CRSTS approval.
- (iv) Development costs of up to £3,950,000 be approved in order to progress the programme business case to government and to support the development of individual scheme business cases up to activity 4 (full business case).
- (v) The Combined Authority enter into an addendum to an existing funding agreement with Wakefield Council for the A639 Park Road scheme for expenditure of up to £970,000.
- (vi) The Combined Authority enter into an addendum to an existing funding agreement with Calderdale Council for the A629 North Halifax scheme for expenditure of up to £2,110,000.
- (vii) Future approvals be made in accordance with the assurance pathway and approval route outlined in the submitted report, subject to remaining within the tolerances outlined.

(d) Investment Priority 6: Culture and Creative Industries

Members considered two schemes for progression. The Mayor outlined both schemes which would take place ahead of the Bradford City of Culture 2025 celebrations. The 'Culturedale: Calderdale Year of Culture 2024' scheme would build on the strong screen, location and community assets of the district and include a programme of many events including the screen/ heritage tie in of the Anne Lister Festival. The 'Wakefield Year of Culture 2024' would also build on its assets across the district including the Hepworth and the Yorkshire Sculpture Park. The Mayor highlighted 'The Hatchling', which would amplify West Yorkshire's cultural and creative ambition and generate commissions and employment across the creative and production services sectors.

Resolved:

With respect to CultureDale: Calderdale's Year of Culture 2024 the Combined Authority approved that:

- (i) The CultureDale: Calderdale's Year of Culture 2024 scheme proceed through decision point 2-4 (business justification) and work commence on activity 5 (delivery).
- (ii) Approval be given to the Combined Authority's contribution of

£800,000. The total scheme value is £2,520,000.

- (iii) The Combined Authority enter into a funding agreement with Calderdale Council for expenditure of up to £800,000
- (iv) Future approvals be made in accordance with the assurance pathway and approval route and tolerances outlined in the submitted report. Where required, any future committee level approvals be delegated to the Culture, Heritage, and Sport Committee.

With respect to Wakefield Our Year of Culture 2024 the Combined Authority approved that:

- (i) The Wakefield Our Year 2024 scheme proceed through decision point 2 to 4 (business justification) and work commence on activity 5 (delivery).
- (ii) The Combined Authority's contribution of £800,000 be approved. The total scheme value is £4,500,270.
- (iii) The Combined Authority enter into a funding agreement with Wakefield Council for expenditure of up to £800,000.
- (iv) Future approvals be made in accordance with the assurance pathway and approval route and tolerances outlined in the submitted report. Where required, any future committee level approvals be delegated to the Culture, Heritage, and Sport Committee.

20. Minutes for Information

Resolved: That the minutes and notes of the Combined Authority's committees and panels be noted.

**MINUTES OF THE MEETING OF THE
WEST YORKSHIRE COMBINED AUTHORITY
HELD ON THURSDAY, 25 MAY 2023 AT COMMITTEE ROOM 1,
WELLINGTON HOUSE, 40-50 WELLINGTON STREET, LEEDS**

Present:

Mayor Tracy Brabin (Chair)	West Yorkshire Combined Authority
Councillor Susan Hinchcliffe	Bradford Council
Councillor Tim Swift MBE	Calderdale Council
Councillor Shabir Pandor	Kirklees Council
Councillor James Lewis	Leeds City Council
Councillor Rebecca Poulsen	Bradford Council
Councillor Sam Firth	Leeds City Council
Councillor Sue Holdsworth	Calderdale Council
Councillor Matthew Morley (Substitute)	Wakefield Council
Mandy Ridyard (Substitute)	LEP Board Representative

In attendance:

Ben Still	West Yorkshire Combined Authority
Alan Reiss	West Yorkshire Combined Authority
Mick Bunting	West Yorkshire Combined Authority
Dave Haskins	West Yorkshire Combined Authority
Liz Hunter	West Yorkshire Combined Authority
Dave Pearson	West Yorkshire Combined Authority
Angela Taylor	West Yorkshire Combined Authority
Philip Witcherley	West Yorkshire Combined Authority
Javid Daji	West Yorkshire Combined Authority
Rebecca Brookes	West Yorkshire Combined Authority
Ian Parr	West Yorkshire Combined Authority

92. Apologies for Absence

Apologies for absence were received from Cllr Denise Jeffery, Cllr Jane Scullion, Cllr Andrew Waller, and Mark Roberts.

The Mayor noted the change of leadership at Calderdale Council, where Cllr Jane Scullion was appointed as Leader of the Council and Cllr Tim Swift was appointed as Deputy Leader. The Mayor expressed thanks to Cllr Swift for his work leading Calderdale Council and for the Combined Authority in securing devolution for West Yorkshire.

93. Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

94. Exempt Information - Possible Exclusion of the Press and Public

The Mayor noted that appendix 3 to agenda item 6 was identified as exempt from the press and public.

Resolved: That in accordance with paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, the public be excluded from the meeting during consideration of Appendix 3 to Agenda Item 6 on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information and for the reasons set out in the report that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

95. Minutes of the Meeting of the Combined Authority held on 16 March 2023

Resolved: That the minutes of the meeting of the West Yorkshire Combined Authority held on 16 March 2023 be approved and signed by the Chair.

96. Bus Service Improvement Plan - programme update

The Combined Authority received a report from the Interim Head of Transport Policy which provided an update on the state of the local bus network and ongoing delivery of the Bus Service Improvement Plan (BSIP) revenue programme in relation to Enhanced Bus Services and further network improvements, as well as continued delivery of Mayor's Fares.

The Mayor noted that the Bus Service Improvement Plan was important to address the challenges faced by the bus network, such as further service cuts which were anticipated to be made. Members noted there have been recent funding announcements, however there was little long-term planning which would grant more security to operators and potentially reduce the need for service cuts.

Officers noted that the Department for Transport had recently announced £200 million of funding to continue the £2 capped bus fare outside of London until the end of October 2023, and £2.50 from October 2023 to the end of November 2024. The Mayor's Fares scheme was introduced in West Yorkshire prior to the national programme through the BSIP funding, and officers were working on the potential impact of the announcement.

A further £160 million would be provided to local transport authorities, spread over the current and upcoming financial year, with the aim of improving services and infrastructure. Operators were already planning for the reduction of services as the announced funding falls short of their requirements, and more information was expected to follow regarding the effect in West Yorkshire. Work will be conducted with members of the Transport Committee to identify the needs of the West Yorkshire districts, plan accordingly, and to

address issues as appropriate to support passengers.

Members welcomed the announcement of additional funding and questioned if passenger rates were still rising from 85% of pre-pandemic figures, and if more data could be presented to show the comparison between previous quarters. Officers clarified that the rate of passenger growth appeared to have stabilised, and added that much of the data was commercially sensitive and so not available for public enquiry. Further national data was released by the Department for Transport shortly before the meeting which has yet to be analysed, and officers noted that the passenger trends seen in Leeds were reflected across the country.

Members queried how the reported costs were derived and if there would be enough funding to cover network requirements. Officers responded that money was allocated from the overall BSIP funding of £31 million and drawn down in several tranches. The pace of delivery is impacted by the changing needs of the network, but officers expressed confidence that, more detail would be available by June 2023 to make more informed decisions.

Resolved: That the progress being made on the delivery of the Bus Service Improvement Plan be noted.

97. Bus Reform

The Combined Authority received a report from the Head of Bus Reform, which sought confirmation to proceed with the proposed franchising scheme as suggested in the Bus Reform Assessment and to progress the Bus Reform Assessment to Audit. The report also sought to delegate authority to the Chief Executive to approve final minor amendments to the Assessment document ahead of Audit, and a further approval of the contribution £4,012,000 to the existing contribution.

The Mayor noted that, if approved, the recommendations would be another step towards the creation of a London-style bus network. The Mayor noted that the decisions presented were not final, and the decision would be taken in March 2024 subject to audit and public consultation.

Members noted that the current bus network was not delivering at the pace required to meet the needs of passengers. Members stressed there was no simple answer and franchising was not without risks, making the need for careful consideration crucial.

Members queried the associated costs for available options presented for discussion. The meeting moved into private session to discuss the exempt appendix.

Resolved: That in respect to the Bus Reform Assessment:

- i. The conclusions and recommendation included within the Assessment (paras. 2.22 – 2.28) be noted.
- ii. The Assessment for Audit, and delegated finalisation of the assessment to the Chief Executive be indicatively approved.

That in respect to the Bus Reform programme (Bus Franchising Needs Assessment) scheme Approvals:

- i. The Bus Reform programme (Bus Franchising Needs Assessment) scheme proceed through decision point 4 (full business case) and work commence on activity 5 (delivery).
- ii. The Combined Authority's contribution of £4,012,000 be given. The total scheme value is £5,012,000.
- iii. Future approvals be made in accordance with the assurance pathway and approval route outlined in the submitted report. This will be subject to the scheme remaining within the tolerances outlined in the submitted report.

98. West Yorkshire Plan

The Combined Authority received a report from the Head of Policy and Strategy Coordination which sought the adoption of the West Yorkshire Plan by the Combined Authority, subject to minor changes, and the delegation of final sign-off of the plan to the Chief Executive in consultation with the Mayor.

The Mayor noted the West Yorkshire Plan was produced in partnership with stakeholders across the region, and would set a trajectory up to 2040 with clear targets for the region. The West Yorkshire Plan would sit at the top of a suite of strategies including the Local Transport Plan, Economic Strategy, and the Police and Crime Plan, among others. The West Yorkshire Plan was well-received at the UK Real Estate Investment and Infrastructure Forum (UKREiIF) which took place between 16-18 May 2023. The official launch of the West Yorkshire plan was set to take place on 16 June 2023.

Officers added the West Yorkshire Plan was considered by each of the Combined Authority's thematic committees and received valuable feedback, which was reflected in the final version. The 'State of the Region' report documents the progress made against several social, economic, and environmental indicators and would be used to report alongside the West Yorkshire Plan.

Resolved:

That the West Yorkshire Plan be adopted, subject to minor amendments.

That finalisation of the West Yorkshire Plan be delegated to the Chief Executive, in consultation with the Mayor, to enable any further minor amendments to be taken into account.

99. Director appointments

The Combined Authority received a report from the Chief Executive, which sought endorsement of the new Director appointments within the Combined Authority.

Officers summarised the report, which outlined the changes to directors following the delegation of directorship appointments to the Chief Executive at the 16 March Combined Authority meeting. Officers explained that the Combined Authority had experienced a time of unprecedented change regarding its structure and culture, and the appointments would allow for the more effective delivery of policy for West Yorkshire, especially concerning transport matters. Officers noted the changes had not yet concluded and development would continue to meet the needs of the Combined Authority.

Resolved: That the director appointments as per the body of the report be endorsed.

100. Minutes for information

Resolved: That the minutes and notes of the Combined Authority's committees and panels be noted.

The Mayor thanked Dave Pearson, ahead of his retirement, for his hard work leading on Transport for the West Yorkshire region over many years at the Combined Authority. Members concurred and expressed their own thanks and well-wishes on behalf of their districts.

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Name of meeting: Council (Reference from Corporate Governance and Audit Committee)

Date: 13 September 2023

Title of report: Changes to Planning Scheme of Delegation (SoD) and Planning Committees

Purpose of report:

To seek the approval of the proposed changes to Planning Scheme of Delegation (SoD) and Planning Committees as described in paragraph 2 and the appendices in Appendix 1 (report to CGAC and Appendices) and as further described in paragraph 2 of this report.

The report is referred from Corporate Governance and Audit Committee, which made some proposed changes to the proposals in Appendix 1. These are set out in more detail in paragraph 2 of this report.

<p>Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Not Applicable</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></p>	<p>Key Decision –No Private Report/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>No The decision to change the SoD and change Planning Committees is a Full Council decision, not an Executive decision</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd – 25th August 2023</p> <p>Dean Langton – 25th August 2023</p> <p>Julie Muscroft– 25th August 2023</p>

Cabinet member portfolio	Cllr Graham Turner

Electoral wards affected: All

Ward councillors consulted: Briefings have been provided to Labour, Conservative and Liberal Democrat Groups

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 The Corporate Governance and Audit Committee considered the report and appendices contained in Appendix 1 at its meeting on 14th July 2023
- 1.2 The report to CGAC proposed changes to the current scheme of delegation for Planning and Public Rights of Way, and changes to the current planning committee structures, as described in section 3 and in the appendices of that report.
- 1.3 CGAC accepted most of the proposed changes but made some suggested amendments to the changes described in the report and appendices to the scheme of delegation wording regarding Definitive Map Modification Orders (DMMOs).
- 1.4 Section 2 summarises the key changes in Appendix 1 for information and highlights where the CGAC made some proposed changes to the drafting of parts of the scheme of delegation.

2 Information required to take a decision

- 2.1 Proposed changes to scheme of delegation and planning committees (as set out in section 3 of the CGAC report, and CGAC Decision Notice)
 - 2.1.1 To update the Scheme of Delegation to revise the conditions under which applications are decided at Committee (as set out in section 3 and appendix A of the CGAC report)
 - 2.1.2 To move from the current 3 committee structure to 2 planning committees each meeting every 6 weeks (as set out in section 3 and appendices B, C, and D)
 - 2.1.3 To introduce an expectation that Ward Councillors who refer an application to committee attend in person at the meeting, or send a ward councillor colleague (as set out in section 3 and appendix E of the CGAC report)
 - 2.1.4 Within the Highway and Transportation scheme of delegation in relation to Definitive Map Modification Orders (DMMO) enable Planning Committee Chairs to consider if matters do not require determination by the planning committee and can remain delegated to the relevant Strategic Director (as set out in section 3 and Appendix F of the CGAC report).
 - 2.1.5 Regarding the proposed changes to the scheme of delegation for DMMOs, CGAC advised that the wording in the report be approved subject to the following amendments:
 - (i) 3.1 1 (v) in the main body of the report and Appendix F – Changes to the Scheme of Delegation (Strategic Director Environment and Climate Change) part A,(1) v to include the wording “*taking into account I to IV above*” in relation to applications for the modification of the Definitive Map

and Statement under the Wildlife & Countryside Act 1981 (or any legislation revoking or re-enacting that Act with or without modification)

- (ii) That Section 11 (57.) of the Protocol for Planning Committees, as set out at Appendix E, be updated by the removal of the wording “i.e. 3 weeks after receipt of the application”.

3 Implications for the Council

3.1 Working with People

The changes proposed will help save time and money for all parties involved in the planning process. Speeding up planning decision making helps improve outcomes. There are no changes to the roles of the community in the planning process. The 3 main groups of the Council’s political parties have helpfully provided input and ideas to shape these reforms.

3.2 Working with Partners

Speeding up the planning process, will help Partners deliver housing and employment developments and make Kirklees a more attractive place to invest and do business. Less throughput of applications in the committee system will help technical and statutory consultees who sometimes prepare for and attend committees.

3.3 Place Based Working

There are no changes to Place based working. The Council will have less requirements on its facilities as a result of having few committee meetings to service and attend.

3.4 Climate Change and Air Quality

Any improvements to the speed and effectiveness of the planning system can help contribute to our goal of Net Zero by 2038 and new developments can help tackle air quality through good quality decision making and designs being approved.

3.5 Improving outcomes for children

Helping speed up the planning process can help provide better quality accommodation for children in terms of housing and education facilities and enhance our existing good parks and recreation spaces.

3.6 Financial Implications for the people living or working in Kirklees

Speeding up the planning process will save a modest amount of money by not having to prepare for and service 3 planning committees. This will allow officers to be redeployed to other case work and projects.

3.7 Other (e.g. Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

An IIA has been undertaken on the planning reforms specified. There is no requirement to complete a stage 2 assessment. Benefits have been identified in speeding up the planning process to parties wanting to undertake new developments.

In addition to the above there is also a first draft of an IIA in the new & revised system which will be progressed as appropriate – to be published.

4 Consultation

In addition to discussion at the CGAC meeting on 14 July 23, the following consultation has taken place and was helpful in shaping the final recommendations in this report:

- The 3 main political groups have been briefed on the planning reforms proposals at their Group meetings.
- Informal briefings with the Chair of Overview and Scrutiny and the 3 existing Planning Chairs was undertaken.
- Cabinet Members, the Leader and the Councils Executive Team have all been engaged throughout the discussions on the options for reform and the recommendations contained within this report.

5 Engagement

Should the reforms be supported and approved by Council, communication with regular customers of the planning service and our communities will take place advising on the changes to decision making and when they will come into effect.

6 Next steps and timelines

- 6.1 Transitional arrangements will be implemented following a Council decision on the proposed new Scheme of Delegation and the 2 planning committee system. An overview of the next steps and timeline for these arrangements is shown in the table below (with more detail in section 7 of the CGAC report).

Date	Activity
13 September 23 (Anticipated date)	Report submitted to Council
10 November 2023	New Scheme of Delegation 2023 in place
	Revised name and terms of reference in place for Strategic Planning Committee
10 Nov 23 to 9 Feb 2024	Revision to Terms of Reference for existing Sub-Planning Committees (To include reference to new Scheme of Delegation 2023)
9 Feb 2024	Planning Sub-committees disestablished
	New District-wide planning committee established
	Revised Planning Protocol in place (Implementing changes to member referral process)

7 Officer recommendations and reasons

- 7.1 That Council considers the report in Appendix 1 as well as the recommendations by CGAC and:
- a) Approve the Scheme of Delegation to the Strategic Director Growth and Regeneration set out at Appendix A to take affect from Friday 10 November 2023.
 - b) Approve the Scheme of Delegation to Strategic Director Environment and Climate Change set out at Appendix F to take affect from Friday 10 November 2023
 - c) Approve the renaming of Strategic Planning committee as Strategic Planning Committee (Major Planning Applications), and revised Terms of Reference for the Strategic Planning committee set out in Appendix B from Friday 10 November 2023.
 - d) Notes that the membership and composition of the renamed Strategic Planning Committee remains the same (namely 7 including Chairperson).
 - d) Approve a revised Terms of Reference for the existing two planning sub-planning committees (Heavy Woollen and Huddersfield) from Friday 10 November 2023 to Friday 9 February 2024 as set out in Appendix C
 - e) Approve the disestablishment both Heavy Woollen Planning Sub-committee and Huddersfield Planning Sub-Committee from Friday 9 February 2024

- f) Approve the establishment a new planning committee and their Terms of Reference at Appendix D - namely the District Wide Planning Committee (Minor & other planning applications). To be implemented on Friday 9 February 2024
- g) Approve the composition of the District Wide Planning Committee (Minor and Other Planning Applications) set out at Appendix B of this report to come into effect from 9 February 2024. Namely:
 - o District Wide Planning Committee - 9 members of the Council including Chairperson (5:3:1)
- h) Approve delegation to Group Business Managers to nominate membership of the District Wide Planning Committee (Minor and Other Planning Applications) which comes into effect 9 February 2024.
- i) Approve delegation to the Service Director Legal, Governance and Commissioning to make consequential changes to the Constitution (including Scheme of Delegation at Appendix A and Appendix F(subject to amendment (1)(i) above), Strategic Planning Committee (Major planning applications) Terms of Reference at Appendix B, and revised Terms of Reference for Heavy Woollen and Huddersfield Planning Sub-Committees at Appendix C) as set out in this report to implement the recommendations to this committee and full Council in relation to this report. To come into effect 10 November 2023.
- j) Approve delegation to the Service Director Legal, Governance and Commissioning to make consequential changes to the Constitution (including Dis-establishment of the Heavy Woollen and Huddersfield Sub-Planning Committees, establishment of the District-Wide Planning Committee (Minor and Other planning applications) at Appendix A, D and F, and Protocols for Planning Committee at Appendix E (subject to amendment (1)(ii) above) as set out in this report to implement the recommendations to come into effect from 9 February 2024.

8. Cabinet Portfolio Holder's recommendations

Cllr Graham Turner supports the recommendations.

9. Contact officer

Mathias Franklin – Head of Planning and Development
 01484 22100
 Mathias.franklin@kirklees.gov.uk

10. Background Papers and History of Decisions

Report to CGAC on 14 July 2023 which is appended to this report

11. Service Director responsible

Edward Highfield- Service Director for Growth and Regeneration

Appendix 1 (Report to CGA).

Please see separately attached Document - Planning Scheme of Delegation SoD and Planning Committees Reference to Council.PDF

Name of meeting: Corporate Governance and Audit

Date: 14th July 2023

Title of report: Planning Scheme of Delegation (SoD) and Planning Committees

Purpose of report: To provide information for CGA on the changes proposed to both the Planning Scheme of Delegation (SoD) and to Planning Committees

Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	No
The Decision - Is it eligible for call in by Scrutiny?	No The decision to change the SoD and change Planning Committees is a Full Council decision, not an Executive decision
Date signed off by <u>Strategic Director & Name</u> 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?	David Shepherd - 29th June 2023 Dean Langton – 3 July 2023 Julie Muscroft – 4 July 2023
Cabinet member portfolio	Cllr Graham Turner

Electoral wards affected: All

Ward councillors consulted: Briefings have been provided to Labour, Conservative and Liberal Democrat Groups

Public or private: Public

Has GDPR been considered? Yes

1. Summary

This report is designed to help explain the reasons for updating the 2013 Scheme of Delegation for Planning and the changes to Planning Committees. For information - Planning decision making and committee structures at Kirklees Council are a decision for Full Council who must vote to change the Constitution related to Planning decision making matters. It is a requirement for all Councils with Local Planning Authorities to have a Planning Committee. The types of planning applications decided at the Planning Committee are subject to the Scheme of Delegation.

2. By way of background, these are the most significant Planning milestones since the 2013 Scheme of Delegation was adopted:

2015	Introduction of Strategic Planning Committee alongside existing Sub Committees
2015	Adoption of Development Management Charter (How and Who is consulted on planning applications)
2017	Adoption of Officer Member Planning Communication Protocol
2019	Adoption of Local Plan
2019-2023	Adoption of Supplementary Planning Documents and Guidance Notes
2022	Adoption of Local Validation Checklist for Planning Application

3. Information required to take a decision

A review of the existing Scheme of Delegation and Planning Committee structures has been undertaken. Engagement with the 3 main political groups has been done to gain member feedback to the changes proposed.

In summary the changes proposed are:

- To update the Scheme of Delegation to revise the conditions under which applications are decided at Committee.
- To move from the current 3 committee structure to 2 planning committees each meeting every 6 weeks.
- To introduce an expectation that Ward Councillors who refer an application to committee attend in person at the meeting (or send a ward councillor colleague).
- Within the Highway and Transportation scheme of delegation in relation to Definitive Map Modification Orders (DMMO) enable Planning Committee Chairs to consider if matters do not require determination by the planning committee and can remain delegated to the relevant Strategic Director.

At Kirklees the Planning Service performance is well above all the Governments targets for planning decision making this is despite challenges with the complexity of planning. One significant area of concern however is the length of time it takes for planning decisions to be made. The main reasons for the length of time each application takes is due to the volume and complexity of the

applications. Kirklees is in the top 20 of busiest planning services in the country. The amount of time spent considering, assessing and improving planning applications to help arrive at a positive outcome, is not covered by the cost of the planning application fee and long running applications cause strain and stress for communities and applicants.

To help focus Council resources, the proposals here are to update the Scheme of Delegation so that applications are decided at Committee only where they:

- Attract significant representations from the public against the officer recommendation, or
- Have been referred by Ward Councillors to a planning committee, or
- Significant Departures from the Development Plan and cases where applicants request reduced S106 contributions will also be referred to Committee.

This will reduce by around an estimated third of current cases going needing to go to Planning Committees under the current scheme of delegation. This will help to speed up the planning process. It will also allow officer time to be redeployed to other cases and projects and save money for both the Council and applicants. It will ensure communities are active in the planning process by focusing the time needed at committee on applications which are most important to them. The new Scheme of Delegation and Committees will allow Committees to focus on the planning applications which generate significant public interest.

By reducing the volume of applications needing a planning committee decision, it is possible to reduce the number and frequency of Committees. Currently there are 3 planning committees the proposal is to have 2 planning committees:

- The Strategic Planning Committee - focus on Major Planning Applications, and
- The District Wide Planning Committee - focused on Minor and Other (Householder) Applications.

The Strategic Planning Committee (Major planning applications) and the District Wide Planning Committee (Minor and Other planning applications) will have equal status and their terms of reference (as amended) will include responsibilities for planning, highways and transportation matters.

Each new Committee would meet every 6 weeks in person.

Under the new Scheme of Delegation 2023 Ward Councillors who refer an application to committee are expected to attend in person at the meeting (or send a ward councillor colleague). By exception virtual attendance by a ward councillor who referred an application can be appropriate with the agreement of the Chair of the Committee.

There are no changes proposed to public or Councillor speaker rights at the new Planning Committees.

In relation to the changes to the Definitive Map Modification Orders (DMMO) a clause has been inserted into the Scheme of Delegation to enable the relevant

Chair of the Planning Committee to consider if the making of a DMMO can remain delegated to the Strategic Director. This will allow instances where there are no objections from interested parties or ward councillor referrals for DMMO to be decided by Officers. This will help speed up the process for DMMO's in instances where there is no need for a committee decision because there has been no public interest in the case.

3.1 Proposed new wording within the Scheme of Delegation

Below is the proposed version of the elements of the Councils constitution which would be amended to reflect the new Scheme of Delegation the new Planning Committee structures, and changes to decision making for DMMOs.

(Appendix A and Appendix F contains the text from the current Scheme of Delegation with 'tracked changes' to show all proposed amendments).

Scheme of Delegation 2023

Strategic Director Growth and Regeneration

The holder of the post of Strategic Director Growth and Regeneration shall be responsible for the strategic direction and overall management and delivery of the functions and responsibilities of the Growth and Regeneration Directorate and, without prejudice to the foregoing, shall have power to discharge the following functions and responsibilities, subject to compliance with the Constitution, FPRs, CPRs, approved policies of the Council or the Executive (as appropriate) and all legal requirements:

Planning and Development

A. Development Management, Strategic and Neighbourhood Planning and Highways Transportation

Non-Executive Functions

1. All functions and responsibilities of the Council as;

- Local Planning Authority (within the meaning of Section 1(2) Town and Country Planning Act 1990, Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Regulation 2 of the Hedgerow Regulations 1997));*
- Mineral Planning Authority (within the meaning of Section 1(4) of the Town and Country Planning Act 1990);*
- Relevant Authority (within the meaning of the Part 8 of the Anti-Social Behaviour Act 2003);*
- Hazardous Substances Authority (within the meaning of Section 1 of the Hazardous Substances Act 1990);*
- Local Housing Authority (within the meaning of Section 1 of the Housing Act 1985);*
- Acquiring Authority (within the meaning of section 7(1) of the Acquisition of Land Act 1981) relating to development management, strategic and neighbourhood planning, high hedges and hazardous substances included*

within the terms of reference of the Strategic Planning Committee (Major Planning Applications) and District Wide Planning Committee (Minor and Other Planning Applications) except:

- (1) For any Major Planning Application (Full or Outline) which receives a significant number of representations against the officers recommended decision or if a Ward Members refers a Major Planning Application to Strategic Planning Committee with the Chairs agreement or if a significant Departure from the development Plan (Local Plan 2019 or any future updates) or any reduction in S106 Planning obligations from Local Plan 2019 (or any future updates).*
- (2) Any Minor or Other Planning applications which receives a significant number of representations against the officers recommended decision or if a Ward Members refers a Minor or Other Planning Application to the District Wide Planning Committee (Minor and Other planning applications) with the Chairs agreement or if a significant Departure from the Development Plan (Local Plan 2019 or any future updates).*
- (3) Applications for the stopping up and diversion of footpaths, bridleways and restricted byways under Section 257 of the Town and Country Planning Act 1990 where;
a) any member so requests in relation to an application within their ward. The member shall specify in writing his/her reasons for making the request; or
b) there is no majority support for the proposed action by the three ward members (and for the purposes of this paragraph, the non-response of any ward member shall not be treated as opposition to any proposal).*

Scheme of Delegation 2023

Strategic Director Environment and Climate Change

The holder of the post of Strategic Director Environment and Climate Change shall be responsible for the strategic direction and overall management and delivery of the functions and responsibilities of the Environment and Climate Change Directorate and without prejudice to the foregoing, shall have power to discharge the following functions and responsibilities, subject to compliance with the Constitution, FPRs, CPRs, approved policies of the Council or the Executive (as appropriate) and all legal requirements:

A. Highways Transportation and Public Rights of Way matters Non-Executive Functions

- 1. All relevant functions and responsibilities of the Council as:
 - *Local Highway Authority (within the meaning of s.1 Highways Act 1980);*
 - *Surveying Authority (within the meaning of the Wildlife and Countryside Act 1981;*
 - *Access Authority (within the meaning of Section 1(2) of the Countryside and Rights of Way Act 2000;*
 - *Street Authority (within the meaning of Section 49 of the New Roads and Street Works Act 1991);**

- *Traffic Authority (within the meaning of Section 121A of the Road Traffic Regulation Act 1984).*

relating to highways transportation, public rights of way and highways development management included within the terms of reference of the Planning Committees.

(1) Matters are referred to the relevant Planning Committee as specified in paragraph 3 of the General Provisions and in the following cases:

i) where the delegated officer so decides:

a) with the agreement of the Chair of the relevant Planning Committee; or

b) due to the significant volume of local opinion (including through Parish/Town Councils);

ii) where the Chair of the relevant Planning Committee so requests;

iii) where any member so requests in relation to any matter within their ward. The member shall specify in writing his/her reasons for making the request;

iv) where there is no majority support for the proposed action by the three ward members (and for the purposes of this paragraph, the non-response of any ward member shall not be treated as opposition to any proposal);

v) in respect of all applications for the modification of the Definitive Map and Statement under the Wildlife & Countryside Act 1981 (or any legislation revoking or re-enacting that Act with or without modification) unless the chair of the relevant planning committee considers matters do not require determination by the planning committee and can remain delegated to the relevant Strategic Director.

3.2 Proposed new wording for Planning Committee Terms of Reference

3.2.1 Strategic Planning Committee

Below are the details for the proposed terms of reference for the Strategic Planning Committee (Major Planning Applications).

(Appendix B contains the text from the current Terms of Reference with 'tracked changes' to show all proposed amendments.).

Strategic Planning Committee (Major Planning Applications)

Membership 7 Members of the Council Including the Chairperson

Terms of Reference

Delegated authority in respect of all Planning, Development Management and Highways functions which are not by virtue of any legislation present or future, the responsibility of the Executive and are not required by legislation to be carried out in the full Council.

This includes:

Planning and Development Management

- 1. Power to determine application for planning permission.*
- 2. Power to determine applications to develop land without compliance with conditions previously attached.*
- 3. Power to grant planning permission for development already carried out.*
- 4. Power to decline to determine application for planning permission.*
- 5. Duties relating to the making of determinations of planning applications.*
- 6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.*
- 7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.*
- 8. Power to enter into agreements regulating development or use of land.*
- 9. Power to issue a certificate of existing or proposed lawful use or development.*
- 10. Power to serve a completion notice.*
- 11. Power to grant consent for the display of advertisements.*
- 12. Power to authorise entry onto land.*
- 13. Power to require the discontinuance of a use of land.*
- 14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice Revised April 2023*
- 15. Power to issue an enforcement notice.*
- 16. Power to apply for an injunction restraining a breach of planning control.*
- 17. Power to determine applications for hazardous substances consent, and related powers.*
- 18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.*
- 19. Power to require proper maintenance of land.*

20. *Power to determine application for listed building consent, and related powers.*
21. *Duties relating to applications for listed building consent*
22. *Power to serve a building preservation notice, and related powers.*
23. *Power to issue an enforcement notice in relation to demolition of listed building in conservation area.*
24. *Powers to acquire a listed building in need of repair and to serve a repairs notice.*
25. *Power to apply for an injunction in relation to a listed building.*
26. *Power to execute urgent works.*
27. *Powers relating to the protection of important hedgerows.*
28. *Powers relating to the preservation of trees.*
29. *Powers relating to complaints about high hedges.*

Additional Notes and Interpretation – Strategic Planning Committee

1. The Strategic Planning Committee (Major Planning Applications) will generally only deal with full and outline planning applications for Major development proposals as set out in the Scheme of Delegation 2023. All Major Planning Applications are delegated decisions unless the relevant Chair considers otherwise or ward members exercise their right of referral with the Chairs agreement or if significant representations against the Officers recommended decision are received or if the application is a significant Departure from the Development Plan (Local Plan 2019 or any future updates). Any reduction in S106 obligations from Local Plan 2019 (or any future updates) requirements will also be reported to Strategic Planning Committee for determination.

2. Ward Members’ rights to refer planning applications to the District Wide Planning Committee (Minor and Other planning applications) remain unaffected (subject to the Chair’s confirmation that the reasons are valid).

3. Ward members’ rights to refer Planning Applications either to the Strategic Planning Committee (Major Planning Applications) or the District Wide Planning Committee (Minor and Other planning applications) for determination will not, in the normal course of events, extend to discharges of planning conditions or applications under section 96A of the Town and Country Planning Act 1990 (non-material amendments to planning permissions). The reason for this is that the statutory timescales within which decisions relating to these submissions must be made by the LPA are too short to allow for Committee determinations. Officers will continue to notify relevant ward members of such applications through the ‘weekly lists’ and will take into account comments made before making their final decisions.

4. It is good practise to carry out site visits for planning applications. Site visits will be carried out upon planning application at a Committee unless discretion is exercised. The chair in consultation with officers will decide whether to exercise this discretion.

Highways and Transportation

1. *Power to permit deposit of builder’s skip on highway.*
2. *Power to license planting, retention, and maintenance of trees, etc. in part of highway.*
3. *Power to authorise erection of stiles, etc. on footpaths or bridleways.*
4. *Power to license works in relation to buildings, etc. which obstruct the highway.*

5. *Power to consent to temporary deposits or excavations in streets.*
6. *Power to dispense with obligation to erect hoarding or fence.*
7. *Power to restrict the placing of rails, beams, etc. over highways.*
8. *Power to consent to construction of cellars, etc. under street.*
9. *Power to consent to the making of openings into cellars, etc. under streets, and pavement lights, and ventilators.*
10. *Power to create footpath, bridleway or restricted byway by agreement.*
11. *Power to create footpaths, bridleways or restricted byways*
12. *Duty to keep register of information with respect to maps, statements, and declarations.*
13. *Power to stop up footpaths, bridleways or restricted byways*
14. *Power to determine application for public path extinguishment order.*
15. *Power to make a rail crossing extinguishment order.*
16. *Power to make a special extinguishment order.*
17. *Power to divert footpaths, bridleways or restricted byways*
18. *Power to make a public path diversion order.*
19. *Power to make a rail crossing diversion order.*
20. *Power to make a special diversion order.*
21. *Power to require applicant for order to enter into agreement.*
22. *Power to make an SSSI diversion order.*

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23. *Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.*
24. *Power to decline to determine certain applications.*
25. *Duty to assert and protect the rights of the public to use and enjoyment of highways.*
26. *Duty to serve notice of proposed action in relation to obstruction.*
27. *Power to apply for variation of order under section 130B of the Highways Act 1980.*
28. *Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.*
29. *Power temporarily to divert footpath, bridleway or restricted byway*
30. *Functions relating to the making good of damage and the removal of obstructions.*
31. *Powers relating to the removal of things so deposited on highways as to be a nuisance.*
32. *Power to extinguish certain public rights of way.*
33. *Duty to keep definitive map and statement under review.*
34. *Power to include modifications in other orders.*
35. *Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.*
36. *Power to prepare map and statement by way of consolidation of definitive map and statement.*
37. *Power to designate footpath as cycle track.*
38. *Power to extinguish public right of way over land acquired for clearance.*
39. *Power to authorise stopping-up or diversion of highway (including Section 247 of the Town & Country Planning Act 1990).*
40. *Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway*
41. *Power to extinguish public rights of way over land held for planning purposes.*

42. Power to enter into agreements with respect to means of access.

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43. Power to provide access in absence of agreement.

44. Power to grant a street works licence.

45. Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highways and related powers.

46. Duty to publish notice in respect of proposals to grant such permission under Section 115E of the Highways Act 1980.

3.2.2 Proposed District-wide Planning Committee

Below are the details for the proposed District Wide Planning Committee.

The Sub Planning Committees (Heavy Woollen and Huddersfield) will both be deleted in full, from the Terms of Reference. A District Wide Planning Committee (Minor and Other planning applications) will replace the Sub Planning Committees.

The Strategic Planning Committee (Major planning applications) and the District Wide Planning Committee (Minor and Other planning applications) will have equal status, and their terms of reference (as amended) will include responsibilities for planning, highways and transportation matters.

(Appendix B contains the text from the current Terms of Reference with 'tracked changes' to show all proposed amendments. This includes the addition of Highways and Transportation responsibilities identical to those held by the Strategic Planning Committee (Major Planning Applications).

District Wide Planning Committee (Minor and Other planning applications)

Membership will be 9 Members of the Council including the Chairperson.

Terms of Reference

Delegated authority in respect of all Planning, Development Management and Highways functions which are not by virtue of any legislation present or future, the responsibility of the Executive and are not required by legislation to be carried out in the full Council.

This includes:

Planning and Development Management

- 1. Power to determine application for planning permission.*
- 2. Power to determine applications to develop land without compliance with conditions previously attached.*
- 3. Power to grant planning permission for development already carried out.*
- 4. Power to decline to determine application for planning permission.*
- 5. Duties relating to the making of determinations of planning applications.*
- 6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.*

7. *Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.*
8. *Power to enter into agreements regulating development or use of land.*
9. *Power to issue a certificate of existing or proposed lawful use or development.*
10. *Power to serve a completion notice.*
11. *Power to grant consent for the display of advertisements.*
12. *Power to authorise entry onto land.*
13. *Power to require the discontinuance of a use of land.*
14. *Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice Revised April 2023*
15. *Power to issue an enforcement notice.*
16. *Power to apply for an injunction restraining a breach of planning control.*
17. *Power to determine applications for hazardous substances consent, and related powers.*
18. *Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.*
19. *Power to require proper maintenance of land.*
20. *Power to determine application for listed building consent, and related powers.*
21. *Duties relating to applications for listed building consent*
22. *Power to serve a building preservation notice, and related powers.*
23. *Power to issue an enforcement notice in relation to demolition of listed building in conservation area.*
24. *Powers to acquire a listed building in need of repair and to serve a repairs notice.*
25. *Power to apply for an injunction in relation to a listed building.*
26. *Power to execute urgent works.*
27. *Powers relating to the protection of important hedgerows.*
28. *Powers relating to the preservation of trees.*

Additional Notes and Interpretation – District Wide Planning Committee

1. *The District Wide Planning Committee (Minor and Other planning applications) will generally only determine Full and Outline planning applications for Minor and Other scale development proposals set out in the Scheme of Delegation 2023.*
2. *All Minor and Other planning applications are delegated decisions unless the relevant Chair considers otherwise or ward members exercise their right of referral with the Chairs agreement or if significant representations against the Officers recommended decision are received or if the application is a significant Departure from the Development Plan (Local Plan 2019 or any future updates).*

Highways and Transportation

1. *Power to permit deposit of builder's skip on highway.*
2. *Power to license planting, retention, and maintenance of trees, etc. in part of highway.*
3. *Power to authorise erection of stiles, etc. on footpaths or bridleways.*
4. *Power to license works in relation to buildings, etc. which obstruct the highway.*
5. *Power to consent to temporary deposits or excavations in streets.*
6. *Power to dispense with obligation to erect hoarding or fence.*
7. *Power to restrict the placing of rails, beams, etc. over highways.*

8. *Power to consent to construction of cellars, etc. under street.*
9. *Power to consent to the making of openings into cellars, etc. under streets, and pavement lights, and ventilators.*
10. *Power to create footpath, bridleway or restricted byway by agreement.*
11. *Power to create footpaths, bridleways or restricted byways*
12. *Duty to keep register of information with respect to maps, statements, and declarations.*
13. *Power to stop up footpaths, bridleways or restricted byways*
14. *Power to determine application for public path extinguishment order.*
15. *Power to make a rail crossing extinguishment order.*
16. *Power to make a special extinguishment order.*
17. *Power to divert footpaths, bridleways or restricted byways*
18. *Power to make a public path diversion order.*
19. *Power to make a rail crossing diversion order.*
20. *Power to make a special diversion order.*
21. *Power to require applicant for order to enter into agreement.*
22. *Power to make an SSSI diversion order.*

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23. *Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.*
24. *Power to decline to determine certain applications.*
25. *Duty to assert and protect the rights of the public to use and enjoyment of highways.*
26. *Duty to serve notice of proposed action in relation to obstruction.*
27. *Power to apply for variation of order under section 130B of the Highways Act 1980.*
28. *Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.*
29. *Power temporarily to divert footpath, bridleway or restricted byway*
30. *Functions relating to the making good of damage and the removal of obstructions.*
31. *Powers relating to the removal of things so deposited on highways as to be a nuisance.*
32. *Power to extinguish certain public rights of way.*
33. *Duty to keep definitive map and statement under review.*
34. *Power to include modifications in other orders.*
35. *Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.*
36. *Power to prepare map and statement by way of consolidation of definitive map and statement.*
37. *Power to designate footpath as cycle track.*
38. *Power to extinguish public right of way over land acquired for clearance.*
39. *Power to authorise stopping-up or diversion of highway (including Section 247 of the Town & Country Planning Act 1990).*
40. *Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway*
41. *Power to extinguish public rights of way over land held for planning purposes.*
42. *Power to enter into agreements with respect to means of access.*

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43. *Power to provide access in absence of agreement.*

- 44. *Power to grant a street works licence.*
- 45. *Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highways and related powers.*
- 46. *Duty to publish notice in respect of proposals to grant such permission under Section 115E of the Highways Act 1980.*

3.2.3 Other proposed changes to the Constitution and associated Planning Protocols. There are a number of references in the Councils constitution to Sub Committees. As the proposals in the report are to disestablish Sub Committees the relevant parts of the Constitution will require updating. It is recommended that any references to the previous scheme of delegation and Strategic and Sub Committees shall be updated.

The Protocols for the Planning Committees and Sub Committees (including Protocols for Public Speaking) will also require amending to reflect the changes proposed in this report. The relevant pages are appended to this report with track changes highlighting the new and deleted sections.

See Appendix C for proposed changes to Protocols for Planning Committees

4. Implications for the Council

4.1 Working with People

The changes proposed will help save time and money for all parties involved in the planning process. Speeding up planning decision making helps improve outcomes. There are no changes to the roles of the community in the planning process. The 3 main groups of the Council's political parties have helpfully provided input and ideas to shape these reforms.

4.2 Working with Partners

Speeding up the planning process, will help Partners deliver housing and employment developments and make Kirklees a more attractive place to invest and do business. Less throughput of applications in the committee system will help technical and statutory consultees who sometimes prepare for and attend committees.

4.3 Place Based Working

There are no changes to Place based working. The Council will have less requirements on its facilities as a result of having few committee meetings to service and attend.

4.4 Climate Change and Air Quality

Any improvements to the speed and effectiveness of the planning system can help contribute to our goal of Net Zero by 2038 and new developments can help tackle air quality through good quality decision making and designs being approved.

4.5 Improving outcomes for children

Helping speed up the planning process can help provide better quality accommodation for children in terms of housing and education facilities and enhance our existing good parks and recreation spaces.

4.6 Financial Implications for the people living or working in Kirklees

Speeding up the planning process will save a modest amount of money by not having to prepare for and service 3 planning committees. This will allow officers to be redeployed to other case work and projects.

4.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

An IIA has been undertaken on the planning reforms specified. There is no requirement to complete a stage 2 assessment. Benefits have been identified in speeding up the planning process to parties wanting to undertake new developments.

5. Consultation

The 3 main political groups have been briefed on the planning reforms proposals at their Group meetings. In addition, informal briefings with the Chair of Overview and Scrutiny and the 3 existing Planning Chairs was undertaken. Feedback was helpful in shaping the final recommendations in this report. Cabinet Members, the Leader and the Councils Executive Team have all been engaged throughout the discussions on the options for reform and the recommendations contained within this report.

6. Engagement

Should the reforms be supported and approved by Full Council later this year, communication with regular customers of the planning service and our communities will take place advising on the changes to decision making and when they will come into effect.

7. Next steps and timelines

Transitional arrangements will be implemented following a Full Council decision on the proposed new Scheme of Delegation and the 2 planning committee system. An overview of the next steps and timeline for these arrangements is shown in the table below (with more detail provided in the following paragraphs)

Date	Activity
13 September 23 (Anticipated date)	Report submitted to Full Council
10 November 2023	New Scheme of Delegation 2023 in place
	Revised name and terms of reference in place for Strategic Planning Committee
10 Nov 23 to 9 Feb 2024	Revision to Terms of Reference for existing Sub-Planning Committees (To include reference to new Scheme of Delegation 2023)
9 Feb 2024	Planning Sub-committees disestablished
	New District-wide planning committee established
	Revised Planning Protocol in place (Implementing changes to member referral process)

Currently a working group is evaluating what is required in back-office functions and for the applicants and wider public to implement the reforms. Communication with interested parties will take place throughout Autumn and Winter 2023/4 to inform people about the changes to planning decision making. The aim is to implement the reforms (if approved by Full Council) as quickly as practical post decision of Full Council.

The Scheme of Delegation 2023 will be implemented from 10 November 2023. All planning applications will be decided by the 2023 Scheme of Delegation from this date onwards. Applications which require a decision by one of the current three Planning Committees will be referred to either the Strategic Planning Committee (Major Planning Applications) or one of the appropriate Planning Sub Committees (Heavy Woollen and Huddersfield) until 9 February 2024.

From 9 February 2024 the two Sub Planning Committees will be de-established. The District Wide Planning Committee (Minor and Other Planning Applications) will come into operation from 9 February 2024.

Planning Applications will then be referred to the 2 Committee system (Strategic Planning Committee – Major Planning Applications) and (District Wide Planning Committee- Minor and Other Planning Applications) from 2024 onwards in accordance with the Scheme of Delegation 2023. Both Committees will meet in Huddersfield Town Hall.

Dates for planning committee meetings will be confirmed but it is envisaged they will continue to be held on Thursdays, starting at 1pm with site visits carried out on the same morning before the committee meeting.

8. Officer recommendations and reasons

Officers recommend that the changes to the Scheme of Delegation and the introduction of a 2 planning committee system are taken forward for approval by Full Council and implemented thereafter.

8.1 Specifically, Committee is recommended to approve and recommend Full Council approve the following:

- a) Approve the Scheme of Delegation to the Strategic Director Growth and Regeneration set out at Appendix A to take affect from Friday 10 November 2023.
- b) Approve the Scheme of Delegation to Strategic Director Environment and Climate Change set out at Appendix F to take affect from Friday 10 November 2023
- c) Approve the renaming of Strategic Planning committee as Strategic Planning Committee (Major Planning Applications), and revised Terms of Reference for the Strategic Planning committee set out in Appendix B from Friday 10 November 2023.
- d) To note that the membership and composition of the renamed Strategic Planning Committee remains the same (namely 7 including Chairperson).
- d) Approve a revised Terms of Reference for the existing two planning sub-planning committees (Heavy Woollen and Huddersfield) from Friday 10 November 2023 to Friday 9 February 2024 as set out in Appendix C
- e) Approve the disestablishment both Heavy Woollen Planning Sub-committee and Huddersfield Planning Sub-Committee from Friday 9 February 2024
- f) Approve the establishment a new planning committee and their Terms of Reference at Appendix D - namely the District Wide Planning Committee (Minor & other planning applications). To be implemented on Friday 9 February 2024
- g) Approve the composition of the District Wide Planning Committee (Minor and Other Planning Applications) set out at Appendix B of this report to come into effect from 9 February 2024. Namely:
 - o District Wide Planning Committee - 9 members of the Council including Chairperson (5:3:1)
- h) A delegation to Group Business Managers to nominate membership of the District Wide Planning Committee (Minor and Other Planning Applications) which comes into effect 9 February 2024.
- i) A delegation to the Service Director Legal, Governance and Commissioning to make consequential changes to the Constitution (including Scheme of Delegation at Appendix A and Appendix F, Strategic Planning Committee (Major planning applications) Terms of Reference at Appendix B, and revised Terms of Reference for Heavy Woollen and Huddersfield Planning Sub-Committees at Appendix C) as set out in this report to implement the recommendations to this committee and full Council in relation to this report. To come into effect 10 November 2023.

- j) A delegation to the Service Director Legal, Governance and Commissioning to make consequential changes to the Constitution (including Dis-establishment of the Heavy Woollen and Huddersfield Sub-Planning Committees, establishment of the District-Wide Planning Committee (Minor and Other planning applications) at Appendix A, D and F, and Protocols for Planning Committee at Appendix E) as set out in this report to implement the recommendations to this committee and full Council in relation to this report. To come into effect from 9 February 2024.

8.2 This will save money for all parties involved and enable the focus of Committee and Member time on application which are most important to local communities.

9. Cabinet Portfolio Holder's recommendations

Cllr Graham Turner supports the recommendations.

10. Contact officer

Mathias Franklin – Head of Planning and Development

11. Background Papers and History of Decisions

Existing Scheme of Delegation and Terms of Reference for the Constitution

12. Service Director responsible

Edward Highfield- Service Director for Growth and Regeneration

Appendix A – Changes to Scheme of Delegation (Strategic Director Growth and Regeneration)

Proposed changes shown as tracked changes (in coloured text) below:

Scheme of Delegation 2023

Strategic Director Growth and Regeneration

The holder of the post of Strategic Director Growth and Regeneration shall be responsible for the strategic direction and overall management and delivery of the functions and responsibilities of the Growth and Regeneration Directorate and, without prejudice to the foregoing, shall have power to discharge the following functions and responsibilities, subject to compliance with the Constitution, FPRs, CPRs, approved policies of the Council or the Executive (as appropriate) and all legal requirements:

Investment and Regeneration

A. Development Management, Strategic and Neighbourhood Planning and Highways Transportation

Non-Executive Functions

1. All functions and responsibilities of the Council as:

- Local Planning Authority (within the meaning of Section 1(2) Town and Country Planning Act 1990, Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Regulation 2 of the Hedgerow Regulations 1997);
- Mineral Planning Authority (within the meaning of Section 1(4) of the Town and Country Planning Act 1990);
- Relevant Authority (within the meaning of the Part 8 of the Anti-Social Behaviour Act 2003);
- Hazardous Substances Authority (within the meaning of Section 1 of the Hazardous Substances Act 1990);
- Local Housing Authority (within the meaning of Section 1 of the Housing Act 1985);
- Acquiring Authority (within the meaning of section 7(1) of the Acquisition of Land Act 1981)

relating to development management, strategic and neighbourhood planning, high hedges and hazardous substances included within the terms of reference of the Strategic Planning Committee (Major Applications) and District Wide Planning Committee (Minor and Other Applications) except:

- (1) For any Major Planning Application (Full or Outline) which receives a significant number of representations against the officers recommended decision or if a Ward Members refers a Major Planning Application to Strategic Planning Committee with the Chairs agreement or if a significant Departure from the development Plan (Local Plan 2019 or any future updates) or any reduction in S106 Planning obligations from Local Plan 2019 (or any future updates).
- (2) Any Minor or Other Planning applications which receives a significant number of representations against the officers recommended decision or if a Ward Members refers a Minor or Other Planning Application to the district Wide Planning Committee

(Minor and Other applications) with the Chairs agreement or if a significant Departure from the Development Plan (Local Plan 2019 or any future updates).

(1) The determination of planning applications for full or outline planning permission which are specifically reserved to the Strategic Planning Committee, namely:

a) Planning applications where the proposed decision will be contrary to any saved policy of the Unitary Development Plan save for;

i) Planning applications involving the development of no more than 60 residential units where the proposed decision will only be contrary to saved Policy D5.

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b) Planning applications that straddle administrative boundaries¹

;

c) Planning applications that straddle Planning Area Sub-Committee boundaries²

;

d) Planning applications for residential developments exceeding 60 units;

e) Non-residential planning applications (including employment, leisure and education development) where the application site boundary exceeds 0.5 hectares³

;

f) Planning applications for wind turbines which involve the generation of more than 1MW collectively;

g) Other energy production planning applications exceeding 5MW or where the application site boundary exceeds 1 hectare;

h) Planning applications for major infrastructure proposals;

i) Planning applications for new minerals sites or physical extensions to existing minerals workings where the area to be developed exceeds 0.5 hectares;

j) Planning applications for retail developments exceeding 1250 square metres gross in floor space which officers are proposing to approve;

k) Planning applications for gypsy/traveller sites;

l) Any other planning applications that are considered appropriate for referral to the Strategic Planning Committee by the Strategic Director Growth and Regeneration in consultation with the Chair of the relevant Area Sub-Committee e.g. planning applications for residential development which will significantly increase the size of an individual settlement;

m) Planning applications for exploration, appraisal and production of oil and gas resources by fracking;

n) Planning applications for the disposal of special hazardous wastes where the application site boundary exceeds 0.5 hectares;

o) Planning application for mixed-use developments that include more

¹ Unless the Strategic Director Growth and Regeneration in consultation with the Chair of the

Strategic Planning Committee determines that it would be more appropriate for the planning application to be decided by the relevant Area Sub-Committee

2-Unless the Strategic Director Growth and Infrastructure in consultation with the Chair of the Strategic Planning Committee determines that it would be more appropriate for the planning application to be decided by the relevant Area Sub-Committee

3-As above

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than 50 residential units and employment, leisure and/or nonresidential development where the application site boundary exceeds 0.5 hectares;

p) Matters that fall to be considered by the relevant Planning Area SubCommittee as specified in paragraph 3 of the General Provisions and in the following cases:

i) planning applications for residential development where the area to be developed is in exceeds 0.5 hectares but propose fewer than 61 units;

ii) planning applications for retail development in excess of 750 sq metres gross floor area which officers are proposing to approve;

iii) if the delegated officer so decides:

a) with the agreement of the Chair of the relevant SubCommittee; or

b) due to the significant volume of local opinion;

iv) where any ward member so requests in relation to any planning application or submission⁴ within their ward and the Chair of the relevant Sub-Committee has confirmed that the ward member's reasons for making the request are valid having regard to the requirements of the Councillors' Protocol for Planning Committees and Sub-Committees; and

v) where any member for the wards of Almondbury, Ashbrow, Colne Valley, Crosland Moor and Netherton, Dalton, Denby Dale, Golcar, Greenhead, Holme Valley North, Holme Valley South, Kirkburton, Lindley and Newsome so requests with regard to any application/submission⁵

for development falling wholly or substantially within Huddersfield Town Centre and the Chair of the relevant sub-committee has confirmed that the ward member's reasons for making the request are valid having regard to the Councillor's Protocol for Planning Committees and Sub-Committees and that the application / submission does relate to development falling wholly or substantially within Huddersfield Town Centre.

(Ward members are required to specify in writing their reasons
4,5

"Submission" means:

- ▲ applications for approval of reserved matters relating to extant outline planning permissions that were not determined by the Strategic Planning Committee
 - ▲ applications under s73 TCPA 1990 relating to extant permissions that were not determined by the Strategic Planning Committee
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- for making the request which shall reasonably relate to some aspect of the site or the development. The reason will be incorporated in full in the Sub-Committee report)
- vi) applications for listed building consent involving the partial or total demolition of Grade I or Grade II* listed buildings;
 - vii) the serving of building preservation notices under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in non-urgent cases;
 - viii) planning applications for the disposal of special hazardous wastes on sites up to and including 0.5 hectares;
 - ix) applications to court for an injunction to restrain:-
 - a) any actual or apprehended breach of planning control;
 - b) any actual or apprehended offence under the Hedgerow Regulations 1997;
 - c) any actual or apprehended offence under Sections 210 or 211 of the Town and Country Planning Act 1990;
 - d) any actual or apprehended contravention of Section 9(1) or (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990;
 in non-urgent cases where action does not need to be instigated in advance of the next scheduled Sub-Committee.
 - x) 3) applications for the stopping up and diversion of footpaths, bridleways and restricted byways under Section 257 of the Town and Country Planning Act 1990 where:
 - a) any member so requests in relation to an application within their ward. The member shall specify in writing his/her reasons for making the request; or
 - b) there is no majority support for the proposed action by the three ward members (and for the purposes of this paragraph, the non-response of any ward member shall not be treated as opposition to any proposal).
 - xi) the revocation of certificates of lawfulness of existing use or development and certificates of lawfulness of proposed use or development;
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- xii) all applications submitted by or on behalf of any elected member of the Council (in their personal capacity) or any member of their family;
 - xiii) all applications submitted by or on behalf of any member of staff (in their personal capacity) who works for the Investment and Regeneration Service and any member of their family;
 - xiv) all applications submitted by or on behalf of the Chief Executive, any member of the Directors Group or Management

Board or any Head of Service or Senior Manager (in their personal capacity) or any member of their family.

q) The determination of all submissions⁶

(relating to extant outline or

full planning permissions that were originally considered by the Strategic Planning Committee) where the following circumstances apply:

i) if the delegated officer so decides:

a) with the agreement of the Chair of the Strategic Planning Committee; or

b) due to the significant volume of local opinion

ii) where any ward member so requests in relation to any submission within their ward and the Chair of the Strategic Planning Committee has confirmed that the ward member's reasons for making the request are valid having regard to the requirements of the Councillors' Protocol for Planning Committees and Sub-Committees;

Without prejudice to the generality of the above, but subject to the specific exceptions set out in (1), (2) and (3) above, such functions and responsibilities referred to in A1 above include but are not limited to:

(a) Determination of applications under section 73 of the Town and Country Planning Act 1990;

(b) Determination of applications under section 96A of the Town and Country Planning Act 1990;

(c) Determination of the applications/submissions to discharge planning conditions on all planning permissions and reserved matters approvals;

(d) Determination of all applications for the approval of reserved matters;

6

"submission" means applications for approval of reserved matters and applications under s73-TCPA

1990

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(e) Determination of planning applications to modify elements of approved developments that benefit from extant planning permissions (e.g. modified house types, minor layout changes).

Executive Functions

2. All relevant functions and responsibilities of the Council as:

▲ Local Planning Authority (within the meaning of Section 1(2) Town and Country Planning Act 1990, Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 2 of the Hedgerow Regulations 1997);

▲ Mineral Planning Authority (within the meaning of Section 1(4) of the Town and Country Planning Act 1990);

▲ Relevant Authority (within the meaning of Part 8 of the Anti-Social Behaviour Act 2003);

▲ Hazardous Substances Authority (within the meaning of Section 1 of the Hazardous Substances Act 1990).

▲ Local Housing Authority (within the meaning of Section 1 of the Housing Act 1985);

▲ Acquiring Authority (within the meaning of section 7(1) of the Acquisition of Land Act 1981) relating to development management, strategic and neighbourhood planning, high hedges and hazardous substances not included within the terms of reference of the Strategic Planning Committee, and not by virtue of any legislation present or future prevented from being the responsibility of the Executive or required by legislation to be carried out by full Council, together with any local choice functions set out within Section A of this Part that have been allocated to the Executive subject to the exceptions that:

Matters are referred to the Executive in the following cases:

(i) As specified in paragraph 3 of the General Provisions above.

Without prejudice to the generality of the above such functions and responsibilities referred to in A2 above include but are not limited to:

a) To prepare and publish for consultation the Local Transport Plan.

In relation to Part 6 Chapter 3 and Schedule 9, 10, 11, 12 of the Localism Act 2011 to:

a) Advice and assistance to applicants;

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b) Recommendations to the Neighbourhoods Committee as to the designation of forums and areas;

c) Receive and respond to the consultation;

d) Check compliance with procedures, all relevant legislation and conformity with plans;

e) Undertaking publicity;

f) Determining content of representation at examination.

Appendix B – Changes to Strategic Planning Committee Terms of Reference

Proposed changes shown as tracked changes (in green text) below:

Strategic Planning Committee (Major Planning Applications)

Membership

7 Members of the Council Including the Chairperson (3:2:1) (4:2:1)

Terms of Reference

Delegated authority in respect of all Planning, Development Management and Highways functions which are not by virtue of any legislation present or future, the responsibility of the Executive and are not required by legislation to be carried out in the full Council.

This includes:

Planning and Development Management

1. Power to determine application for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning applications.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreements regulating development or use of land.
9. Power to issue a certificate of existing or proposed lawful use or development.
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice Revised April 2023
15. Power to issue an enforcement notice.
16. Power to apply for an injunction restraining a breach of planning control.
17. Power to determine applications for hazardous substances consent, and related powers.
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
19. Power to require proper maintenance of land.
20. Power to determine application for listed building consent, and related powers.
21. Duties relating to application for listed building consent
22. Power to serve a building preservation notice, and related powers.
23. Power to issue an enforcement notice in relation to demolition of listed building in conservation area.
24. Powers to acquire a listed building in need of repair and to serve a repairs notice.
25. Power to apply for an injunction in relation to a listed building.
26. Power to execute urgent works.
27. Powers relating to the protection of important hedgerows.

28. Powers relating to the preservation of trees.
29. Powers relating to complaints about high hedges.

Additional Notes and Interpretation – Strategic Planning Committee

1. The Strategic Planning Committee (Major Planning Applications) will generally only deal with full and outline planning applications for Major development proposals ~~falling within the 16 categories of development specifically reserved to that Committee as set out in the Scheme of Delegation 2023. All Major Planning Applications are delegated decisions Applications for approval of reserved matters and variations of conditions will be determined by officers~~ unless the relevant Chair considers otherwise or ward members exercise their right of referral with the Chairs agreement or if significant representations against the Officers recommended decision are received or if the application is a significant Departure from the Development Plan (Local Plan 2019 or any future updates). Any reduction in S106 obligations from Local Plan 2019 (or any future updates) requirements will also be reported to Strategic Planning Committee for determination.

2. ~~All planning applications that straddle administrative boundaries or Area SubCommittee boundaries will be determined by the Strategic Planning Committee except where the Strategic Director for the Economy and Infrastructure in consultation with the Chair of that Committee considered that it would be more Revised April 2023 appropriate for such applications to be decided by the relevant Area SubCommittee.~~

3. Ward Members' rights to refer planning applications/submissions to the District Wide relevant Area Planning Sub-Committee (Minor and Other planning applications) remain unaffected (subject to the Chair's confirmation that the reasons are -valid). ~~A right for ward members to refer applications/submissions relating to permissions that were originally determined by the Strategic Planning Committee to that committee for determination is also available.~~

4. Ward members' rights to refer Planning Applications submissions either to the Strategic Planning Committee (Major Planning Applications) or the Area District Wide Planning Sub-Committee (Minor and Other planning applications) for determination will not, in the normal course of events, extend to discharges of planning conditions or applications under section 96A of the Town and Country Planning Act 1990 (non-material amendments to planning permissions). The reason for this is that the statutory timescales within which decisions relating to these submissions must be made by the LPA are too short to allow for Committee/Sub-Committee determinations. Officers will continue to notify relevant ward members of such submissions-applications through the 'weekly lists' and will take into account comments made before making their final decisions.

5. It is good practise to carry out site visits for planning applications. Site visits will be carried out upon ~~major~~ planning application at a Committee unless discretion is exercised. The chair in consultation with officers will decide whether to exercise this discretion.

Highways and Transportation

1. Power to permit deposit of builder's skip on highway.
2. Power to license planting, retention, and maintenance of trees, etc. in part of highway.
3. Power to authorise erection of stiles, etc. on footpaths or bridleways.
4. Power to license works in relation to buildings, etc. which obstruct the highway.
5. Power to consent to temporary deposits or excavations in streets.
6. Power to dispense with obligation to erect hoarding or fence.
7. Power to restrict the placing of rails, beams, etc. over highways.
8. Power to consent to construction of cellars, etc. under street.
9. Power to consent to the making of openings into cellars, etc. under streets, and pavement lights, and ventilators.
10. Power to create footpath, [bridleway](#) or restricted byway by agreement.
11. Power to create footpaths, [bridleways](#) or restricted byways
12. Duty to keep register of information with respect to maps, statements, and declarations.
13. Power to stop up footpaths, [bridleways](#) or restricted byways
14. Power to determine application for public path extinguishment order.
15. Power to make a rail crossing extinguishment order.
16. Power to make a special extinguishment order.
17. Power to divert footpaths, [bridleways](#) or restricted byways
18. Power to make a public path diversion order.
19. Power to make a rail crossing diversion order.
20. Power to make a special diversion order.
21. Power to require applicant for order to enter into agreement.
22. Power to make an SSSI diversion order.

Revised April 2023

23. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
24. Power to decline to determine certain applications.
25. Duty to assert and protect the rights of the public to use and enjoyment of highways.
26. Duty to serve notice of proposed action in relation to obstruction.
27. Power to apply for variation of order under section 130B of the Highways Act 1980.
28. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.
29. Power temporarily to divert footpath, [bridleway](#) or restricted byway
30. Functions relating to the making good of damage and the removal of obstructions.
31. Powers relating to the removal of things so deposited on highways as to be a nuisance.
32. Power to extinguish certain public rights of way.
33. Duty to keep definitive map and statement under review.
34. Power to include modifications in other orders.
35. Duty to keep register of prescribed information with respect to applications

under section 53(5) of the Wildlife and Countryside Act 1981.

36. Power to prepare map and statement by way of consolidation of definitive map and statement.

37. Power to designate footpath as cycle track.

38. Power to extinguish public right of way over land acquired for clearance.

39. Power to authorise stopping-up or diversion of highway (including Section 247 of the Town & Country Planning Act 1990).

40. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway

41. Power to extinguish public rights of way over land held for planning purposes.

42. Power to enter into agreements with respect to means of access.

Revised April 2023

43. Power to provide access in absence of agreement.

44. Power to grant a street works licence.

45. Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highways and related powers.

46. Duty to publish notice in respect of proposals to grant such permission under Section 115E of the Highways Act 1980.

Appendix C – Changes to Planning Sub- Committees Terms of Reference – for the period 10 November 2023 to 9 Feb 2024

Proposed changes shown as tracked changes below:

Planning (Heavy Woollen) Area Sub Committee Planning (Huddersfield) Area Sub Committee (Sub-committees of the Strategic Planning Committee)

Membership

15 Members of the Council

Terms of Reference

Delegated authority in respect of all Planning, Development Management and Highways functions which are not by virtue of any legislation present or future, the responsibility of the Executive and are not required by legislation to be carried out in the full Council.

This includes:

Planning and Development Management

1. Power to determine application for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning applications.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreements regulating development or use of land.
9. Power to issue a certificate of existing or proposed lawful use or development.
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice Revised April 2023
15. Power to issue an enforcement notice.
16. Power to apply for an injunction restraining a breach of planning control.
17. Power to determine applications for hazardous substances consent, and related powers.
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
19. Power to require proper maintenance of land.
20. Power to determine application for listed building consent, and related powers.
21. Duties relating to applications for listed building consent

22. Power to serve a building preservation notice, and related powers.
23. Power to issue an enforcement notice in relation to demolition of listed building in conservation area.
24. Powers to acquire a listed building in need of repair and to serve a repairs notice.
25. Power to apply for an injunction in relation to a listed building.
26. Power to execute urgent works.
27. Powers relating to the protection of important hedgerows.
28. Powers relating to the preservation of trees.

Additional Notes and Interpretation – District Wide Planning Committee

1. The Planning Sub-Committees (Heavy Woollen and Huddersfield) will generally only determine Full and Outline planning applications for Minor and Other scale development proposals set out in the Scheme of Delegation 2023.
 2. All Minor and Other planning applications are delegated decisions unless the relevant Chair considers otherwise or ward members exercise their right of referral with the Chairs agreement or if significant representations against the Officers recommended decision are received or if the application is a significant Departure from the Development Plan (Local Plan 2019 or any future updates).
-
- 2 Those matters that fall within the scheme of delegation of the Strategic Director for Economy and Infrastructure.

Appendix D – New District-Wide Planning Committee Terms of Reference

Proposed changes shown as tracked changes (coloured text) below:

District Wide Planning Committee (Minor and Other **planning** applications)

Membership

9 Members of the Council including the Chairperson. (5:3:1)

Terms of Reference

Delegated authority in respect of all Planning, Development Management and Highways functions which are not by virtue of any legislation present or future, the responsibility of the Executive and are not required by legislation to be carried out in the full Council.

This includes:

Planning and Development Management

1. Power to determine application for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning applications.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreements regulating development or use of land.
9. Power to issue a certificate of existing or proposed lawful use or development.
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice Revised April 2023
15. Power to issue an enforcement notice.
16. Power to apply for an injunction restraining a breach of planning control.
17. Power to determine applications for hazardous substances consent, and related powers.
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
19. Power to require proper maintenance of land.
20. Power to determine application for listed building consent, and related powers.
21. Duties relating to applications for listed building consent
22. Power to serve a building preservation notice, and related powers.
23. Power to issue an enforcement notice in relation to demolition of listed building in conservation area.
24. Powers to acquire a listed building in need of repair and to serve a repairs notice.
25. Power to apply for an injunction in relation to a listed building.
26. Power to execute urgent works.

27. Powers relating to the protection of important hedgerows.

28. Powers relating to the preservation of trees.

Additional Notes and Interpretation – District Wide Planning Committee

1. The District Wide Planning Committee (Minor and Other applications) will generally only determine Full and Outline planning applications for Minor and Other scale development proposals set out in the Scheme of Delegation 2023.
2. All Minor and Other planning applications are delegated decisions unless the relevant Chair considers otherwise or ward members exercise their right of referral with the Chairs agreement or if significant representations against the Officers recommended decision are received or if the application is a significant Departure from the Development Plan (Local Plan 2019 or any future updates).

Highways and Transportation

1. Power to permit deposit of builder's skip on highway.
2. Power to license planting, retention, and maintenance of trees, etc. in part of highway.
3. Power to authorise erection of stiles, etc. on footpaths or bridleways.
4. Power to license works in relation to buildings, etc. which obstruct the highway.
5. Power to consent to temporary deposits or excavations in streets.
6. Power to dispense with obligation to erect hoarding or fence.
7. Power to restrict the placing of rails, beams, etc. over highways.
8. Power to consent to construction of cellars, etc. under street.
9. Power to consent to the making of openings into cellars, etc. under streets, and pavement lights, and ventilators.
10. Power to create footpath, bridleway or restricted byway by agreement.
11. Power to create footpaths, bridleways or restricted byways
12. Duty to keep register of information with respect to maps, statements, and declarations.
13. Power to stop up footpaths, bridleways or restricted byways
14. Power to determine application for public path extinguishment order.
15. Power to make a rail crossing extinguishment order.
16. Power to make a special extinguishment order.
17. Power to divert footpaths, bridleways or restricted byways
18. Power to make a public path diversion order.
19. Power to make a rail crossing diversion order.
20. Power to make a special diversion order.
21. Power to require applicant for order to enter into agreement.
22. Power to make an SSSI diversion order.
- Revised April 2023
23. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
24. Power to decline to determine certain applications.
25. Duty to assert and protect the rights of the public to use and enjoyment of highways.

26. Duty to serve notice of proposed action in relation to obstruction.
27. Power to apply for variation of order under section 130B of the Highways Act 1980.
28. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.
29. Power temporarily to divert footpath, bridleway or restricted byway
30. Functions relating to the making good of damage and the removal of obstructions.
31. Powers relating to the removal of things so deposited on highways as to be a nuisance.
32. Power to extinguish certain public rights of way.
33. Duty to keep definitive map and statement under review.
34. Power to include modifications in other orders.
35. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.
36. Power to prepare map and statement by way of consolidation of definitive map and statement.
37. Power to designate footpath as cycle track.
38. Power to extinguish public right of way over land acquired for clearance.
39. Power to authorise stopping-up or diversion of highway (including Section 247 of the Town & Country Planning Act 1990).
40. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway
41. Power to extinguish public rights of way over land held for planning purposes.
42. Power to enter into agreements with respect to means of access.
- Revised April 2023
43. Power to provide access in absence of agreement.
44. Power to grant a street works licence.
45. Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highways and related powers.
46. Duty to publish notice in respect of proposals to grant such permission under Section 115E of the Highways Act 1980.

KIRKLEES COUNCIL

PROTOCOL FOR PLANNING COMMITTEES

(Approved by Julie Muscroft under the general delegation of - date to be added post Full Council Autumn 2023)

1. BACKGROUND AND INTRODUCTION

This protocol replaces and updates Which was approved 20 May 2015.

1. The aim of this protocol is to ensure that the planning process operates properly, legally and effectively and that there are no grounds for suggesting that a decision has been biased, partial or not properly considered and made in any way. It is also intended to help councillors work effectively and seek to achieve their aims within the regimes which govern development control.
2. Your role as a member of the planning authority is to make planning decisions openly, impartially, with sound judgment and for justifiable, properly balanced reasons which must be relevant to planning issues. If for any reason you would have difficulty in complying with this protocol or if you would usually prefer to be able to champion your constituents' point of view, you should not accept appointment to the committees , nor attend as a substitute.
3. When the protocol applies: This protocol applies to councillors at all times when involved in the planning process. This includes taking part in decision making meetings of a planning committee or sub-committee, or when involved on less formal occasions, such as meetings with officers or the public. It applies equally to planning enforcement matters or to policy issues relating to a specific site as to planning applications. Part 11 of the protocol draws attention to issues affecting all councillors, whether or not involved in decision- making.
4. If you have any doubts about the application of this protocol to your own circumstances, you should seek early advice from the Service Director – Legal, Governance and Commissioning or one of their staff, preferably well before any meeting takes place. Senior Planning Officers and Decision Support Officers are also able to assist.

2. RELATIONSHIP TO THE COUNCILLORS' CODE OF CONDUCT

5. This protocol is additional to the councillors' code of conduct. You should always apply that code first to any issue arising and declare any interests which you may have and, in the case of an Other interest, leave the meeting during the consideration of the item (unless you have been allowed to stay to make a statement as permitted by the revised code of conduct, in which case you should leave as soon as you have made that statement). As with all other matters, the duty to declare an interest also applies where it is a member of your family, a close associate of yours or your employer etc, who has an interest as defined in the code of conduct. It would be helpful if you could avoid confusing that sort of interest with the other issues raised under this protocol, especially those in part 3 below.

3. GUIDANCE REGARDING ISSUES OF BIAS, PREDETERMINATION AND PREDISPOSITION

6. Planning is not a quasi-judicial process. It is an administrative decision making process. Councillors who sit on planning committees cannot therefore be expected to have the same strict level of independence and impartiality as judges or quasi-judges who make decisions in courts and tribunals.
7. Councillors are elected to provide and pursue policies in a situation of democratic accountability. Accordingly, members of planning committees are entitled and indeed expected, by those who have elected them, to have and express views on planning issues. They will have political allegiances and publicly known policies.
8. It is therefore perfectly permissible for members of a planning committee to be predisposed towards a view that is in favour of or against a planning application or development proposal. However, it is essential that, notwithstanding their predisposition, they retain an open mind as to the merits of the argument before they make the final decision. Failure to do so, or failure to demonstrate to applicants, objectors or other interested parties that they have done so, can result in allegations of bias and/or predetermination which can lead to the validity of the decision being called into question. It is for this reason that councillors' minds must not be closed to the merits of any planning application or decision or even appear to be closed ie by giving a clear impression that they have already decided how they will vote at the meeting and that nothing will change their minds.

Example of predisposition

- I am very concerned about the impact of this proposal on the local highway network. It already takes 25 minutes to get through the crossroads at peak

times. I want to see convincing evidence from the applicant that this proposal will not make matters even worse.

- This proposal is in Green Belt and the proposed extension would be inappropriate development. Its design doesn't seem to be particularly sympathetic to its surroundings. In such a prominent location there is real potential for such a development to have a very damaging effect on the open character of the area. Green Belt development needs to be handled particularly sensitively. Therefore, unless the applicant can convince me that this would be an appropriate development in the Green Belt or there are very special circumstances why it should be approved then I can't currently see how I will be able to support this application. The applicant needs to make a stronger case and provide more information.

Example of predetermination

- This proposal is a disaster waiting to happen. Under no circumstances could I ever support approval of this application. The applicant needs to go back to the drawing board and have a complete rethink or, ideally, he should do us all a favour and abandon this completely.
9. Also, councillors cannot be seen to take part in any planning decision making processes where they have or may appear to have a vested interest in the outcome for eg if they have a Disclosable Pecuniary Interest (DPI) and/or an Other interest in a planning application. Taking part in these circumstances can lead to allegations of bias and the validity of the decision again being called into question. If councillors are shown to have been motivated by bias then, ultimately, the decision may be ruled by the courts as unlawful and quashed.
 10. The basic legal position is that councillors may not be party to decisions in relation to which they are either actually biased (in the sense that they have a closed mind and have predetermined the outcome of the matter irrespective of the merits of any representations or arguments that may be put to them) or give an appearance of being biased.

The test that would be applied by the courts regarding apparent bias is:

Would a fair-minded and informed observer, having considered the facts, decide there is a real possibility that the councillor had predetermined the issue or was biased?

(NB. An informed observer should be taken to be someone who understands the democratic context and realities of working in a political environment)

11. In order to guard against allegations of bias and/or predetermination members of planning committees are therefore advised to follow the guidance set out below:

(1) Members with Disclosable Pecuniary Interests (DPI) and Other interests

1. At planning committee and sub-committee meetings, ensure that you always declare relevant interests in accordance with the Members' Code of Conduct.
2. Remember that:
 1. direct financial interest in the outcome of a planning decision will automatically lead to an appearance of bias;
 2. family relationship or close friendship between a member of a planning committee and the beneficiary of the decision may, and usually will, give rise to an appearance of bias;
 3. mere membership of a particular charity or group will not normally give rise to an appearance of bias on the part of the decision maker.

(2) Predetermination/predisposition

3. It is lawful for members of planning committees and sub-committees to have, and to have expressed, views on controversial local matters (such matters may often have been raised as election issues).
4. Members of planning committees are entitled to be predisposed to certain views.
5. Members must at all times retain an open mind (ie in making decisions they must consider all relevant matters and approach their task with no preconceptions) right up to the point of making the decision . But they are entitled to have regard to and apply policies in which they believe, particularly if those policies have been part of their political manifestos.
6. Members must be trusted to abide by the rules which the law lays down ie that, whatever their views, they must approach their decision making with an open mind and be prepared to change their views if persuaded that they should do so.
7. Evidence of political affiliation or of the adoption of policies towards a planning proposal will not by itself amount to an appearance of predetermination or bias.
8. Unanimity of approach by all members of a single political group when voting on a planning application should not necessarily lead to a conclusion that all or any of those members had a closed mind. Members will obviously attach importance, to differing degrees, to group unity and conformity with group policy. This is perfectly

acceptable provided they understand that the ultimate decision is for them alone as individuals.

9. Leading members of the authority who have participated in the development of planning policies and proposals need not and should not normally exclude themselves from decision making meetings solely on the ground that they were involved in the decision of the Executive to promote or approve the policy or proposal.
12. The guidance above has been prepared having regard to the current law on bias and predetermination. The contents of this note demonstrate that members responsible for making planning decisions do have considerable freedom to express views on applications and, in formulating such a view or predisposition, to be influenced by a number of factors including the policies of their political group and issues that they supported during an election campaign. However, members must at all times retain an open mind as to the merits of an application or proposal and demonstrate that they are willing (right up to the point of the decision) to take into account all material planning considerations.
13. Members who speak vociferously for or against a proposal thereby giving the impression that they have unequivocally and irrevocably made up their mind prior to the planning meeting may, therefore, find it more difficult to demonstrate that they have indeed retained an open mind. In these circumstances such members may consider that it would be prudent to step down from the committee and to speak at the meeting as ward councillor. Members can seek advice from the Service Director – Legal, Governance and Commissioning regarding this matter or any of the issues raised above.

4. LOBBYING AND CONTACT WITH APPLICANTS AND OBJECTORS

14. Any councillor could be the subject of lobbying over planning issues. Lobbying occurs when an applicant, objector or supporter seeks to influence a councillor to change their mind or to adopt and support their point of view. This includes contact by letter, e-mail, 'phone or in person to discuss or put forward specific points of view regarding forthcoming planning decisions.
15. Lobbying is a normal and perfectly proper part of the political process. However, you need to understand and accept that where you are making a decision on a planning issue, you are acting in a different role from that of ward councillor. Lobbying can, therefore, unless care and common sense are exercised by all concerned, lead to your impartiality and integrity being called into question. In order to avoid any such criticism or legal challenge and to preserve your right to vote on an application, you should follow the following advice.

1. Avoid organising support for or opposition to a planning application or involving yourself in such a process and avoid lobbying other councillors on the issue.
2. If applicants, potential applicants or objectors ask to meet you about a proposal ideally you should refer them to another councillor who does not serve on the planning sub-committee and will not be involved in the decision; alternatively refer them to an officer. If however, the proposal is complex, controversial or of major local significance, eg a new supermarket, landfill site, large housing estate, then you may consider that the process would benefit from engaging councillors in pre-application/determination discussions. In such a situation it will be important for you to follow the guidance set out in section 5 of this Protocol about pre-application/determination discussions.
3. If anyone (including another councillor) does lobby you or raise issues about a particular proposal, refer them to officers for advice on procedure and suggest that they send their comments to officers so that they can be included in the committee report; it is also a good idea to explain why, even though you are more than happy to listen to their views/concerns, you have to remain completely impartial until the final decision has been made.
4. Keep a record of any approaches by lobbyists and the response given or action taken; these records should be incorporated in the form attached as an appendix to this protocol and the relevant records produced at the start of each sub-committee meeting - but note that this is a separate process from that which relates to declaration of interests under the members' code of conduct.
5. Minimise social contacts with known developers and agents and refrain altogether from such contacts when pre-application work is under way or a planning application has been received and is being considered by the authority;

When approached by anybody (including the press) regarding a particular application, take care to avoid expressing an opinion which others might regard as clearly indicating that you have already made up your mind on the issue before hearing all the information and arguments presented at the subcommittee meeting. You can, if pressed, perhaps, indicate the sort of concerns or issues which you think you'll need to consider when making the decision, but remember that if you cannot clearly demonstrate that at the meeting you have an open mind and are balancing all the various issues and arguments, you run the risk of potentially invalidating the decision and making the Council subject to legal challenge. So make sure that you also say that you will not be making a final decision until the meeting.

6. If you cannot avoid expressing an unequivocal opinion on the decision beforehand, which could be construed by others as

clearly indicating that you have a closed mind as to the merits of the application, then you should disclose this at the committee (as part of the disclosure of lobbying). You should not then vote on the item unless you made it clear when expressing the opinion that your views were preliminary only and that a final decision would be made at the sub-committee meeting when you had the opportunity to review all the issues and arguments. If you do have to drop out of a particular decision, you should not take part in the discussion on the item, but may, if you wish to speak, move away from the other members of the committee to the public area and comment when invited to do so as with other non-committee members and the public.

7. Remember that your overriding duty in this role is to the whole community not just to the people in your ward and, taking into account the need to make decisions impartially, you should not improperly favour any person, company, group or locality or appear to do so. If local people put you under pressure, or you want to try to be as helpful as possible, try to explain the reasons why you can't favour one side or the other, tell them the best way to get their views across, tell them how to contact another councillor who can be more proactive in supporting/helping them, or refer them to officers who can explain the issues and reasons.

Public Meetings are unlikely to be necessary or appropriate in most cases, since the process was adopted of allowing applicants and objectors to attend and make comments at planning sub-committee meetings. Nevertheless, on occasion they may be appropriate where there is a need for a forum to allow clear expression of a volume of concern on a controversial proposal. It may also very occasionally be necessary and beneficial in order to assist in the determination of a planning issue. If so it is vital that you avoid acting in a way which could lead to an appearance of pre-judgement or bias. So, if anyone asks you to organise or attend a public meeting about a specific application, you should try to avoid doing so, and you should instead refer the request to officers. Wherever possible you should avoid attending any public meeting at which officers are not present - otherwise you may be accused (rightly or wrongly) of having done so because you favour one side or the other and it might well be difficult to avoid giving that impression. If you do attend, you should do so bearing in mind all the comments set out above and should ensure that it is made clear that you are unable to form or express any clear and unequivocal view before the committee meeting- but that obviously doesn't stop you from listening to what is said or making it clear that you are listening and highlighting the areas that are of most concern to you. Don't forget, though that you need to be able to differentiate, when you do make the decision, between issues which are relevant to planning decisions and those which are not. Officers will be able to assist by answering technical questions and helping to explain why you are unable to favour either side. The same advice as above applies to avoiding expressing any opinion, which would clearly indicate that you no longer had an open mind on the ultimate decision, at such a meeting.

The public meetings referred to here should be distinguished from briefings, developer presentations etc that are organised by officers as part of any pre-application/determination discussion process with councillors/members of the planning committee in relation to applications of major impact or significance (see section 5 below).

5. DISCUSSIONS BETWEEN POTENTIAL/CURRENT APPLICANTS AND THE COUNCIL RELATING TO MAJOR DEVELOPMENT PROPOSALS

16. Discussions between potential applicants/applicants and the council prior to the submission or determination of an application can always be helpful. However, they can be of considerable benefit to both parties in relation to development proposals that are complex, controversial or of major local significance eg large housing estates, waste disposal sites, wind farms, industrial estates/business parks and supermarkets. Unfortunately, it would be easy for such discussions to become, or be seen by objectors to become part of the lobbying process on the part of the applicant.
17. It is therefore essential that where any discussions are held in relation to such major development proposals it is done within carefully established guidelines (as set out below) to protect the council and councillors from allegations of bias, pre-determination etc.
18. All arrangements relating to pre-application/determination discussions for major development proposals should be made by officers. Where councillors receive a request to engage in such pre-application/determination discussions from an applicant or potential applicant they should refer such request to the Planning Case Officer who will consult the Chair of the relevant committee or sub-committee as to whether pre-application discussions are considered appropriate in the circumstances and, if so, the form that such discussions will take.
NB. This will not preclude councillors attending informal consultation events where there is no officer present.

The most appropriate methods of engaging councillors in pre-application/determination discussions are:

- Interim committee reports on pre-application discussions (at the request of a councillor, subject to the approval of the Chair of the relevant committee or the Councils Chief Planner);
- Public developer presentations to committee;
- Development control forums.

Informal private briefings or private developer committee presentations may

occasionally be appropriate but must be handled carefully to avoid third parties becoming suspicious of the process and the reasons for a private meeting.

19. Whatever method of pre-application/determination discussion is adopted, the following guidance will apply:

1. The purposes of councillors becoming engaged at that stage should be made clear by the relevant committee/sub-committee Chair or planning case officer at the start of the discussions. The purposes can be summarised as:
 - Keeping councillors better informed on major applications and helping them to learn more about emerging proposals;
 - Engaging members on issues to be dealt with in a formal submission;
 - Taking account of emerging or existing community concerns at a formative stage;
 - Obtaining initial member guidance for officer negotiations on major applications;
 - Identifying issues to be dealt with in any further submissions;
 - Reinforcing Councillors' roles in their communities.
2. The Chair or planning case officer will also make clear from the outset that the discussions will not bind the council to make a particular decision and that any views expressed are personal and provisional.
3. Officers should always be present with councillors at any such pre- application/determination discussions. They will be responsible for advising impartially on all planning issues including the development plan, the interpretation of relevant policies and any material planning considerations. Councillors should avoid giving separate planning advice during such discussions as this could result in inconsistent information being given. Neither should councillors become drawn into negotiations with applicants or potential applicants.
4. A written record of all pre-application/determination discussions should always be made by the officer present. This note will be placed on the public planning case file to ensure transparency.
5. Discussions with councillors at pre-application/determination stage should not be seen as:
 - A means by which to find out councillors' views on a proposal. Councillors may be in a position to give a preliminary view on a proposal but any members of the

planning committee (who are likely to be determining the application when it is submitted) will be advised that they should not express a view which could give the impression that they have pre-determined their position;

- An opportunity to conduct negotiations on the application in public;
- Any substitute for the formal consultation and processing of an application;
- A means by which potential applicants can seek to hold confidential discussions with councillors on the merits of the proposal.

6. Any member of the planning committee who elects, at such discussions, to voice a clear and strong view for or against the proposal being discussed in pursuit of their community champion role could be considered to have pre-determined their position and prejudiced their ability to vote in relation to any forthcoming planning application. They should therefore seek advice from the Service Director – Legal, Governance and Commissioning as to their future participation in the decision making process.

6. GUIDANCE TO COUNCILLORS WHO ARE ALSO MEMBERS OF A PARISH OR TOWN COUNCIL

20. The potential problem is that if you are involved in a meeting of the parish/town council or its planning committee which decides on the recommendations or comments which are to be given to KMC on particular planning applications and then are also a member of the planning committee which makes the final decision on those applications, you are at risk of being considered to have already made up your mind before coming to that committee and therefore being biased, in legal terms, thus invalidating the committee's decision.

21. To minimise this risk, therefore, if you are a member of the KMC planning subcommittee you should always:

- i. make it clear at any meetings of the parish/town council that any views you express and your vote, if you give one, are based solely on the limited information which is before you at that meeting;
- ii. make it clear that you are reserving your judgement and independence, when any application comes before the KC committee, to make a fresh decision on each application on the basis of all the relevant information which is available to that meeting and based also on your overriding duty to the whole community and not just the people of the area, ward or parish/town; not in any way commit yourself as to how you may vote when the proposal comes before the KC committee;

- iii. ensure that the above, or something to that effect, is noted in the parish/town minutes.

22. In addition, any member of a parish/town council (whether or not on its planning committee) needs to declare that membership at the KC planning subcommittee when considering any application on which the parish/town council has expressed a view or made comments. Clearly, if the parish/town council has a greater interest than that (eg the application has been made by the parish/town council or significantly affects parish property), you should consider whether that membership constitutes an Other interest. That can be done, of course, at the start of the planning subcommittee meeting in the normal way.

23. While the process above is a way of minimising the risk of successful challenge, it does need to be remembered that the public and press can misunderstand or (innocently or otherwise) misrepresent your actions which could lead to unjustified criticism or misguided legal challenge. There is also, of course,

inevitably the risk that on occasion for some reason something may go wrong and the proper procedure not be appropriately followed. In the light of the increasing tendency to litigation, therefore, although this Council has not so far experienced such a problem, the best advice is, where possible, to avoid playing the dual role and therefore to choose whether to go on the parish/town council's planning committee or the KC subcommittee, but not both. That would be the only way of clearly avoiding any of the potential risks and problems referred to above.

7. COUNCILLOR COUNCIL PARTNERSHIP DEVELOPMENT AND DEVELOPMENT ON COUNCIL LAND

24. Many of the Council's functions give rise to development which requires planning permission. Similarly, many of the activities carried out through partnerships require planning permission. From time to time the Council will also dispose of land for purposes requiring planning consent. It is important to ensure that particular care is taken with such applications to demonstrate that no preferential treatment is given to them as this could easily give rise to suspicion of bias or impropriety.

25. Such applications are dealt with in exactly the same way as any other planning application and members need to take care that they also treat them in the same way when making decisions. It's vital to demonstrate this split between promoting a scheme and making the planning decision; otherwise the latter will inevitably risk being challenged as biased.

26. If you were involved in a meeting which made a decision giving rise to the submission of such an application, you should avoid taking part in the decision making process unless you are confident that you can clearly demonstrate that you are able to approach the determination of the application with an entirely open mind. This will apply principally to members of the Cabinet, through meetings of either the Cabinet or a Cabinet committee. In addition, if you are a director on the board of a partnership company which is submitting an application then you will most probably be best advised to declare a Disclosable Pecuniary Interest under the councillors' code of conduct and leave the meeting for the consideration of that item. Similarly, if the proposal is a major council- driven project of such significance to your ward or to the borough as a whole that you want to support it or express your clear views about it, you can do so, but then you will need to consider whether or not it is appropriate for you to remove yourself from the decision-making on the planning application so that you do not expose yourself and the Council to allegations of bias or predetermination.

8. SITE VISITS

27. The purpose of a site visit is to enable committee members to see the physical attributes of the site and its setting which are part of the material considerations in cases where these are not readily capable of being appreciated from documentary material. Officers may arrange a site visit where they consider it to be appropriate.

You, as a ward councillor, may also request a site visit on any application being considered by committee within your ward, provided that the request is made in writing to the planning officer with a reason which relates to some aspect of the site or the development (you should have regard to the provisions of paragraph 9.6 below to help you to formulate appropriate reasons in support of your site visit request) and takes account of the purpose of site visits mentioned above and which can be incorporated in the officer's report to committee; and the request is lodged as soon as possible and in any event before the finalisation of the agenda for the committee at which the application is due to be considered in order to allow it to be included on the agenda and the itinerary. Remember, however, that if in that written request you express a strong opinion on the merits of the application, you may well disqualify yourself from taking part in the decision. Try to limit your comments to identifying issues which you think the site visit will help to clarify. This advice also applies if you request that a decision is referred to committee rather than being made by officers.

28. Alternatively, the committee may itself decide to defer an application for a site visit through the normal course of debate and vote.

29. On a site visit, councillors will have the opportunity to view the site and officers can point out significant features. You should try to avoid being lobbied by the public, but if this is unavoidable, you should react as in the guidance on lobbying above and declare the fact on return to the committee meeting room.

30. If other ward councillors attend a site visit, they should not carry out any lobbying of their own and should not join members of the planning committee on the site visit bus.
31. Anyone (public or ward member) who is unable to attend the meeting to present their views will not be able to use the site visit for that purpose and should, therefore, be encouraged to put their views in writing to the planning officers beforehand.
32. All members of the committee should attend site visits since they are an integral part of the committee decision-making process. However, since this does not always happen you should try to avoid asking officers for additional information until you get back to the meeting room. Nevertheless, to ensure that all councillors at the meeting have, as far as possible, the same information before them, officers will provide at the meeting a summary of any significant additional information provided or issues raised on the site visit.

9. CONDUCT AT THE COMMITTEE MEETING

33. Separate guidance set out in The Public Speaking Protocol is available for members of the public on the process allowing them to put their views in the course of the debate on any particular application. Bear in mind that many of them will not be familiar with planning procedures or with what is or is not a material consideration. Nevertheless, they should obviously be treated with respect. It is also vital that the procedure for public comment is closely followed in every case, to avoid complaints that some individuals are being treated differently from others.
34. Ward Councillors who refer items to a planning committee must attend the meeting in person (or nominate a same ward councillor colleague) to explain the reason for the referral. Ward Councillors will have up to 5 minutes to explain the reason for the referral and their issues with the application. By exception and with agreement of the Chair of the Committee virtual attendance is acceptable for the item referred to the Committee.
35. Councillors who attend the committee as observer in

accordance with Council Procedure Rule 36 (CPR 36) together with any member of the committee who has indicated that because, for instance, they can no longer demonstrate that they retain an open mind as to the merits of an application, he/she will not be voting, but still intends to contribute to the debate, will be bound by the 5 minute time restriction specified in CPR 36.

36. Every effort will be made to ensure that the seating arrangements make it clear who are the members of the committee. Wherever

possible, therefore, the public will be kept separate from the committee members and other members of the Council should also avoid sitting with the members of the committee.

37. If you are a member of the committee, you should, as far as possible, avoid contact with members of the public. This will ensure that you are not subject to last minute lobbying, or provision of information which is not available to the rest of the meeting, and it will also protect you from appearing to favour or have a relationship with one side or the other on a particular application. This applies before, during and immediately after the meeting. Only the chair should speak to members of the public during the meeting or ask questions (eg for clarification). If any other councillor needs clarification, they should raise the issue with the chair, who will decide how to deal with it.

38. Remember that you must be able to justify any decision on planning grounds. If you wish therefore to vote on a decision in a way which is different from the officers' recommendation, you should be clear what your reasons are for that.

39. Relevant planning issues, which you can take into account, include:

- The Development Plan and the various policies which it contains;
- National or regional guidance;
- The Council's supplementary planning guidance/documents [Remember that if you are proposing not to follow any one of the above three, then you'll need reasons for that too.];
- The planning history of the site;
- The visual impact of the development;
- Effect on public amenity;
- Access, traffic and highway considerations;
- Impact on listed buildings, conservation areas or protected trees;
- The views of local people insofar as they are based on relevant planning issues.

When formulating reasons which you consider will justify a decision contrary to the officer's original recommendation you should always have regard to the

principles set out in paragraph 1.3 above.

Matters which are not material planning considerations and which, therefore, cannot be taken into account include:

- Effect on property values;
- The character, identity or personal circumstances of the applicant or objectors;
- Boundary or property disputes;
- How the application affects a view (as opposed to the wider effect on public amenity);
- Issues of commercial competition;
- Land or property values;
- Moral or ethical issues or judgments;
- Weight of numbers of public opposition or support in itself - as opposed to relevant planning basis for such views;
- Political manifesto commitments.

40. Officers will ensure that the practice of seeking clarification when councillors' reasons are in doubt is always pursued and -committee chairs, before putting to the vote a proposition or amendment differing from the recommendation should expressly obtain clarification of reasons. If councillors differ as to choice of reasons, then that should itself be the subject of separate amendments. Reasons will be particularly important where officers' advice is strong. Officers will normally indicate where a decision is a close call and the recommendation is therefore on balance. In those circumstances you may simply take a different view of the balance. Where the officer view is unequivocal you need first to be clear in your own mind why you disagree. Officers are professional and experienced and while they are no less fallible than anyone else, their views should be properly considered. It's unreasonable and won't achieve what you want if you simply disagree and then expect officers to work out why. It's your decision and they must be your reasons.

41. Similarly, if your view is that a policy, such as green belt, for instance, shouldn't be applied, you need to have a clear reason for that, relevant to the way the policy is expressed. Officers can help with those sorts of issues if you are clear yourself what the problem is. On the other hand, if you are clear in your reasons and clear that they are proper planning reasons, that will make it very much easier for officers (or indeed, you yourself) to defend and explain them if they are challenged on appeal or by judicial review. Ideally there should be a partnership here.

Officers are professionals; councillors have democratic accountability. But both have to follow the rules.

42. It is the role of the Committee Chair (or Vice Chair if substituting) to guide, manage and control the meeting so that procedures are properly followed, everyone gets a fair chance to have their say, the debate remains focused and relevant, proper standards are maintained and the process is as efficient as possible leading to a clear and rational decision. Councillors (and officers) should do everything possible to co-operate and assist with that. As part of that role, the Chair (or Vice-Chair if substituting) may request that a recorded vote is taken on a particular application for eg if the application is particularly controversial, there is considerable public interest in the proposal or the decision would be contrary to the officer recommendation or the development plan. It is also the role of the Chair (or Vice Chair if substituting) to summarise and clarify the decision of the committee for the benefit of members of the public so that there is no doubt as to the outcome of the debate.

10. TRAINING

43. Making good, justifiable planning decisions is not something which can be done by instinct.

44. Before serving on any committee making planning decisions (whether as a full member or as a substitute) any councillor must have undergone satisfactory training, as referred to in this section, in both the procedural issues outlined in this protocol and in the basic principles of planning, so that you can understand the basis on which decisions need to be made and on which officers prepare reports. It will also help you to take a rational approach to the issues discussed in 9.7 above. -This requirement will also apply to training required to refresh and update knowledge and understanding.

45. Suitable training will be provided sufficient to ensure that councillors who wish to be involved in planning decisions can do so, but you do need to make an effort to attend, since it is not possible to make arrangements which are totally convenient for everybody.

46. Groups must not nominate anyone for membership of any committee which will be making planning decisions unless that councillor has either undergone training or is prepared to do so before taking part in the relevant committee meetings. Councillors should also be prepared to attend annual updating training. It is necessary for groups to identify and select the appropriate number of members from their group who fulfil these conditions.

47. Annual updating training will be provided. It is necessary that, in order to continue to sit on a planning committee or subcommittee, you will take part in this refresher training.

11. ADVICE TO ALL COUNCILLORS

General

48. Any councillor, whether or not involved in decision making on planning issues, could benefit from reading this protocol as it may assist from time to time in explaining issues to constituents who are puzzled by the planning process. All councillors also need to understand how best to represent their constituents when not involved in the decision making process.
49. You may well be lobbied by individuals in favour of or opposed to any application, or, indeed, you may have views of your own as the local ward councillor. If so, those views should be expressed to officers. You should avoid lobbying or trying to persuade members of the decision making committee to come to a view beforehand. Doing so will only put at risk that member's ability to take part in the decision.
50. You should not, however, exert any improper pressure on officers to make a decision or recommendation contrary to their professional judgement. If you disagree with that judgement you can, of course, raise the issue with a more senior officer. Nor should you lobby members of the sub-committee - in particular make sure you avoid the temptation to seek the support of your ward or group colleagues on the planning sub-committees. Doing so could make any decision susceptible to challenge.
51. Please also note the advice on requesting site visits in section 8 which applies to all ward members.
52. Local ward councillors may attend site visits, but will not be able to carry out any lobbying on the merits of an application on such occasions.
53. Ward councillors may also attend the committee meeting at which decisions are taken. If you do so, you should sit apart from the committee members, with those attending from the public. If you wish to speak on a particular application, you should do so only when specifically invited by the Chair and should act in accordance with the Public Speaking Protocol.
54. If you are unable to get to the meeting, then any views which you wish to express should be put in writing to the Planning Officer.

55. You should remember that officers have a duty to give impartial advice on planning applications and other planning matters and to make recommendations (or decisions on delegated matters) in the light of all the relevant planning issues using their professional judgement. Where there are disagreements between councillors and officers, these should be approached with mutual respect and while you may obviously express your disagreement, that should be on a rational basis and you should avoid personal criticism or abuse.
56. You will be informed when training in planning matters is being provided. While training is extremely important for councillors who will be making decisions, it is open to all and any councillor could benefit from the information which is provided.

Referring applications to committee

57. Under the officer delegation scheme, a ward member is able to refer for committee decision any application which would otherwise be determined by officers. Any such request must be made in writing and must specify their reasons for making the request which must reasonably relate to some aspect

of the site or the development (you should have regard to the provisions of paragraph 9.6 above to help you to formulate appropriate reasons in support of your request for referral to Committee). To be a valid request the Chair of the relevant committee or sub-committee must have confirmed that the ward member's reasons for making the request are acceptable. Requests should ideally be received before the earliest date for decision - i.e. three weeks after receipt of the application. However, requests received later than this will still be valid provided appropriate reasons are given in support of the request and the Chair is prepared to exercise his/her discretion to consider the late request.

58.

Ward members who are also members of the committee (or substitutes) should remember that if, in your written request for referral of an application to committee, you express a strong opinion on the application which gives a clear impression that you have a closed mind as to the merits of the proposed development, you may well disqualify yourself from taking part in the decision.

Planning applications submitted by councillors and members of their families.

59. Planning applications that are submitted to the LPA by serving councillors, their close associates and relatives, can easily give rise to suspicions of impropriety. Nevertheless, it is perfectly legitimate for such applications to be submitted to the authority for determination. However, it is vital to ensure that these applications are handled in such a way that gives no grounds for accusations of bias or preferential treatment.

60.

61. When a councillor submits a planning application in their personal capacity, or where their spouse or civil partner; or person living with them as if a husband, wife or civil partner has submitted a planning application in their personal capacity that Councillor will have a disclosable pecuniary interest (DPI) in that application and should not take part in the decision making process relating to the application and must leave the room or send a substitute should their application be required by the Scheme of Delegation 2023 to be determined at a planning committee. If you are a councillor in that position you should not speak as a ward councillor at the application that relates to either your application or that of your spouse, civil partner or a person you live with as a husband, wife or civil partner. If you are a member of the Planning Committee at which the application is being considered you will need to declare your interest and leave the room for that item of the agenda. Alternatively, you might want to consider whether or not to arrange a substitute to attend the meeting.
62. You will also be considered to have an Other interest in any application submitted by a member of your family or a close associate. Accordingly, if you are a member of the planning committee (or sitting as a substitute), you must leave the room if you consider your continued presence is incompatible with the Council's Code of Conduct or The Seven Principles of Public Life. You should also consider whether or not to speak as a Ward Councillor in such circumstances. In making such a decision you must consider the Principles of Public Life which are set out at in full at clause 3 of the Code of Conduct for

Members or you can seek advice from the Service Director – Legal, Governance and Commissioning regarding this matter or any of the issues raised above.

63. It is important to remember that councillors must not seek improperly to influence the decision on their application. Some councillors may therefore, in this situation, consider it unwise to make a statement to the committee and instead may prefer to rely on a third party or planning agent to make their case to the committee for them. However, councillors who do choose to make a statement to the committee personally should observe the same 3 minute time limit set out in the Public Speaking Protocol that applies to members of the public when addressing the committee.
64. This advice also applies to all councillors who are not members of the committee or acting as substitute but who choose to attend the committee at which their planning application (or that of their family member) is due to be determined if required by the Scheme of Delegation 2023 to be determined at a planning committee.

Appendix F – Changes to Scheme of Delegation (Strategic Director Environment and Climate Change)

Proposed changes shown as tracked changes (in coloured text) below:

Strategic Director Environment and Climate Change

The holder of the post of Strategic Director Environment and Climate Change shall be responsible for the strategic direction and overall management and delivery of the functions and responsibilities of the Environment and Climate Change Directorate and without prejudice to the foregoing, shall have power to discharge the following functions and responsibilities, subject to compliance with the Constitution, FPRs, CPRs, approved policies of the Council or the Executive (as appropriate) and all legal requirements:

A. Highways Transportation and Public Rights of Way matters Non-Executive Functions

1. All relevant functions and responsibilities of the Council as:
 - Local Highway Authority (within the meaning of s.1 Highways Act 1980);
 - Surveying Authority (within the meaning of the Wildlife and Countryside Act 1981;
 - Access Authority (within the meaning of Section 1(2) of the Countryside and Rights of Way Act 2000;
 - Street Authority (within the meaning of Section 49 of the New Roads and Street Works Act 1991);
 - Traffic Authority (within the meaning of Section 121A of the Road Traffic Regulation Act 1984).

relating to highways transportation, public rights of way and highways development management included within the terms of reference of the Planning Areas Sub-Committees.

- (1) Matters are referred to the relevant Planning Committee as specified in paragraph 3 of the General Provisions and in the following cases:
 - i) where the delegated officer so decides:
 - a) with the agreement of the Chair of the relevant Planning Committee; or
 - b) due to the significant volume of local opinion (including through Parish/Town Councils);
 - ii) where the Chair of the relevant Planning Committee so requests;
 - iii) where any member so requests in relation to any matter within their ward. The member shall specify in writing his/her reasons for making the request;
 - iv) where there is no majority support for the proposed action by the three ward members (and for the purposes of this paragraph, the non-response of any ward member shall not be treated as opposition to any proposal);

v) in respect of all applications for the modification of the Definitive Map and Statement under the Wildlife & Countryside Act 1981 (or any legislation revoking or re-enacting that Act with or without modification) unless the chair of the relevant planning committee considers matters do not require determination by the planning committee and can remain delegated to the relevant Strategic Director.



Name of meetings:

1. Corporate Governance and Audit Committee (CGAC)
2. Council

Date: 12th September 2023 and 13th September 2023 (respectively)

Title of report: Members Allowances Scheme

Purpose of report: To propose that a Members Allowances Panel is convened as soon as possible to review allowances paid to Councillors to allow them to report back with recommendations for the CGAC and Council to consider as soon as is practically possible.

<p>Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Not Applicable</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</p>	<p>Key Decision –No Private Report/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Not Applicable. This is a non-executive decision to be taken by Council</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>Rachel Spencer Henshall</p> <p>Yes, as author</p>
<p>Cabinet member portfolio</p>	<p>Give name of Portfolio Holder/s</p> <p>Cllr Paul Davies and Cllr Graham Turner</p>

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? Yes, there is no personal data within the report.

1. Summary

- 1.1 The Acting Leader of the Council has asked that the Council look at its Members Allowances Scheme with a view to reducing them in light of the current financial position of the Council.
- 1.2 The Acting Leader announced last week that she and the Cabinet Members were going to take a 10% and 5% (respectively) cut in their Leader/Cabinet Special Responsibility Allowances and wanted to start a formal process with the aim of reducing the cost of Councillor Allowances by at least £100,000 per year based on the current annual cost. In order to do that Cllr Scott has asked that a Members' Allowance Independent panel is convened to consider allowances for the 24/25 Financial year. She would also like members to agree to forego an uprate in allowances for the current 2023/24 based on the officer pay award and a 5% reduction in both the existing members basic allowance and Special Responsibility Allowances (SRA).
- 1.3 This report sets out some background information and the process for doing that and sets out an option for making savings in the current year.

2. Information required to take a decision

- 2.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 ("Regulations") set out the way in which allowances which are paid to Councillors are reviewed.
- 2.2 Briefly, this is done by having regard to the views of an Independent panel. The panel meet to consider the various roles which Members have as Ward Councillors and any additional duties e.g., chairing a Committee or Panel, Group Leaders, Cabinet Members.
- 2.3 A basic allowance is paid to all Councillors. SRAs are paid for additional duties and responsibilities carried out by some Councillors.
- 2.4 The Panel report their findings to the CGAC who consider them and make recommendations to the Council who are the final decision maker.
- 2.5 CGAC's role as set out in Its terms of reference is "To determine all matters relating to the adoption and operation of the Members' Allowances Scheme including recommendation to the Council of the adoption of or amendment to any such Scheme".
- 2.6 The last time a report was considered by Council was last year on 7th September 2022.

[FINAL 22-09-07 MAIRP Report to Council 07.09.22 003.pdf \(kirklees.gov.uk\)](#)

At that meeting the Council did not accept all of the findings of the panel or the CGAC. It was recognised by Council (as it had also been recognised by CGAC) that the panel had undertaken a very comprehensive full review of

the scheme but that had been prior to the economic pressures faced by citizens and the country in 2022 and therefore that changed situation needed to be recognised in the allowances to be paid.

- 2.7 As a result of that it was agreed that approval be given to the implementation of an annual increase for both the basic and all special responsibility allowances on a percentage basis in line with the agreed annual pay award for Council employees.
- 2.8 Although there were a number of other changes proposed by the panel and CGAC no further changes were agreed by Council.
- 2.9 A panel did not meet in 2022 to make recommendations to amend the scheme for the current 2023/24 financial year.
- 2.10 This means that the Members Allowance this year 2023/24 will increase on the percentage basis (as it did last year) in line with the agreed annual pay award for Council employees.
- 2.11 The current budget for the Members' Allowances Scheme (23/24) is £1,368,789.
- 2.12 The pay award for officers is not yet agreed but is expected to be around 5 -7 %. An increase in line with the annual pay award for employees may cost in the region of £100,000.
- 2.13 The Regulations do allow for Councillors to elect to forgo their entitlement or any part of their entitlement to allowances by giving notice to the proper officer which in Kirklees is the Service Director – Legal Governance and Commissioning.
- 2.14 In order to consider this it is proposed that officers be asked to work with Groups to convene a panel as soon as possible to consider the allowances paid to Councillors for 24/25.
- 2.15 For the current year Members are asked to voluntarily forgo the increase in allowances based on the officer pay award for the 2023/24 financial year and in addition to take a 5% reduction in their current allowances (basic and SRA). It is proposed that this is done by a recorded vote at the Council meeting.

3. Implications for the Council

3.1 Working with People

Not applicable

3.2 Working with Partners

Not applicable

a. Place Based Working

Not applicable

b. Climate Change and Air Quality

Not applicable

c. Improving outcomes for children

Not applicable

d. Financial Implications for the people living or working in Kirklees

Not applicable

e. Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

Local Authorities (Members' Allowances) (England) Regulations 2003 set out the process for amending Allowance schemes including the use of an Independent Panel to do that.

The outcome of the process is likely to lead to a change in the allowances paid to Members.

It is not considered necessary to complete an Integrated Impact Assessment at this stage.

4. Consultation

None

5. Engagement

None

6. Next steps and timelines

6.1 CGAC to consider the report at its meeting on 12th September and provide feedback and / or any recommendations to the meeting of Council on 13th September.

6.2 Council to consider the report at its meeting on 13th September taking into account any feedback and/ or recommendations from CGAC.

- 6.3 In the event that it is agreed by Council that a Panel be convened, Officers will work with members to convene a Members Allowances Independent Review panel at the earliest possible opportunity.
- 6.4 The outcome the work of the MAIRP will be shared with CGAC and then Council in order for Council to decide whether to make any amendments to the Scheme.
- 6.5 Any agreement by individual Members to agree a 5% reduction in their current allowances (basic and SRA) will be implemented in the next allowance payment practical and with effect from their agreement to do the same.

7. Officer recommendations and reasons

7.1 That CGAC:

- recommend to Council that they ask officers to work with Groups to convene a Members Allowance Independent Review Panel as soon as possible to consider the allowances paid to Councillors having regard to the financial position of the Council;
- consider whether they wish to make any further recommendations to Council about this matter;
- Ask all Members in attendance at the Council meeting to indicate by recorded vote whether they wish to forgo the increase in allowances (basic and SRA) based on the officer pay award for the 2023/24 financial year and in addition to take a 5% reduction in their current allowances (basic and SRA).
- Ask members not in attendance at the Council meeting to indicate their intention to forgo the increase and in addition take a 5% reduction in their current allowances (basic and SRA)

7.2 That Council:

- have regard to any comments or recommendations from CGAC about this matter;
- ask officers to work with Groups to convene a Members Allowance Independent Review Panel as soon as possible to consider the allowances paid to Councillors having regard to the financial position of the Council;
- Ask all Members in attendance at the Council meeting to indicate by recorded vote whether they wish to forgo the increase in allowances (basic and SRA) based on the officer pay award for the 2023/24 financial year and in addition to take a 5% reduction in their current allowances (basic and SRA).
- Ask members not in attendance at the Council meeting to indicate their intention to forgo the increase and in addition take a 5% reduction in their current allowances (basic and SRA)

This is to enable there to be an independent review of allowances in accordance with the regulations for 24/25 and to consider whether any members wish to agree to some voluntary in year changes to allowances for 23/24 Financial year.

8. Cabinet Portfolio Holder's recommendations

Not applicable

9. Contact officer

Service Director below.

10. Background Papers and History of Decisions

Report to Council on 7th September 2022 [FINAL 22-09-07 MAIRP Report to Council 07.09.22 003.pdf \(kirklees.gov.uk\)](#)

11. Service Director responsible

Julie Muscroft Service Director, Legal Governance and Commissioning
Julie.muscroft@kirklees.gov.uk
01484221000

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Name of Meeting: Cabinet / Council

Date: 6th / 13th September 2023

Title of Report: Council Budget Strategy Update: 2024/25 and future years

Purpose of Report

To determine the Cabinet’s approach to the annual update of the Council’s Medium Term Financial Plan (MTFP). This is reported to Full Council each year and sets a framework for the development of draft spending plans for future years by Officers and Cabinet.

Key decision – is it likely to result in spending or saving £500k 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)?	Key decision - Yes
The Decision - Is it eligible for “call in” by Scrutiny?	
Date signed off by Strategic Director & name	Rachel Spencer-Henshall – 29 th August 2023
Is it also signed off by the Service Director for Finance	Dean Langton – 29 th August 2023
Is it also signed off by the Service Director – Legal, Governance & Commissioning ?	Julie Muscroft – 29 th August 2023
Cabinet member portfolio – Finance and Regeneration	Cllr Graham Turner

Electoral wards affected: All

Ward Councillors consulted: All

Public or private: Public

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

1. SUMMARY

- 1.1 Under the Council's Constitution, the Cabinet is required to submit a provisional Budget Strategy Update to the Council no later than October in each year. Commonly known as the Medium Term Financial Strategy (MTFS), this report sets out a framework for the subsequent budget setting process and future financial planning.
- 1.2 At the meeting of the Council on 8th March 2023, the Council approved its Budget for 2023/24. As part of this, approval was also given to the MTFS for the period to 2027/28. The MTFS sets out the Council's financial plans detailing income and expenditure over the medium term. Acknowledging that the Council is operating in a dynamic environment and that the assumptions underpinning the MTFS are subject to change, it is good practice to review and update the Strategy on a regular basis to ensure that the Council has a good understanding of its forward financial forecasts and to support planning for the development of the budget in 2024/25 and subsequent years.
- 1.3 The update to the MTFS is also necessary in the context of the Council's provisional outturn for 2022/23, reported to Cabinet in June 2023 (and subsequently to Council in July 2023) and the Quarter 1 Budget Monitoring position for 2023/24 reported to the last meeting of Cabinet. As the Cabinet is aware, the provisional outturn position on the Council's General Fund Revenue Budget was an overspend of c£27m; some of the factors that contributed to that position have continued into 2023/24 and the latest monitoring position indicates the Council is forecast to overspend by £20.3m.
- 1.4 Should the forecast outturn position for 2023/24 be sustained until the year end, the Council's Unallocated Reserve will fall to an inadequate level. Consequently, action has been taken to reallocate Earmarked Reserves into the Unallocated Reserve so that the Council has a Minimum Working Balance of at least £15m. This means that for the purposes of planning the budget for 2024/25, there is no scope to use reserves and any funding gap must be bridged by reductions in the Base Budget, whether that is less expenditure, more income or a combination of the two.
- 1.5 In response to the forecast outturn for 2023/24, a series of mitigating measures have been put in place to reduce the Council's net expenditure. At the same time, a review of the Council's Capital Programme is underway. These actions are being implemented in the context of the Council Plan priorities so that the Council's activities continued to support the delivery of services towards the shared outcomes set out in the Plan.
- 1.6 There is a forecast deficit on the Medium Term Financial Plan of £57.9m by 2028/29 with the most immediate issue being a funding gap in 2024/25 of £47.8m. This is partly caused by the continuation of the overspend in 2023/24 as a result of the continuing impact of the cost of living on the Council, shortfalls in income and rising demand pressures particularly in Children's Services.

- 1.7 In view of this significant funding deficit, the Council must identify ways a sustainable budget can be agreed at the earliest opportunity. Given the significant reduction in reserves over recent years, and the reallocation of Earmarked Reserves to the Unallocated Reserve, there is also a need for the Council to ensure it can maintain an adequate Minimum Working Balance and start to build back reserves to provide the Council with financial resilience and capacity.
- 1.8 It is important that the development of the MTFs is undertaken in the context of the Council Plan. At the last meeting of Council, Councillors approved the Council Plan which provides an extension to the current Council Plan 2021/23. It sets out the ongoing commitment to a vision and shared outcomes but in the context of the economic and financial challenges currently facing the Council and the Borough. The four key Council priorities are:-
- Addressing the financial challenges facing the council – including the budget setting principles we’re working to;
 - Transforming services to become more efficient and effective;
 - Helping residents and local organisations with the cost-of-living;
 - Continuing to invest in our future – by focusing on regeneration and improvements to infrastructure.
- 1.9 With these priorities in mind, the MTFs presented in this report provides a framework for the Council to identify and develop proposals which, if implemented, will put the Council in a financially sustainable position. This framework is structured around three themes:
- **Growing our place** – making medium to long term investment decisions that increase the Council’s taxbases and, in turn, provide sustained additional income to the Council;
 - **Ensuring the Council is an Efficient, Effective and Modern Organisation** in the delivery of its services.
 - **Prioritising the use of the Council’s Resources in a fair way** ensuring that within the funding available to the Council, it continues to prioritise the most vulnerable residents, the broader community and supporting businesses in the Borough.
- 1.10 More granular detail of these themes is provided elsewhere in the report.

2. BACKGROUND

Budget Strategy for 2023/24

- 2.1 In setting the General Fund Revenue Budget for 2023/24, the Council agreed the following key matters are part of the budget strategy:-
- net budget growth of £56.4m to reflect both increases in demand for services, structural deficiencies in some income budgets (particularly those that had been deeply affected by the impact of Covid-19) and inflationary pressures;
 - savings totalling £18.3m to be implemented so that the full effect of the saving impacted in 2023/24;

- A net use of £0.8m from Earmarked Reserves to support expenditure in the budget;
- the use of £24.6m (or 52%) of the Unallocated Reserve, leaving a residual balance of £22.5m (against a Minimum Working Balance assessed at £15m).

2.2 Whilst some provision for inflation on budgets was also made, in the case of some key areas of spend – Waste Management Contract, IT Contract and Children’s Placement costs – inadequate or no provision was made. Equally, in the case of some budgets, such as Children’s Placements and Housing Benefit Subsidy, the budget did not reflect the current volumes of activity being experienced by the Council at the time the budget was set.

Quarter 1 Budget Monitoring

2.3 At the last meeting of Cabinet, Councillors considered a report on the Council’s Quarter 1 General Fund Revenue Budget monitoring position. This estimated that the Council is forecast to overspend by £20.3m in the current financial year as summarised in the Table below:-

Table 1: Quarter 1 Budget Monitoring 2023/24

	Approved Budget £m	Forecast Outturn £m	Variance £m
Children and Families	79.4	86.8	7.4
Adults and Health	126.0	128.1	2.1
Environment and Climate Change	49.1	51.5	2.4
Growth and Regeneration	17.6	19.8	2.2
Corporate Strategy, Comm and Public Health	43.1	46.8	3.7
Central Budgets	64.3	66.8	2.5
General Fund Before Use of Reserves	379.5	399.8	20.3
Use of Earmarked Reserves	(6.4)	(6.4)	-
Use of Unallocated Reserves	(24.6)	(44.9)	(20.3)
General Fund Net Revenue Budget	348.5	348.5	-

2.4 Should the forecast overspend remain unchanged, the Council’s balance of Unallocated Reserves will reduce to just £2.2m which is significantly below what would be considered an adequate level. In view of this, action has been taken to both update the assessment of the Minimum Working Balance (an amount of £15m is considered reasonable) and to reallocate reserves so that such a balance can be maintained by the Council.

2.5 Given the forecast overspend, several actions have been taken to control net expenditure. These include:-

- cessation of non-essential expenditure (limiting spending to maintaining health and safety, meeting statutory service requirements, fulfilling contractual obligations, preventing further costs and to helping generate income);
- a recruitment freeze (including a review of what posts should be considered essential and, therefore, excluded from the freeze) and a sustained reduction in the use of Agency staff;

- bringing forward the implementation of savings and income generation proposals already agreed by the Council for 2024/25 when setting the Budget and Medium Term Financial Strategy for 2023/24;
- increasing all discretionary fees and charges by at least the prevailing rate of inflation where it is considered possible to do so;
- accelerating the sale of assets that the Cabinet has already agreed to dispose of and bring forward further options for assets disposals (both to reduce the operating cost of the Council's Estate and to generate capital receipts);
- continuing to explore all external funding opportunities to bring additional income into the Council;
- undertaking a review of the Council's Capital Programme to determine to what extent schemes can be rephased, deferred, stopped or not started at all to the reduce the cost of borrowing to the Council and to free up capital receipts so that they can be reallocated to essential spending commitments.

2.6 In the view of the Service Director Finance, these actions are necessary to avoid the need to issue a report under s114 of the Local Government Finance Act 1988. The need to issue such a report will remain under review depending on the success or otherwise of the implementation of the actions set out above.

2.7 In summary, the Budget Strategy for 2023/24 and the forecast overspend for the year provide the backdrop for the significant financial challenge faced by the Council. Since the beginning of the financial year 2022/23, and subject to the forecast outturn referred to above, balances and reserves totalling £117.3m will have been used to support the Council's budget by the end of the current financial year.

2.8 As the Cabinet will appreciate, using balances and reserves to support the budget at this level is not a sustainable strategy and requires action to be taken to bring down the Council's overall net spending hence the mitigations set out above that were agreed at the last meeting of Cabinet.

3. DEVELOPING THE FINANCIAL PLANNING FRAMEWORK 2024/25

Funding Outlook

3.1 Any consideration of the Council's MTFS must be undertaken in the context of the funding outlook for Local Government and what that means for the Council.

Local Government Finance Policy Statement (2023/24 and) 2024/25

3.2 The Secretary of State for the Department of Levelling Up, Housing and Communities (DLUCH) published the Local Government Finance Policy Statement for 2023/24 and 2024/25 as part of the Local Government Finance Settlement for 2023/24. For 2024/25, the Policy Statement provides an indication of the Government's intentions as follows:-

- the core Council Tax Referendum Principles for 2024/25 will be as in 2023/24; that is, the referendum limit for increases in Council Tax will remain at 3% per year and local authorities with social care responsibilities will be allowed to increase the Adult Social Care Precept by 2% (*this is reflected Government's assessment of spending power and included in the Council's Medium Term Financial Plan*);
- major grants (assumed to be the Services Grant) will continue as set out in 2023/24 and Revenue Support Grant will continue and be uplifted in line with Baseline Funding Levels (although it has become apparent that this uplift is likely to be funded from a reduction in the Services Grant hence no net gain in resources is expected);
- the Social Care Grant and other social care grants will increase '*as set out in the Autumn Statement*'. It is neither clear what precisely this means nor has there been any indication of individual grant amounts for each local authority proposed for 2024/25;
- a new funding stream, subject to the successful delivery of the Extended Producer Responsibility for Packaging (pEPR), will become available for local authority waste collection authorities. Limited details of the pEPR have been released by DLUCH and more recently it has been announced that the implementation of this Policy will be delayed until at least October 2024. As a result of this, it is unlikely that there will be any firm indication of the additional funding available to inform the development of the Medium Term Financial Plan until that time (hence nothing has been included in the MTFP at this stage).

3.3 Cabinet will appreciate that these are broad statements of intent and whilst providing some indication of the direction of travel, do not provide sufficient detail to make confident predictions about the funding available to the Council.

Spring Statement 2023

- 3.4 The Spring Statement 2023 provided no new funding announcements of substance for Local Government (or other Government Departments for that matter) aside from £63m of national funding for a Swimming Pool Support Fund (for which the Council has recently submitted a funding bid).
- 3.5 Subsequent analysis of the Spring Statement by the Institute of Fiscal Studies (IFS) indicates that even with reasonably strong economic growth (something that is currently not being achieved), Government Departments with unprotected budgets (including Further Education, HM Courts Services, HM Revenues and Customs **and Local Government**) may be subject to a real terms funding reduction over the period 2024/25 to 2027/28 of 3.2%. In essence, this could imply a continuation of austerity measures for another 3 years.
- 3.6 Of course, whilst the IFS is a reputable independent source of information, any future funding allocations for Government Departments will be subject to the policy intentions of whichever Government is in place. With a General Election taking place no later than January 2025, it is likely that any new Government will undertake a comprehensive spending review based on national financial projections at the time.

Local Government Finance Reforms

- 3.7 The current Government has indicated that it does not intend to undertake the long-awaited Fair Funding Review in the current Spending Review period and, by dint of that, before the next General Election. Similarly, it is unlikely that the Business Rates Retention Review will take place either given that both matters are inextricably linked and would need to be undertaken in tandem. This means that funding allocations to Councils will continue to reflect spending needs from 2013/14 and will continue to not take account of how those needs have changed (in relative terms) since that time.
- 3.8 Aspects of the Business Rates System are likely to change following the introduction of the Non-Domestic Rating Bill to Parliament recently. These potential changes, which are subject to the smooth passage of the Bill through Parliament, include:-
- **more frequent revaluations**, a key ask from the business community to ensure that business rates bills keep up with economic trends;
 - administrative reforms to deliver a sustainable shorter revaluation cycle, which will also enable **more accurate rating** lists and enable the **disclosure of more information to ratepayers** about their business rates valuations;
 - **measures to support decarbonisation and investment worth over £700 million**, including **a relief for low carbon heat networks** and **a new Improvement Relief** so that, from April 2024, no ratepayer will see an increase in their rates bill from qualifying improvements made to their property for 12 months;
 - support announced by the Government at Autumn Statement 2022. The Autumn Statement package, **worth £13.6 billion over the next five years**, includes a 3-year Exchequer-funded Transitional Relief scheme worth £1.6 billion. The Bill removes the statutory requirement for revenue neutrality within Transitional Relief and so delivers a key business ask, by allowing 300,000 ratepayers to enjoy an immediate reduction in their bills from 1 April.
 - the **Digitalising Business Rates** project, which will modernise the business rates system, improve the targeting of rates relief, generate better data for central and local government and help to improve business rates compliance;
 - much-needed **improvements to the administration of business rates**, including replacing RPI with CPI as the measure of inflation used in the annual indexation of the multiplier.
- 3.9 What these changes mean specifically for the Council's Medium Term Financial Plan, Business Rates function and the Business community in general remains to be seen.

Update of Medium Term Financial Plan (Revenue) 2024/29

- 3.10 Since the meeting of Council on 8th March 2023 work has continued to update the Council's Medium Term Financial Plan (MTFP) for the period to 2028/29. A summary of the updated MTFP is provided in the Table 2 below with a more detailed analysis provided at **Appendix A:-**

Table 2: Medium Term Financial Plan 2024/29

	2024/25 £m	2025/26 £m	2026/27 £m	2027/28 £m	2028/29 £m
Opening Balance	-	47.8	54.2	61.1	59.1
Change in Portfolio Budgets	18.2	7.7	9.7	7.9	6.4
Change in Contingencies	8.2	8.9	7.6	9.1	7.1
Change in Joint Committee Costs	0.4	0.4	0.9	-	-
Change in Debt Charges	24.5	4.2	3.7	2.1	2.4
Savings - Service Related	(8.0)	(5.7)	(2.2)	-	-
Net Change in Use of Reserves	23.9	5.7	4.0	(3.6)	(1.0)
Net Change in Collection Fund	1.0	1.0	-	-	-
Additional Council Tax Income	(14.7)	(14.8)	(15.0)	(15.8)	(15.8)
Reduced Council Taxbase Growth	2.2	1.5	0.9	1.0	1.0
Additional Government Funding	(7.9)	(2.5)	(2.7)	(2.7)	(1.3)
Funding 'Gap'	47.8	54.2	61.1	59.1	57.9
In Year Funding 'Gap'	47.8	6.4	6.9	(2.0)	(1.2)

See Appendix A

3.11 As the table indicates, the forecast funding gap for the period to 2028/29 is now estimated to be £57.9m with the most immediate issue being a funding shortfall in 2024/25 of £47.8m. The key changes to the MTFP include:-

- reflecting the likely ongoing cost of pressures being experienced in the current financial year. Given the forecast outturn position for 2023/24 set out above, whilst measures have been put in place in an attempt to contain these costs, some are underlying structural budget matters where no budget provision was made in 2023/24 but which are expected to be sustained into 2024/25 and beyond;
- an update to the cost of pay for 2024/25 onwards following the Pay Award Offer for 2023/24 made by the National Employers. As set out below, the Pay Award Offer for 2023/24 is estimated to worth on average c6.2% against budget provision of 6% and, if accepted, will increase the forecast cost from 2024/25 onwards;
- an increase in Debt Charges due to the end of the Minimum Revenue Provision (MRP) 'holiday' that has reduced these costs for the last 7 years and the increasing cost of debt interest;
- the net change in the use of reserves reflecting that, unlike in 2023/24, given the significant reduction in the Council's balances and reserves, there is limited scope to drawdown the use of reserves to support the budget from 2024/25 onwards;
- a write down of £1.5m in the Insurance Provision. The Council's Insurance Provision is currently c£11.5m. A review of the provision has been undertaken and it is proposed to write it down to £10m providing a one-off £1.5m contribution to the Council's budget in 2024/25;

- an adjustment to the growth assumption in the Council's Council Taxbase. Previously, it had been assumed that growth would be 1.6% which equates to c1,800 new Band D properties. A review of the Annual Monitoring Statement produced by the Council's Planning Team indicates that, on average, the Council is experiencing growth c800 properties annually and whilst progress on bringing empty homes back into use also needs to be considered, it is unlikely to achieve the level of growth previously expected;
- a change in the Council Tax assumption for 2025/26 and 2026/27. It was previously assumed that the increase in Council Tax would be limited to a 2.99% threshold in those years; given the Local Government Finance Policy Statement, it is now assumed that the threshold will be 4.99% in each year of the Medium Term Financial Plan;
- and, as set out in the Quarter 1 Budget Monitoring report, the need to identify savings in 2025/26 and 2026/27 of £10.750m so that the Council has sufficient resources to make the planned contributions to the High Needs funding deficit as part of the Safety Valve Agreement;

3.12 These and the other assumptions underpinning the MTFP will remain under review as the financial year progresses.

Key Areas of Uncertainty

3.13 The MTFP is a forecast of the Council's financial position over the period to 2028/29. At this stage, there remain a number of matters where insufficient information is available but which are likely to have an impact on the MTFP. Some of these are set out below.

Delivery of the Budget in 2023/24

3.14 Delivering the budget in 2023/24 is critical to the sustainability of the Council's financial position. In this context, it is crucial that the Council contains, wherever possible, the forecast overspend reported above and that the savings agreed for the year are delivered in full. Acknowledging that, the key risks to delivery of the budget that the Cabinet need to remain sighted on are as follows:-

- ***Implementation of savings*** – the Council agreed savings totalling £18.6m to balance the budget for the year. In light of the Pay Offer made by the National Employers Organisation (see below), the savings target for services was increased by a further £1.2m. All of these savings require permanent reductions in the budget and to the extent that they are not delivered in full or at all, there will be an additional budget pressure for 2024/25 onwards. The expectation is that they will be delivered and so monitoring this throughout the year, as has been the case to date, remains important. Where likely, it may be necessary to develop mitigation measures where savings are not expected to be achieved;
- ***Containing the Forecast Overspend*** – given the forecast overspend reported following the Quarter 1 Budget Monitoring exercise, a range of measures have been implemented as a means of controlling expenditure in the year. These are as set out above. It is too early to indicate the success of otherwise of these measures but they are key to containing the forecast overspend;

- **Pay Award in 2023/24** – this is budgeted at 6%. In response to the Trade Unions pay claim, the Employers pay offer was made during February 2023. The offer comprised a flat cash payment of £1,925 on each pay point up to Spinal Column Point (SCP) 43 (this equates to a pay award of ranging from 3.88% to 9.50%); for pay points above SCP43, a pay increase of 3.88% has been proposed. On average, this equates to an increase in pay costs of c6.2%. As indicated above, the estimated cost of this is £1.2m more than currently budgeted hence the increase in the savings target for the current year. However, if agreed at this level or higher, this will have a knock-on impact to the forecast in the MTFS (as set out above);
- **Energy Inflation** – the Council’s cost of energy has increased significantly in recent years due to global supply issues and the war in Ukraine. During 2022/23, the Cabinet agreed to a series of measures (eg operation of facilities, implementation of alternative energy supplies etc.) to manage the cost increases, acknowledging that in the current economic climate prices are expected to continue rising. How successful these measures were is difficult to evaluate but it is clear that such ‘good housekeeping’ measures need to continue in the medium term whilst ever the cost of energy remains high;
- **Demand for Adult and Children’s Social Care** – this remains an ever-present risk for the Council, not least given the fragility of the health and care system. Having systems in place to track demand and the available resources to deal with it as it changes is key. In recognition of this, an additional layer of governance has been introduced in both Directorates to provide oversight to costs being incurred in these services to ensure the right decisions are made on both placements and packages of care, balancing the needs of service users with available funding;
- **Delivery of the Capital Programme** – Given the pressure on borrowing costs, there will need to be a closer focus on the delivery of the Council’s Capital Programme within the budgets that have been agreed. This is particularly the case with the impact of price inflation on capital costs rendering some schemes undeliverable within the funding envelopes that have been set. This may necessitate some degree of value engineering on projects, identification of additional funds and increasing the pace of asset disposals as part of the asset review and rationalisation process. It will also mean that the Council will have to delay, defer, stop or not start some projects.

3.15 These and other matters will be considered in more detail as part of the regular budget monitoring reports to the Cabinet as the financial year progresses.

Funding Settlement from 2024/25

3.16 Given the funding settlement for 2023/24 is for one-year only, and the limited details provided in the Local Government Finance Policy Statement, it remains difficult to estimate the likely level of funding the Council will receive from 2024/25 onwards.

3.17 The amount of funding from Business Rates and Revenue Support Grant appears relatively stable. It is also assumed that the Social Care grant funding provided to the Council, totalling around £53.0m in 2023/24 and including grants such as the Improved Better Care Fund, Market Sustainability and Improvement Fund will, as a minimum, continue at the levels currently provided.

3.18 In relation to other grant funding received (or receivable) by the Council:-

- **Services Grant** – This grant was introduced as part of the 2022/23 Settlement. Originally, it was worth £822m for Local Government. In the Settlement for 2023/24, some of the funding for the Grant was used to meet the cost of other matters such as an inflationary increase for the Revenue Support Grant thereby reducing the overall amount of funding to £483m; Kirklees' share of the grant in 2023/24 is £3.4m. It is anticipated that the Services Grant will continue to be top-sliced for other matters in 2024/25 onward but it is unclear how this will happen;
- **New Homes Bonus** – this grant has now evolved into an annual payment to reflect housing growth achieved in the previous year (rather than the incentive-based multi-year payment rewarding housing growth). The Government has previously indicated its intention to reform the New Homes Bonus and has consulted on proposals to do this. However, aside from reducing it to an annually determined payment, no changes have been made and there remains uncertainty about whether it will feature as part of the Local Government Finance Settlement at all. For this reason, it is assumed the payment will remain at its present level of c£296k;
- **s31 Grants for Business Rates** – as with most Councils, Kirklees Council receives s31 Grants to compensate for the loss of Business Rates income due to range of reliefs and exemptions provided to businesses in lieu of the payment of Business Rates (estimated to be £28.2m in 2023/24). Indeed, around half of the businesses in the Borough do not currently have a Business Rates liability.

The extent to which the Government can continue to support businesses in this way is dependent on the strength of the national economy. It is likely, for example, that the current Retail Relief will expire at the end of the current financial year requiring some Retail businesses to start paying Business Rates for the first time in a number of years. In these circumstances, the Council will lose the s31 Grant and will be required to collect the Business Rates income in its place.

- **Extended Producer Responsibility** – an anticipated new feature of the future Funding Settlements is the Extended Producer Responsibility payment (pEPR). Whilst few details of this payment are currently known, it will be a charge to businesses that produce recyclable waste which is collected by a Government Agency and distributed to Local Councils. Whilst it was expected that pEPR would be introduced in 2024/25, the Government has recently announced a delay to the implementation of the Scheme. This is likely to mean no income will be received until at least 2025/26. That said, at this stage, there is insufficient information to indicate how much, if anything, the Council will receive and what conditions may come with the funding.

Future Pay Awards

3.19 As the Cabinet may be aware, the Pay Award for 2023/24 has not yet been agreed and given the position of both the National Employers Organisation and the Trade Unions, it appears it is unlikely to be agreed until later in the year. As set out above, the current Pay Offer would exceed current budgeted provision and, once agreed, would form the basis of subsequent pay bills. Consequently, if the National Employers Pay Offer is eventually agreed at proposed levels, additional provision has been built into the MTFP to reflect this.

3.20 Looking ahead, according to estimates from the Office of Budget Responsibility it is anticipated that inflation will start to reduce quite rapidly through 2023 with the expectation that it will return to the Bank of England's target level of 2% during Q1 of 2024. Given that pay negotiations have centred around the impact of high inflation and the need for wages to keep pace, the expectation of much lower inflation may curb both the pressure for higher pay demands and the actual pay awards in turn. Nevertheless, being prudent, the MTFP assumes that there will remain pressure on pay assuming a pay award in 2024/25 of 4%, falling to 2% in 2025/26 and 2% in 2026/27.

National Living Wage and Impact on Pay Structure

3.21 In broad terms, the change in the National Living Wage (NLW) impacts the Council in the following ways:-

- the Local Government Employers Organisation, which represents most Local Authorities in pay negotiations with the Trade Unions, is committed to pay staff above the NLW. Given the current NLW is only marginally below the lowest hourly rate paid to Local Government staff, in recent years the increase in the NLW has required increases in the lowest hourly rates that, when applied to the whole pay spine, are not affordable.

Consequently, in the last 2 years, the National Employers Organisation has offered lump sum pay awards on each point of the Local Government Pay Spine which, whilst progressive, is leading to a flatter pay spine. This is not considered sustainable and will require a complete review of the Pay Spine (akin to a national job evaluation exercise) which may have significant implications for pay costs;

- the Council uses the National Living Wage as one of the key components in its determination of the amounts payable for Adult Social Care commissioned services. Given the value of the commissioning arrangements, which is c£90m annually, and that wages represent on average c70% of Providers Costs, the change in the National Living Wage has a significant bearing on the cost of these services to the Council.

3.22 The NLW is currently £10.42 per hour (the statutory minimum payment for anyone aged over 23yrs). The Real Living Wage is £10.90 (a voluntary minimum payment for any aged over 23yrs working in the UK outside of London). The lowest point on the Local Government Pay Spine currently pays £10.50 (only 8p above the NLW and 40p below the RLW). The change in the NLW (and RLW) for 2024/25 will not be known until later in the year but is assumed to increase by c6%.

General Inflation

- 3.23 Given the global economic supply issues in a range of sectors as the World emerged from the Pandemic combined with other geo-political events notably the Russian invasion of Ukraine and the subsequent ongoing conflict, the rate of general inflation has become a predominant issue for national economies including the United Kingdom. At the time of writing, the Consumer Price Index was 6.8% (as at July 2023). Whilst starting to reduce, the persistently high rate of inflation is fuelling both demands for higher wages (see Pay Award above) and costs for goods and services all of which are increasing the financial pressure on the Council.
- 3.24 Looking ahead, as set out above, the expectation is that inflation should start to reduce quickly and towards the early part of 2024 will return to target levels (at or around 2%). That said, this will depend on the aggressiveness of the Bank of England's Monetary Policy (the change in interest rates) as well as global geo-political events.
- 3.25 Other than for certain contracts and commissioned services, the Council does not generally provide for inflationary cost increases in budgets. The expectation is that Services will contain these costs which, inevitably, leads either to reduced service provision or, more likely cost overspends which would need to be managed in year.

Cost of Living Crisis

- 3.26 The Council's response to the Cost of Living Crises, which has seen increased demand for support from some of the most vulnerable people in the Borough, is largely being funded from additional monies provided by the Government. As examples, this includes the Household Support Fund (£7.406m) and Council Tax Support Relief (£0.922m). This funding is in place until the end of 2023/24 and it is not clear what, if any, further funding will be made available.
- 3.27 Given this type of support has now been provided since the onset of the Pandemic almost 3 years ago and the emergence of the 'Cost of Living' crises, there is an expectation that the Government will continue to provide the funding; it may equally be the case that there are expectations in the community that the Council will continue to provide it even if there is no funding from Government.

Treasury Management

- 3.28 At the meeting of the Council on 8th March 2023, Councillors approved the Treasury Management Strategy for 2023/24. This set out the strategy for both borrowing and investments and set out the policy for the repayment of debt (otherwise known as the Minimum Revenue Provision (MRP)).
- 3.29 Since the Strategy was agreed, there has been a marked change in the actual and anticipated reduction in the Council's balances and reserves which impacts on the Council's ability to finance capital investment from within its own resources in the short term. Combined with the need to replace maturing debt and the extent to which the capital programme is funded by prudential borrowing, the need to borrow externally is becoming a necessity.

- 3.30 Coinciding with this, the cost of borrowing has risen sharply over the last year making new external debt more expensive than was predicted as part of the budget. Combined with the end of the 'holiday' period for reduced Minimum Revenue Provision, the overall cost of debt to the Council has increased significantly both in the current year and as part of the MTFP.
- 3.31 Consequently, the Borrowing Strategy which forms part of the Treasury Management Strategy has been reviewed in conjunction with the Council's Treasury Advisors to ensure that the Council is pro-actively managing its borrowing needs. At the same time, and as set out below, the extent to which the Council is funding its Capital Programme from borrowing is under review. This is with the aim of delaying, deferring or reducing the amount of borrowing necessary to control the impact of debt charges on the Council's budget.

Other Matters

- 3.32 As well as the range of pressures affecting the Council's financial position overall set out above, there are some specific service related matters that may equally have a bearing on the Council's financial position. These include, for example:-

- ***Social Care Reforms (including Market Sustainability and the Fair Cost of Care)*** – although the Government has delayed some of the major reforms of the Social Care provision there is, nevertheless, a need for the Council to make changes to improve the sustainability of the local care market and to prepare for the changes to come. Whilst funding has been made available by the Government to support these changes, this may not be sufficient to make the rapid improvements necessary. Equally, much will depend on the integration of health and social care and what that might deliver in terms of efficient and effective services;
- ***Preparing for Care Quality Commission (CQC) Inspection*** – the Cabinet has received various updates on the CQC's mandate to independently review and assess the quality of care provided by Local Authorities. It is not clear when the Council will be subject to this review but it clear that the Council needs to undertake work to be prepared. Again, from the updates provided, the outcome of the review is uncertain and with that the extent of any actions, and therefore resources, that may be necessary in response to the review;
- ***Managing Demand in Children's Social Care*** – the Council has invested in early intervention in Children's Social Care which has meant the numbers of Looked After Children are low in relative terms when compared to other 'like' Councils. However, both the mix of placements and associated costs are creating pressure on the budget which will need to be actively managed to ensure expenditure remains within the resources available. This is particularly the case with the SEND service where there is significant transformation activity being driven by a need to reduce the historic deficit on the High Need DSG budget, more details of which are provided below.

Equally, following the publication of the Government's strategy '*Stable Homes, Build on Love*' intended to transform the Children's Social Care system to focus more on early support for families, it remains unclear how the proposals in the strategy will be implemented and what, if any, additional funding will be provided to support implementation;

- ***Climate Change and achieving Net Zero*** – as with other Councils, the Council declared a climate emergency (in 2019) and has committed to making Kirklees Council net zero and climate ready by 2038, taking into account the production and consumption of emissions. The Council's approach is to focus on both mitigation and adaptation to climate change with the most immediate actions (Phase 1) being to increase the amount of electric vehicle charging, providing free parking for low emission vehicles, obtain green electricity supplies and planting more trees. Phase 2 focuses on a wide range of activities to continue this work.
- ***Environment Act 2021*** – The Act has a wide range of changes that will impact on the Council, generally in relation to environmental matters and more specifically as both waste collection and waste disposal authority. This includes, for example:-
 - the collection of glass, metal, plastic and paper/card from households for recycling;
 - exploring the possibility of Councils having separate food waste collections at least once a week for recycling and composting;
 - the introduction of a Deposit Return Scheme (where consumers pay a deposit for a single-use container at the point of purchase which is then refunded to the consumer when they return the container for recycling);
 - the Extended Producer Responsibility which makes sure producers pay the 'full net cost of recovery' for the packaging that they produce (considered by DLUCH to be a substantial new income source for the Council);
 - the provision of a free garden waste collection.

The implementation of measures in the Act is unlikely to take place without further consultation with local authorities, not least because of the potentially significant financial implications. Indeed, whilst acknowledging the need to increase rates of recycling, local authorities have been clear that to implement the measures in the Act will require significant additional funding from Government.

At this stage, given the lack of clarity available about the implementation of the Act and the expectation that Government will provide additional funding, no provision is included in the Medium Term Financial Plan for the impact of the Environment Act 2021 at this stage.

- **Capital Investment Plans** – the Council remains committed to delivering its aspirations for the regeneration of the Borough’s Town Centres and has been successful in securing a range of funding (Community Renewal Fund, UK Shared Prosperity Funding, Town Deal for Dewsbury, Levelling Up Funds for Marsden and Batley) to deliver a range of projects. In most cases, these projects require some amount of match and third-party funding which, where identified, has been factored into the Council’s Capital Programme.

However, as with any programme of this nature, ensuring delivery on time and within budgets provided can be challenging and may require additional programme management capacity to achieve the necessary outcomes. This is also against a backdrop where the cost of debt has increased significantly requiring the Council to consider whether borrowing remains affordable, sustainable and prudent;

3.33 Overlaying these issues are various internal matters that also represent key areas of uncertainty. These include, for example, the following matters:-

- **Implementing the new Corporate Plan** – The Council recently agreed a short extension to the current Council Plan to January 2024 with work on the development of a new Plan due to start imminently. It is likely the Plan will continue to be based around the four key partner-led strategies given the longer term ambitions of the Council. That said, addressing the financial challenge the Council has will be a key focus and, in any event, there needs to be strong link between the Council’s ambitions and its ability to deliver them within the resources available. This is likely to require both an iterative approach to service and financial planning and consideration of innovative ways of delivering priority actions;
- **Creating capacity for change** – it is inevitable that, to deliver the scale of savings necessary to achieve a sustainable budget, the Council needs to have adequate corporate capacity to identify, develop and implement changes in the way it operates and delivers Council services. This capacity is necessary so that services can continue to operate effectively as changes are implemented. Whilst there is some funding remaining in the Transformation Reserve, further consideration may need to be given to how resources can be freed up to underpin the changes necessary;
- **Stability in the Workforce** – As with a number of sectors and organisations, the Council continues to experience difficulties with the recruitment and retention of staff in a number of business areas. This may start to impact on the delivery of services and remedial actions may be necessary to deal with this issue where it is possible to do so. However, this is a broader sectoral issue and not necessarily unique to Kirklees Council hence it is a matter that it also being considered by the Local Government Association to determine whether there is national response to this matter;
- **Local Plan Review** – The Council is in the first stages of reviewing its Local Plan. As the Cabinet is aware, a sound Local Plan will support the delivery of the Council’s growth ambitions and as set out below, given the link between growth the sustained income available to the Council from business rates and Council Tax, is a fundamental part of the MTFS;

- **Capitalisation of Staffing Costs** – In 2023/24, the Council will capitalise staffing costs totalling c£10m. These staff are actively involved in the delivery of capital projects. However, once projects are delivered, the Council will need to consider to what extent those staff employed on the projects are required and how, if they are required, their costs will continue to be funded;
- **Commercial Services and Income Recovery** – A commercial approach to the delivery of services has become a regular theme of Council plans in recent years. Within the bounds of both statutory and other guidance, the Council needs to consider to what extent it can derive more income from taking a more commercial approach to the delivery of services. This approach will need to be underpinned by a clear commercial strategy so that any actions implemented are within a strategic framework and fit with the Council's own objectives;
- **Availability of External Funding** – As indicated above, the Council has a good track record in obtaining external funding as a means of regeneration and/or expanding the delivery of services across Kirklees Council. The hallmark of current funding streams is the need to bid for funds, generally in competition with other local authorities;

To be successful, the Council must be in a position to develop bids that are of high quality, capable of being successful and ultimately can be delivered. It is important, therefore, that the Council puts in place arrangements, such as clear exit strategies, when funding streams come to an end so that the burden of additional cost does not simply add to the ongoing budget shortfall. In doing so, however, there needs to be a holistic approach to reviewing the contribution of funded schemes to the Council's Corporate Objectives in comparison to those services/projects/schemes funded directly by the Council's base budget.

3.34 Again, whether external or internal factors, these are not exhaustive lists, but it does outline some of the major issues that may impact on the Council's financial position and will need to be considered in the context of both the Council's priorities and its ability to deliver a balanced and sustainable budget.

Dedicated Schools Grants (DSG)

3.35 As Cabinet may be aware, Dedicated Schools Grant is paid to the Council in support of the Local Authority's Schools budgets. It comprises four blocks of funding – the Schools Block, the Central School Services Block, Early Years Block and High Needs Block. It is the responsibility of the Council, in conjunction with their local Schools Forum, to determine the split of funding between their own expenditure and the Individual Schools Budget.

3.36 A more detailed report on Schools Funding arrangements will be presented to the Cabinet once details of the DSG Settlement are known for 2024/25.

- 3.37 In the meantime, in relation to the High Needs DSG Block and the Council's accumulated funding deficit, the Cabinet is aware from previous reports on this matter that the Council is part of the national Safety Valve Programme with the Department for Education. Under the Agreement with the DfE, which aims to bring back into balance the annual budget for High Needs provision and to reduce the historic deficit to nil, the Council will receive funding of £33.5m (comprising an upfront payment of £13.5m plus £4m annually over the 5-year life of the programme) in the period up to 2026/27. This is to help implement a programme of work to transform of SEND in the Borough.
- 3.38 The Council's SEND Improvement Plan includes significant capital investment in District SEND placement sufficiency over the next 5 years; including the re-location and placement expansion of two existing special schools (includes £9m Government capital grant contribution and at least £27m Council prudential borrowing), alongside Government further capital funding of £8.2m to support Alternative Resource Provision across the District's maintained schools. The Improvement Plan also includes a Council-contribution of £10.8m in the next 3 years and annual Council savings against High Needs spend which by year 2026/27 should see the budget in balance. The Improvement Plan resourcing assumptions described here are incorporated into the updated baseline MTFP and funding assumptions in this report as appropriate.

Collection Fund

Collection Fund – Council Tax

- 3.39 The Collection Fund – Council Tax accounts for the income and expenditure associated with the collection of Council Tax. Council Tax receipts from residents are paid into the Fund. Precept payments to the Council, Major Preceptors (Police, Fire) and Parish Councils are paid out of the fund. Any surplus or deficit on the Fund is distributed to the Council and Major Preceptors.
- 3.40 In relation to Council Tax, it is assumed that the Council Taxbase will grow by 0.7% (c800 Band D Properties) annually over the life of the MTFP and the collection rate is assumed to remain constant at 98.5%.

Collection Fund – Business Rates

- 3.41 The Collection Fund – Business Rates accounts for the income and expenditure associated with the collection of Business Rates. Business Rates receipts from businesses are paid into the Fund. Payments to the Government (50% of net debit collected), the Council (49%)(otherwise known as locally retained rates) and Fire Authority (1%) are made from the Fund. Again, any surplus/deficit on the Fund is distributed to the aforementioned bodies in the proportions set out.
- 3.42 For the purposes of the MTFP, it is assumed that the Council's share of locally retained Business Rates will increase by 6.4% in 2024/25 and by 2% each year thereafter. This is supplemented by a Business Rates Top-Up payment from Government. Both the amount of locally retained Business Rates and Top-Up payment are subject to the amount of business rates paid both nationally and locally.

- 3.43 As Cabinet will be aware, the Council is currently part of the Leeds City Business Rates Pool in 2023/24. That arrangement applies for 1-year only given the Government's tendency to seek applications to renew such agreements as part of the annual Local Government Finance Settlement. The benefit of the Pooling arrangement to the Council is the opportunity to receive a share of the retained levy on business rates growth across all Councils in West Yorkshire (the Council's share is estimated to be £0.430m for 2023/24).
- 3.44 Whilst no such request for applications to renew the Pooling arrangement for 2024/25 has yet been published, and subject to other Councils in West Yorkshire and York City Council agreeing, it is assumed for the purposes of the Medium Term Financial Plan that the Pooling arrangement will continue in its present form. As this is the case, and to ensure the Council is in a position to respond accordingly if a request for applications is made, it is recommended that Cabinet given delegated authority to the Chief Executive and Service Director Finance, in consultation with the Leader and the Finance and Regeneration Portfolio Holder to consider options and determine whether (or not) the Council should continue as a member of the Pool in 2024/25.

Housing Revenue Account

- 3.45 The Housing Revenue Account (HRA) supports the delivering of high quality landlord service to c22,000 Council tenancies and 1,030 leaseholders alongside supporting the Council's strategic HRA capital investment ambitions, all within a self-financed and wholly ringfenced 30-year HRA Business Plan.
- 3.46 The HRA Business Plan is continually reviewed to reflect the latest information available to the Council. In this context, Cabinet should note the various pressures on the Housing Revenue Account including, but not limited to:-
- maintaining Decent Homes standards;
 - ensuring the Council is compliant with its obligations in relation to High Rise buildings and dealing with damp, mould and condensation;
 - managing void properties better including reducing turnaround times for re-occupation
 - being prepared for the new social housing regulations (and greater oversight by the Social Housing Regulator).
- 3.47 The HRA Rent and Service Charge Setting Report will be presented to Cabinet for consideration and approval in December 2023. The proposed Housing Revenue Account and the Housing Capital Programme for 2024/25 (including forward projections) will be presented as part of the Council's overall Corporate Budget report to the meeting of Cabinet in February following consideration by the Homes and Neighbourhood Improvement Board.

Balances and Reserves

- 3.48 Any consideration of the Council's Medium Term Financial Position needs also to consider what reserves and balances are available and whether they are adequate.

- 3.49 At the beginning of the financial year 2022/23, the Council had balances and reserves of £149.9m (excluding statutory reserves for Schools and Public Health). This comprised Earmarked Reserves of £139.9m and Unallocated Reserves of £10m¹.
- 3.50 At the end of the last financial year, the Council recorded an overspend on its General Fund Revenue Budget of £27.0m². This was a result of both the impact of the 'cost of living' crisis on the Council and budget pressures due to increasing demand for services and shortfalls in income budgets still recovering from the impact of Covid-19. This required a drawdown from Unallocated Reserves of £27.0m (achieved through a reallocation of Earmarked Reserves). At the same time, Earmarked Reserves of £35.9m were used in support of the Budget.
- 3.51 The Council's balances and reserves at 31st March 2023 totalled £84.1m (excluding statutory reserves) comprising Earmarked Reserves of £37.0m and Unallocated Reserves of £47.1m. In total balances and reserves of £65.8m (or 44% of available reserves) were used in support of the 2022/23 budget.
- 3.52 Details of the Council's Reserves and Balances are provided regularly in reports to the Council's Cabinet. An updated analysis of Reserves and Balances is now provided at **Appendix B**. This reflects the changes in reserves following the setting of the Budget for 2023/24 and the forecast use of reserves as set out in the Quarter 1 Budget Monitoring Report (see above). As this indicates, and as set out earlier in this report, the Council's reserves and balances have reduced significantly over recent years and action will need to be taken to ensure they remain adequate given the Council's circumstances.
- 3.53 The strategy for the use of Reserves and Balances is as follows:-
- at this stage, no reserves are planned to be used to support Council expenditure in 2024/25; any funding gap will need to be met wholly from reduction in expenditure or increases in income;
 - a **Minimum Working Balance** of at least £15m needs to be maintained throughout the life of the current MTFP. As the Cabinet may be aware, the Minimum Working Balance is held as a contingent sum to provide for unexpected and unforeseen circumstances and is part of the Council's various measures to maintain financial resilience.
The proposed balance is at the lower end of what might be considered a reasonable balance to provide a level of financial resilience given the Council's strategic, tactical and operational risks. Considering this, the Service Director Finance will conduct a quarterly review of the Minimum Working Balance to assess the adequacy of the Minimum Working Balance against the risks faced by the Council and the availability of resources to maintain the balance as appropriate.
 - **Earmarked Reserves (for discretionary use)** will only be used for the purposes for which they have been set aside and will be subject to annual review. There is no proposed use of Earmarked Reserves 2024/25 at this stage. Any such use is subject to a further review of Earmarked Reserves later in 2023;

¹ Unaudited Statement of Accounts 2022/23

² Council Financial Outturn and Rollover Report 2022/23 (Cabinet 27th June 2023)

- the **Demand Reserve** of £10.750m has been reallocated to support the Minimum Working Balance (and is included in the £15m referred to above). This reserve was set aside to allow the Council to make a contribution to reduce the historic deficit on the High Needs DSG budget under the Safety Value Agreement with the DfE. As set out in the Quarter 1 Budget Monitoring report considered by the Cabinet in August 2023, it will be reimbursed in 2025/26 (£2.150m) and 2026/27 (£8.6m) so that the Council can comply with its obligations under the Safety Valve Agreement.
- the **Housing Revenue Account Balance** (the equivalent of the General Fund Minimum Working Balance referred to above) will be maintained at £15m.

3.54 It is worthwhile reiterating that the reserves are a finite source of funding and should not be relied upon to support the Council's budget other than as part of the clear strategy to achieve a sustainable budget in the medium term. Acknowledging this, the Cabinet should note that any use of reserves will only be permissible with the agreement of the Service Director Finance.

Update of Medium Term Capital Plan 2024/29

3.55 At the last meeting of Cabinet, Councillors considered a report on the Council's Quarter 1 Capital Plan monitoring position of £259.7m (2023/24). The plan was subject to some initial re-profiling of 2023/24 budget into later years as well as £348k additional grant/S106 within Play Strategy across years. The latest Medium Term Capital for 2024/28 is summarised in the table below and provided in more detail at **Appendix C**.

Table 3: Medium Term Capital Plan 2024/27

	2023/24 £m	2024/25 £m	2025/26 £m	2026/27 £m	2027/28 £m	Total £m
Aspire & Achieve	21.0	22.4	25.0	11.0	4.3	83.7
Best Start	2.9	0.1	-	-	-	3.0
Independent	8.1	2.8	4.6	4.7	1.3	21.5
Sustainable Economy	154.5	156.1	130.4	71.2	200.7	712.9
Well	5.2	2.9	1.8	0.7	-	10.6
Clean & Green	12.5	10.4	11.1	0.1	8.4	42.5
Efficient & Effective	6.8	6.0	1.0	1.0	0.9	15.7
General Fund	211.0	200.7	173.9	88.7	215.6	889.9
						-
HRA - Independent	48.7	51.2	63.4	58.3	90.5	312.1
	-	-	-	-	-	-
Council Total	259.7	251.9	237.3	147.0	306.1	1,202.0
<i>Change from Rollover Plan</i>	(0.2)	-	+0.4	+0.3	-	+0.5

3.56 Notwithstanding the economic growth aspirations of the Council, there is need for the Council's Capital Programme to remain prudent, affordable and sustainable. This is particularly in the context of the significant pressure on the Council's General Fund Revenue Budget as set out above and, as described above, specifically the significant increase in debt charges.

- 3.57 A review of the Capital Programme has begun. Given the extent of borrowing that underpins the Programme, and the current and forecast cost of that debt, the focus of the review is to consider what scope there is to reduce the Capital Plan for the Council. This is being balanced against the future investment needs of the Council, both in maintaining the delivery of essential services, providing match funding where it is necessary to leverage external funding and to deliver ambitions around growth and regeneration.
- 3.58 Without pre-empting the outcome of the review, it is inevitable that the projects within the Programme will need to be reduced, deferred or even stopped. Further details of the review and, indeed, the proposed Medium Term Capital Programme for 2024/29 will be brought forward for consideration by the Cabinet in due course.

General Fund Revenue Budget - Scenario Planning (Sensitivity Analysis)

- 3.59 As mentioned above, the MTFP is based on a range of assumptions which impact on both income and expenditure. Changes in these assumptions can have a fundamental effect on the Council's funding gap and the level of savings the Council will be required to make over the next 3 years.
- 3.60 The Cabinet will appreciate that it is good practice to model scenarios based on changes to some of the key assumptions in the MTFP. The purpose of this sensitivity analysis is not to predict or forecast the future, but rather test and understand the Council's sustainability into an uncertain future given alternative plausible scenarios for the key drivers of costs, service demands, funding and key risks to which the Council is exposed. Such 'stress testing' is considered to be good practice and acts as an indicator of the Council's financial sustainability.
- 3.61 The sensitivity analysis gives some indication of the likely range of the Council's deficit position bounded by realistic worst- and best-case scenarios. Although it is always possible there might be scenarios outside of these boundaries (as well as numerous ones within them), this is considered unlikely as the worst case assumes strongly negative estimates for most of the main aspects of the MTFP. Likewise, the best-case contains only positive changes. The key variables that have been modelled with the results of this analysis at are provided at **Appendix D** and summarised in Table 4 below:-

Table 4: Scenario Analysis

	2024/25 £m	2025/26 £m	2026/27 £m	2027/28 £m	2028/29 £m
Best Case	44.1	48.9	54.0	50.8	48.5
Base Position (Table 2 above)	47.8	54.2	61.1	59.1	57.9
Worst Case	56.4	67.6	79.3	82.1	85.7

See Appendix D

- 3.62 As the table indicates, the range of potential positions is a deficit of c£44.1m to a deficit of £85.7m. These scenarios are provided to reflect the level of potential volatility in the assumptions and reinforces the uncertainty with future budget estimates.

Developing the Medium Term Financial Strategy

- 3.63 In considering the development of the Medium Term Financial Strategy (MTFS), fundamentally the Council must take action to bring expenditure in line with income without the ability to call on reserves, at least in the short term. Indeed, given the forecast balance of reserves, there is a need to build back reserves to provide the Council with greater financial resilience and capacity for change.
- 3.64 Given the scale of budget reductions necessary, this will require a combination of measures to both reduce expenditure and increase income. However, the development of the MTFS has to be undertaken in the context of the Council Plan so that, wherever possible, remaining resources continue to be directed to the Council's priorities.
- 3.65 Whilst acknowledging that the Council Plan is due to be updated in advance of the next financial year, it is currently underpinned by four key-partnership strategies that provide the basis of the Council's activities and which are likely to continue to provide the foundation upon which the Council Plan will be developed. These strategies - the Inclusive Economy Strategy, Health and Wellbeing Strategy, Environment Strategy and Inclusive Communities Framework – when taken together and delivered in collaboration with a range of partners are intended to achieve a series of shared outcomes to improve the lives of residents in the Borough.
- 3.66 To provide a focus for the delivery of the vision set out in the Council Plan, the four key-partnership-led strategies referred to above and the Council's shared outcomes, a set of priorities has been identified to guide the work of the Council. These are as follows:-
- Addressing the financial challenges facing the Council;
 - Transforming services to become more efficient and effective;
 - Working with people, partners and places on the cost of living; and
 - Continuing to invest in our future.
- 3.67 These priorities apply across the Council and in the context of the challenges facing the Council provide the backdrop to the development of the MTFS set out below.

Medium Term Financial Strategy

- 3.68 The MTFS sets out the strategic financial approach to the delivery of the Council Plan. It recognises the significant immediate financial challenge faced by the Council but acknowledges that this needs to be balanced with ensuring the resources available are directed at priorities and that investment in the medium and longer term ambitions must be maintained where possible. With this in mind, the framework for the MTFS is based around the following themes:
- **Growing our Place** which recognises a need to maximise the Council's income using the funding mechanisms currently in place for local government to provide sustainable income and the part that investment in the Council's ambitions for the economic growth and regeneration of the Borough will play in this;

- **Ensuring the Council is an Efficient, Effective and Modern Organisation** in the delivery of its services. This is a broad theme aimed at continuing (and accelerating if possible) the transformation of service delivery so that it provides best value to the Borough's residents. Recognising that the Council should be driven by achieving the best outcomes possible, it may require services to be delivered differently, by others on behalf of the Council and or not at all if it is in the best interests of residents;
- **Prioritising the use of the Council's Resources Fairly** ensuring that within the funding available to the Council, it continues to prioritise the most vulnerable residents, the broader community and businesses in the Borough.

3.69 The narrative below provides more details on each of these approaches.

Growing our Place

- 3.70 The current system of funding for local government relies significantly on Council's pursuing growth in both Council Tax (from new house building and re-occupation of empty homes) and Business Rates (from growth in business properties) taxbases. There is, therefore, a clear link between the Council's economic growth and regeneration plans for the Borough (and underpinning that, the implementation of the policies set out in the Council's Local Plan).
- 3.71 The Council has just started the process of reviewing its Local Plan, both in terms of delivery since it was adopted by the Council and what changes may be necessary to it to ensure that the original objectives can be achieved. As the Cabinet will be aware, ensuring that the Local Plan is up to date and provides a sound policy framework is essential for the achievement of sustainable growth of the Borough's economy.
- 3.72 Kirklees remains committed to supporting the growth of an inclusive and productive economy. This is articulated in the Economic Strategy 2019-25 which sets out the plans that will be implemented to achieve this. These focus on creating modern innovative businesses, making sure the Borough's residents have the skills and ambitions for work, having active partnerships and networks to exploit growth opportunities, investing in advanced connectivity and infrastructure to support and facilities growth and revitalising our urban centres.
- 3.73 A key part of this theme will be building on the successful partnerships the Council has with local, regional and national organisations in helping to deliver its growth aspirations. Locally, the Council has several successful businesses, anchor institutions such as the University of Huddersfield and various business networks it can work with to ensure that the Borough has a skilled and ambitious workforce supporting a creating modern and innovate business base. Regionally, the partnership with the West Yorkshire Combined Authority provides the opportunity to access substantial additional resources to invest in business growth, connectivity and infrastructure that will create the capacity for growth. And nationally, the Council's relationship with Government Departments and Agencies such as the Departments for Levelling Up, Housing and Communities, Business and Trade, Home England can be used to maximise the external funding opportunities available to the Council.

Ensuring the Council is an Efficient, Effective and Modern Organisation

- 3.74 Whilst pursuing an inclusive growth strategy aimed at increasing both Council Tax and Business Rates income is, given the current funding system for local government, the right long term approach to providing a sustained level of income to fund the delivery of Council services, it is unlikely to deliver sufficient resources in the short term to allow the Council to maintain spending at present levels. Equally, that strategy alone has not delivered enough additional income to counter the reduction in grant funding from Government.
- 3.75 In view of this, and given the significant gap between forecast expenditure and income as set out earlier this report, the Council must take action now and at pace to both increase income from other sources and to reduce expenditure to provide the basis for a sustainable budget looking ahead. In considering this, it does present an opportunity for the Council to review how it does business across the range of its function to ensure services are delivered as efficiently, effectively, and economically.
- 3.76 Given the breadth and nature of the Council's activities and the scale of savings required, there are no parts of the Council that will be unaffected by this approach and, therefore, the strategy for savings will be broadly based and focussed on the following themes:-
- ***Organisational/Service Redesign and Efficiency*** – the financial challenge faced by the Council demands that individual services must review the design of their own service delivery models. Aside from the financial imperative, this approach to reviewing how services are delivered is as much about making sure services remain compliant with and exploit changes in legislation, reflect changing customer demands and are delivered as efficiently as possible. This may involve, for example:-
 - restructuring of services to reduce both management and administrative costs;
 - making sure that business support functions are operating as efficiently as possible, making the most of technology available;
 - integrating services where it makes more sense to do so such as those, for example, using our buildings to provide support to our communities such as libraries and customers services and community based services;
 - reviewing the scope of service provision in areas such as environmental services.
 - ***Exploiting External Funding Opportunities*** – The Council has a good track record of obtaining external funding from a range of organisation to support the delivery of services. A key part of the MTFs is to ensure that sufficient resources remain in place to continue this work, using the External Funding Framework to identify, pursue and obtain external funding that will help the Council achieve its priority actions.

An important strand of this part of the Strategy will be to ensure that the Council is receiving a fair share of funding contributions towards the cost of services it provides where it is appropriate to do so. This is particularly the case with continuing healthcare costs for both children and adults with complex needs but may also apply to other services provided by the Council;

- Using **Procurement** to get best value for the Council. This approach will comprise reviewing existing contractual arrangements as they come up for renewal, challenging both costs and service specifications with a view to reducing the cost of contracts to the Council.

Consideration will be given to setting a target threshold by which savings on contracts should be delivered as well as identifying opportunities to exploit buying goods and services through established consortia. Areas for early consideration include, for example, expenditure on Agency arrangements and adoption arrangements for Children;

- **Asset Review and Rationalisation** – this area of work will focus on the continued implementation of the Council’s Asset Management Strategy. The rationalisation of the Council’s Office Accommodation and the adoption of agile working principles is well advanced and will, when delivered in full, provide the Council with a modern workplace and substantially reduced cost of operation.

Further work is required, however, to both accelerate the disposal of surplus assets and to rationalise the Council’s operational estate both as a means of reducing the Council’s costs (and future capital liabilities thereby alleviating the pressure on the Capital Programme and with that, the need for further additional prudential borrowing) and to generate much needed capital receipts. Earlier this year, the Cabinet agreed to the disposal of a range of assets which are expected to yield capital receipts of c£12.8m and reduction in ongoing operating costs. In conjunction with the organisational and service redesign and review work set out above combined with a review of the Council’s Asset Register will form the basis of further asset rationalisation.

- **Exploiting Technology, Data and Insight** – the Council has made significant progress in its use of technology to drive down the cost of doing business. Equally, the use of data and insight is developing at pace as a way of informing the Council’s decision making. However, given the pace at which technology changes and the changing nature of the Council’s activities, there continue to be opportunities to use technology, data and insight to transform how services are delivered and to drive down the cost of doing business. The intention is that this will, by necessity, apply across all areas of the Council’s operations with a review of the Council’s printing and mail arrangements, software licensing and hosting of websites the most immediate matters to be considered;
- **Exploring Alternative Models of Service Delivery** – any approach to reducing the Council’s cost base will require not only changes to existing service delivery models but a consideration of alternative service delivery models where it is considered appropriate to do so. The Council has already embarked on a programme of acquiring properties to increase sufficiency for Looked After Children given the rising cost of external placements. This illustrates that finding other models of delivery can both sustain services whilst helping to deal with the Council’s financial challenge;

- **Reducing the potential risk of fraud** – as a public authority, the Council has a duty to protect public money. Building on the Council’s Fraud Strategy, approved by Cabinet in January 2023, action will therefore be taken to ensure that the Council further reduces the risk of fraud. As outlined in the Quarter 1 Monitoring report at the last meeting of Cabinet, work has already begun on a review of the Single Persons Discount for Council Tax to ensure that only those people eligible for the discount are claiming it. Subsequent work may include reviewing eligibility for other discounts/exemptions from Council Tax such as exemptions/discounts for Students, Properties under repair etc, reviewing creditor payments;
- **Charging for Services – Income Generation** – wherever possible, the Council needs to maximise income from the fees and charges it makes for services. In some case, such as Planning and Licencing fees, these are determined by statute but in other cases such as Parking Fees, charges for Bereavement Services, they can be set at the discretion of the Council. The Council’s Constitution gives delegated authority to Service Directors to make changes to fees and charges as they consider necessary given both the forecast overspend in the current financial year and the budget gap over the medium term.
- **Charging for Services – Commercial** – there are a range of services that the Council provides on a commercial basis; this includes areas such as Trade Waste, Catering and Cleaning and the various venues the operated by the Council. The Council’s strategy for these services is to, at least, to set charges that recover the full cost of delivering the service. Work is currently underway to ensure that this remains the case with the possibility that where the Council cannot recover its costs, charges may change or the Council may withdraw from the service;
- **Cessation of Services** – inevitably, given the magnitude of the savings required by the Council, there may need to be a consideration of the Council withdrawing from the delivery of some services and from some facilities. This may be the case where the Council cannot recover its cost from the delivery of the service/facility, where the Council considers there are other organisations already delivering the same or similar services or where the Council can transfer services/facilities for others to operate.

3.77 The approach set out above will apply to both the Council’s General Fund Revenue Budget and the Capital Programme.

Prioritising the use of Council Resources in a fair way

3.78 At the heart of the Council Plan is the vision for Kirklees to be a district that combines strong, sustainable economy with a great quality of life. Despite the financial challenge it faces, the Council remains focussed on the outcomes that are important to people. With that in mind, as the Council focuses it attention on the reduction of service expenditure, it will endeavour to:-

- ensure that fairness remains at the heart of what the Council is trying to achieve;

- continues to prioritise the use of its resources based on the needs of residents, communities and business in Kirklees. Sometimes, this will mean the Council will move away from a universal provision of services to targeted support for those who need it the most;
- take a strength based approach to the development and design of services for residents;
- where it is possible to do so, maintain investment in early support, intervention and prevention where this will reduce longer term unsustainable demands on Council services.

3.79 The strategic themes set out above will provide the framework that will inform the development of individual budget reduction proposals (and actions taken within the delegations set out in the Council's Constitution) that will be used to achieve a balance budget for 2024/25 and over the life of the MTFs.

Consultation

3.80 It is good practice for Councils to consult on proposals that may affect the delivery of services including those related to budget savings and/or income generation. Indeed, the Value for Money Assessment undertaken by the External Auditors specifically questions whether the Council has asks *'Are stakeholders consulted during the development of savings plans? Depending on the nature of the savings plans, stakeholders could include staff, local residents, service users, the voluntary sector and local businesses'*.

3.81 Further to that, the Budget and Policy Framework at Section 3 of the Council's Constitution does provide for the Cabinet to set out its arrangements for consultation of budget proposals and that at the end of any such consultation, the Cabinet will draw up proposals having regard to consultation responses.

3.82 In compliance with this requirement, and subject to budget proposals coming forward, it is proposed that, as in previous years, some form of public consultation on the budget proposals should take place over Autumn 2023 with a view to informing decisions on the Council's budget for 2024/25. The form and content of such a consultation will be determined in due course.

Next Steps

3.83 Subject to the Cabinet agreeing the MTFs as set out above, work will be undertaken on the identification and development of draft budget proposals and options (with supporting documentation) within the framework set out. Budget Planning Totals for Directorates have been developed to facilitate this work.

3.84 Where existing delegations set out in the Council's Constitution allow, and in consultation with relevant Cabinet Members as appropriate, early action will be taken to implement proposals to reduce the funding gap identified in this report. Where this is not possible, proposals will be developed in conjunction with relevant Cabinet Members and will be brought forward for consideration by Cabinet and, where it is necessary to do so, ultimately by Council as set out in the Constitution.

3.85 In any event, the culmination of this work on the development of proposals will be that Cabinet will bring forward its budget proposals in the New Year, for consideration at Budget Council in February/March 2024.

4 Information Required to take a decision

4.1 This report includes a range of supporting information set out in the following Appendices:-

Appendix A – Updated Medium Term Financial Plan 2024/29

Appendix B – Balances and Reserves 2024/29

Appendix C – Capital Programme to 2027/28

Appendix D – Analysis of Best/West Case Scenario Analysis

Appendix E – Corporate Risk Matrix

Appendix F – Outline Corporate Budget Timetable

5 Implications for the Council

General

5.1 The development of the MTFS is a key part of the Council's approach to service and financial planning. As outlined above, the Council Plan sets the strategic direction for Council activities and the MTFS is intended to articulate those activities in financial terms. There are various implications for the Council as set out below.

Working with People

5.2 The development and implementation of the MTFS will in some parts require engagement and consultation on the impact of budget proposals on local people. Where it is considered necessary appropriate engagement and consultation activities will take place as required.

Working with Partners

5.3 The Council is committed to working with its partners to ensure that the best outcomes are achieved for the residents, communities and businesses within the collective resources available. Indeed, given the financial challenge faced by the Council, working in partnership with other organisations provides an opportunity to consider how best to deliver services.

Place Based Working

5.4 The Council recognises and values Place Based working where it is appropriate for the benefit of residents and communities. As the implementation of the MTFS and related budget proposals progresses, consideration will be given to Place Based working models.

Climate Change and Air Quality

5.5 As with most Councils, the Council has declared a climate emergency and has in place a plan to achieve the Council's goal of Net Zero by 2038, Delivery of the plan will be subject to it being adequately resourced, whether that is funding provided from within the Council's own resources, by partners or more broadly from the Government.

Improving Outcomes for Children

- 5.6 Despite the financial challenge set out in this report, the Council continues to invest substantial funding in the Children's Service with a particular focus on early support and intervention to ensure the best outcomes for Children in the Borough.

Other (eg Financial, Legal or Human Resources)

Financial

- 5.7 The financial implications for the Council are as set out in the report.
- 5.8 The report identifies a significant funding gap in 2024/25 (and over the medium term) that the Council must address. Given it is not prudent to use reserves to help meet the funding gap, the Council must identify ways of reducing its net expenditure either through less spending, more income or a combination of the two to comply with its statutory obligation of setting a balanced budget.

Legal

- 5.9 The Council is under a statutory obligation (s31A of the Local Government Finance Act 1992) to set a balanced budget on an annual basis. Considering the financial challenge described in this report, a proposed MTFs is set out which, if implemented, provides a framework for the Council to comply with its statutory obligation in this respect.
- 5.10 Further work is required to develop and implement proposals that will allow the Council to bring its net expenditure in line with its income. There may be legal implications arising out of these proposals that will, as required, be considered as part of the development and implementation of those proposals. Where it is considered necessary to do within the bounds of the Council's Constitution, details of these legal implications will be shared with Cabinet as required. In particular, the Council has an obligation under s149 of the Equalities Act 2010 to comply with the Public Sector Equality Duty when developing budget proposals. To this end, Integrated Impact Assessments will be produced as required to ensure decision makers have due regard to the Council's equality duty.
- 5.11 As has previously been set out, if the Council is unable to set a balanced budget, it is for the Service Director Finance to issue a report under s114 of the Local Government Finance Act 1988 ('a section 114 notice').
- 5.12 Looking ahead, the Service Director Finance is required under s25 of the Local Government Act 2003 to provide the Council with a report on the robustness of estimates and adequacy of reserves when considering the Council's budget for the forthcoming financial year. As is normally the case, that report will be provided alongside the main report on the Budget for 2024/25 as part of the Budget/Council Tax setting for 2024/25.
- 5.13 Once the budget is agreed, s28 of the Local Government Act 2003 requires the Council to monitor its income and expenditure against the agreed budget. This legislation supports the requirement for the Council to monitor performance against budget during the year.

Human Resources

- 5.14 As the Cabinet is aware, in anticipation of the potential for staffing redundancies arising out of the reduction in the Council's net expenditure, the Council has issued a HR1 form. A HR1 form is required by statute where there is the potential to dismiss 20 or more employees as redundant.
- 5.15 At this stage, it is not possible to confirm if any such redundancies will take place. Work on the development of proposals to balance the Council's budget is underway and the impact on staffing levels is not known with any certainty. Equally, the Council has implemented a recruitment freeze and has in place a redeployment policy that aims to re-employ any staff who may be faced with the risk of redundancy. At the same time, a review of Agency expenditure is being conducted.

Risk Management

- 5.16 The development of the MTFs (and the related MTFP) is set against a backdrop of a range of strategic, tactical and operational risks faced by the Council. The Council has in place good arrangements for both identifying and mitigating those risks. Details of the Council's Strategic Risk Register are provided at Appendix E to this report alongside details of the mitigations against each risk.

6 Consultees and their opinions

- 6.1 This report is based on consultation with the Council's Executive Team and relevant Cabinet Members.

7 Cabinet Portfolio Holder Recommendations

- 7.1 The Portfolio Holder agrees with the recommendation made in this report.
- 7.2 The financial challenge faced by the Council is significant and is against a backdrop of austerity where the Council has delivered over £250m savings to ensure that it can continue delivering essential services despite substantial funding reductions.
- 7.3 We will continue to lobby the Government to ensure that the Council gets a fair share of funding, relative to the needs of the Borough. In particular, we will continue to push for the reforms to the Local Government Finance system which continue to be delayed unnecessarily and, like all Local Authorities, we will continue to make the case for additional investment in the Local Government sector as a whole, whether that is for day to day services or for investment needs.
- 7.4 Kirklees is not unique in finding itself having to deliver massive savings over the next few years, at the expense of vital services. There is a clear issue with the funding of local government in the country irrespective of which political party is in charge of a local authority. Up and down the country local authority after local authority is struggling to deal with the impacts of the lack of investment over the last 13 years this alongside rising costs and continuing demand pressures are a perfect storm for local government. As indicated above, we will continue to lobby government ourselves and through our partner organisations to seek a fair funding package for Kirklees, based on need and demand pressures.

- 7.5 Without the ability to call on reserves, the Medium Term Financial Strategy set out in the report endeavours to balance the medium to long term investment needs of the Borough, and actions that will provide sustainable income in the form of additional Business Rates and Council Tax, with the need to ensure the Council is continuing to operate in a business-like manner with a sustainable budget.
- 7.6 This will mean reviewing most, if not all, of the areas of our expenditure to make sure the Council is operating as efficiently, effectively and economically as it can be. It will include doing some things differently to the way we do them now and at the same time, we will look at what and how much we charge for services where there is reasonable expectation that residents and businesses should be paying for them.
- 7.7 Above all, we will ensure we use the resources available to us will be used to protect the most vulnerable people and communities in our Borough.

8 Officer Recommendations and Reasons

- 8.1 It is recommended that Cabinet (refer the following to the meeting of Council on 13th September with a recommendation of approval):-
- a) note the key risks to the delivery of the budget in 2023/24 and that these will be subject to consideration as part of the regular Budget Monitoring reports submitted to the Cabinet;
 - b) note the uncertainty with the funding outlook for the Council, not least the limited progress on Local Government Finance reforms and that these will not now take place before the next General Election;
 - c) subject to the continuation of the Business Rates Pooling arrangements, give delegated authority to the Chief Executive and the Service Director Finance, in consultation with the Leader and the Finance and Regeneration Portfolio Holder, to determine whether the Council should continue as a member of the Leeds City Region Business Rates Pool in 2024/25;
 - d) note the update to the Medium Term Financial Plan for 2024/29 as shown at **Appendix A** and that in view of the uncertainty with some of the assumptions upon which the Plan is based, that it will remain under review as the Council's budget process progresses;
 - e) note the scenario analysis shown at **Appendix D** which models 'worst'/'best' case scenarios around the baseline MTFP as part of the assessment of potential risks facing the Council;
 - f) agree the Medium Term Financial Strategy as set out in the report and recommend it for consideration and approval by the Council;
 - g) note that as delegations allow, and in view of the significant financial challenge faced by the Council, early action will be taken to identify and implement budget reduction measures (consistent with the Medium Term Financial Strategy set out above) as a means of reducing the funding gap set out in this report;

- h) in consultation with relevant Cabinet Members, request Officers to identify and bring forward proposals consistent with the Medium Term Financial Strategy set out in this report for consideration by Cabinet as part of their development of the budget for 2024/25;
- i) note the timetable set out in the report for the development of the Council's Budget for 2024/25;
- j) agree that, subject to consideration by respective Portfolio Holders, any budget proposals arising from the work above be considered by the Cabinet in due course (and subject to the proposal on consultation below);
- k) subject to the work above and agreement with Councillors, and recognising that it may be necessary to consult on specific matters as required, note that it is proposed to undertake consultation on the budget over Autumn 2023 with a view to informing decisions on the Council's budget for 2024/25.

8.2 The reason for these recommendations is to ensure that the Council has a sustainable budget over the medium term.

9 Contact Officer(s)

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Sarah Hill, Finance Manager, Finance
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10 Background Papers and History of Decisions

Annual Financial Outturn Report and Rollover Report 2022/23
Annual Budget Report 2023/24 and future years
Quarter 1 Budget Monitoring Report 2023/24

11 Service Director Responsible

Dean Langton, Service Director, Finance (until 10th September 2023)
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Isabel Brittain, Service Director, Finance (from 11th September 2023)
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Updated Medium Term Financial Plan 2024/29

STRATEGIC DIRECTOR PORTFOLIOS	23-24	23-24	23-24 NET	CHANGES	24-25 BUDGET	CHANGES	25-26 BUDGET	CHANGES	26-27 BUDGET	CHANGES	27-28 BUDGET	CHANGES	28-29 BUDGET
	CONTROLLABLE GROSS EXPENDITURE	CONTROLLABLE INCOME	CONTROLLABLE BUDGET		PROPOSAL		PROPOSAL		PROPOSAL		PROPOSAL		PROPOSAL
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Children & Families													
Child Protection & Family Support	31,468	(2,067)	29,401	3,316	32,717	466	33,183		33,183		33,183		33,183
Learning & Early Support	335,400	(316,288)	19,112	214	19,326		19,326		19,326		19,326		19,326
Resources, Improvements & Partnerships	32,236	(3,315)	28,921	2,384	31,305	84	31,389		31,389		31,389		31,389
Total Children & Families	399,104	(321,670)	77,434	5,914	83,348	550	83,898	0	83,898	0	83,898	0	83,898
Adults & Health													
Communities & Access Services	18,332	(5,118)	13,214	(147)	13,067	(272)	12,795		12,795		12,795		12,795
Adult Social Care - Older People & Physical Disabilities	99,311	(83,389)	15,922	(6,240)	9,682	(4,282)	5,400	846	6,246	1,550	7,796		7,796
Adult Social Care - Learning Disabilities & Mental Health	123,633	(42,624)	81,009	8,183	89,192	6,470	95,662	6,250	101,912	6,250	108,162	6,250	114,412
Adults Sufficiency	23,586	(9,640)	13,946	(74)	13,872		13,872		13,872		13,872		13,872
Total Adults & Health	264,862	(140,771)	124,091	1,722	125,813	1,916	127,729	7,096	134,825	7,800	142,625	6,250	148,875
Environment & Climate Change													
Environmental Strategy & Climate Change	16,512	(3,783)	12,729	(185)	12,544	(500)	12,044		12,044		12,044		12,044
Highways & Streetscene	61,674	(47,913)	33,761	(1,400)	32,361	(100)	32,261		32,261		32,261		32,261
Culture & Visitor Economy	35,298	(33,515)	1,783	925	2,708	(250)	2,458		2,458		2,458		2,458
Total Environment & Climate Change	133,484	(85,211)	48,273	(660)	47,613	(850)	46,763	0	46,763	0	46,763	0	46,763
Growth & Regeneration													
Skills & Regeneration	11,261	(7,281)	3,980	1,000	4,980		4,980		4,980		4,980		4,980
Development	30,670	(18,310)	12,360	(1,350)	11,010		11,010		11,010		11,010		11,010
Total Growth & Regeneration	41,931	(25,591)	16,340	(350)	15,990	0	15,990	0	15,990	0	15,990	0	15,990
Corporate Strategy, Commissioning & Public Health	152,414	(110,015)	42,399	3,536	45,935	300	46,295	400	46,695	100	46,795	100	46,895
Sub Total Strategic Director Portfolio	991,795	(683,258)	308,537	10,222	318,759	1,916	320,675	7,496	328,171	7,900	336,071	6,350	342,421
Central Budgets	67,873	(3,412)	64,461	33,091	97,552	13,636	111,188	12,227	123,415	11,266	134,681	9,560	144,241
Total Budgets	1,059,668	(686,670)	372,998	43,313	416,311	15,552	431,863	19,723	451,586	19,166	470,752	15,910	486,662
Business Rates Income					(51,555)		(52,602)		(53,655)		(54,725)		(56,025)
Government Funding					(83,800)		(85,295)		(86,896)		(88,567)		(88,567)
Council Tax					(196,422)		(206,603)		(215,342)		(224,577)		(234,151)
Adult Social Care Precept					(33,734)		(38,842)		(44,154)		(49,775)		(55,055)
Net Collection Fund transfer from general fund					(1,000)								
Total Funding Available					(368,511)		(383,342)		(400,047)		(417,644)		(433,797)
Transfer to Reserves							5,650		9,600		6,000		5,000
Budget Gap					47,800		54,171		61,139		59,108		57,865

Balances and Reserves 2024/29

	Reserves position as at 1st April 2023	Budget report Approved Movements	Revised reserves position at 1st April 2023	Estimated Movements In-Year	Reserves position as at 31st March 2024	Estimated Reserves position as at 31st March 2025	Estimated Reserves position as at 31st March 2026	Estimated Reserves position as at 31st March 2027	Estimated Reserves position as at 31st March 2028	Estimated Reserves position as at 31st March 2029
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Statutory (School Reserves)										
Schools Balances	(11,667)	-	(11,667)	-	(11,667)	(11,667)	(11,667)	(11,667)	(11,667)	(11,667)
Public Health	(904)	-	(904)	-	(904)	-	-	-	-	-
Total Statutory (School Reserves)	(12,571)	-	(12,571)	-	(12,571)	(11,667)	(11,667)	(11,667)	(11,667)	(11,667)
Earmarked										
Ward Based Activity	(1,239)	-	(1,239)	-	(1,239)	(619)	-	-	-	-
Active Travel	(85)	-	(85)	-	(85)	(42)	-	-	-	-
Mental Health	(179)	-	(179)	31	(148)	(74)	-	-	-	-
Place Standard	(959)	-	(959)	16	(943)	(471)	-	-	-	-
Sub Total (member led)	(2,462)	-	(2,462)	47	(2,415)	(1,206)	-	-	-	-
Apprenticeship Levy	(3,131)	-	(3,131)	-	(3,131)	(2,631)	(2,131)	(1,631)	(1,131)	(631)
Transformation	(3,839)	-	(3,839)	172	(3,667)	(2,167)	(667)	-	-	-
Demand Reserve	(10,750)	-	(10,750)	10,750	-	-	-	-	-	-
Development Funding	(848)	-	(849)	487	(362)	-	-	-	-	-
Revenue Grants	(9,336)	-	(9,336)	3,995	(5,341)	-	-	-	-	-
Stronger Families Grant	(1,140)	-	(1,140)	1,140	-	-	-	-	-	-
Other	(1,696)	-	(1,696)	603	(1,093)	(546)	-	-	-	-
Specific Risk Reserves	-	(2,500)	(2,500)	2,500	-	-	-	-	-	-
COVID Reserves	(3,740)	3,268	(472)	-	(472)	-	-	-	-	-
Earmarked reserves sub-total	(36,942)	768	(36,175)	19,694	(16,481)	(6,550)	(2,798)	(1,631)	(1,131)	(631)
Unallocated reserves	(47,108)	24,648	(22,460)	7,085	(15,375)	(15,375)	(15,375)	(15,375)	(20,375)	(25,375)
Total usable reserves	(84,050)	25,416	(58,635)	26,779	(31,856)	(21,925)	(18,173)	(17,006)	(21,506)	(26,006)
Grand Total All Reserves	(96,621)	25,416	(71,206)	26,779	(44,427)	(33,592)	(29,840)	(28,673)	(33,173)	(37,673)

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
Place Partnership	To encourage Place specific local initiatives
Mental Health (including Domestic abuse)	To support several local area based mental health initiatives.
Place Standard	Set aside to support the resourcing of emerging Place Standard action plans.
Apprenticeship Levy	Set aside to fund future payments into the Apprenticeship levy
Transformation	Set aside for strategic transformation developments over the next 12 to 24 months.
Demand Reserve	Set aside to mitigate the impact/volatility of a range of potential demand risks on statutorily provided service activity
Development Funding	To address the scale of development costs required to support targeted development and the upscaling of capital investment activity and major project activity over the MTFP.
Revenue Grants	Represents grants and contributions recognised in the Comprehensive Income and Expenditure Statement before expenditure has been incurred.
Stronger Families	Set aside reflecting timing issues on expenditure commitments supporting a range of Stronger Families activity, funded from external grant.
Specific Risk Reserves	Set aside to manage specific risks, including the potential risk of future loan defaults and managing the volatility surrounding treasury management budgets with respect to both potential changes in interest rates and the level of delivery of the capital plan.
COVID Reserves	Specific reserve set aside to cover the costs of the Council's COVID response including specific COVID grants recognised in the Comprehensive Income and Expenditure Statement before expenditure was incurred.
Other	A range of smaller reserves earmarked for specific purposes.
Unallocated Reserves	General reserve to support Council working capital and cashflow requirements, and unbudgeted/financial resilience risks highlighted in the Council's corporate risk register.

Capital Programme to 2027/28

Capital Expenditure - Revised Capital Plan						
Capital Plan Expenditure Summary	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/31 £'000	Total £'000
General Fund:						
Aspire & Achieve	20,970	22,434	25,022	11,000	4,250	83,676
Best Start	2,890	50	0	0	0	2,940
Independent	8,105	2,797	4,550	4,650	1,322	21,424
Sustainable Economy	154,548	156,137	130,398	71,246	200,695	713,024
Well	5,188	2,880	1,810	739	0	10,617
Clean & Green	12,502	10,351	11,075	100	8,444	42,472
Efficient & Effective	6,787	5,993	982	980	900	15,642
General Fund Capital Plan	210,990	200,642	173,837	88,715	215,611	889,795
Housing Revenue Account:						
Independent - Strategic Priorities	21,420	17,298	31,379	25,550	25,937	121,584
Independent - Baseline	27,302	33,855	32,010	32,760	64,610	190,537
HRA Capital Plan	48,722	51,153	63,389	58,310	90,547	312,121
TOTAL EXPENDITURE	259,712	251,795	237,226	147,025	306,158	1,201,916

Capital Funding - Revised Capital Plan

General Fund Funding Summary	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/31 £'000	Total £'000
<i>Direct / Earmarked Contributions to Schemes</i>						
Capital Grants/Contributions	98,379	111,766	85,140	38,222	33,618	367,125
Earmarked Capital Receipts	7,021	7,540	7,990	9,591	990	33,132
Service Funded Prudential Borrowing	13,340	8,050	7,626	100	2,050	31,166
Revenue Contributions	348	349	0	0	0	697
<i>Pooled Resources</i>						
Non-Earmarked Capital Receipts	4,000	4,000	4,000	4,000	4,000	20,000
Corporate Prudential Borrowing	87,902	68,937	69,081	36,802	174,953	437,675
GENERAL FUND FUNDING	210,990	200,642	173,837	88,715	215,611	889,795

	Revised Capital Plan					
Housing Revenue Account Funding Summary	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/31 £'000	Total £'000
Capital Grants/Contributions	6,041	1,488	3,446	3,896	5,746	20,617
Earmarked Capital Receipts	4,728	4,144	7,240	4,500	1,835	22,447
Reserves / Revenue Contributions	21,685	20,902	22,479	23,507	61,385	149,958
Reserves - MRR	14,258	19,417	19,724	20,017	20,269	93,685
Corporate Prudential Borrowing	2,010	5,202	10,500	6,390	1,312	25,414
HRA FUNDING	48,722	51,153	63,389	58,310	90,547	312,121

Analysis of Best/West Case Scenario Analysis

BEST CASE SCENARIO	2024/25	2025/26	2026/27	2027/28	2028/29
	£m	£m	£m	£m	£m
BASELINE BUDGET GAP	47.8	54.2	61.1	59.1	57.9
FUNDING					
Council Tax: Housing Growth increased to 1.2%; compared to baseline 0.7% p.a.	(1.2)	(2.4)	(3.6)	(4.8)	(6.0)
2024/25 Government Funding: 1% increase; compared to baseline level	(0.8)	(0.8)	(0.8)	(0.8)	(0.8)
TOTAL FUNDING	(2.0)	(3.2)	(4.4)	(5.6)	(6.8)
SPEND					
Treasury Management Interest Rates	(1.7)	(2.1)	(2.7)	(2.7)	(2.6)
TOTAL SPEND	(1.7)	(2.1)	(2.7)	(2.7)	(2.6)
TOTAL CHANGES FROM BASELINE	(3.7)	(5.3)	(7.1)	(8.3)	(9.4)
BEST CASE SCENARIO - BUDGET GAP	44.1	48.9	54.0	50.8	48.5

WORST CASE SCENARIO	2024/25	2025/26	2026/27	2027/28	2028/29
	£m	£m	£m	£m	£m
BASELINE BUDGET GAP	47.8	54.2	61.1	59.1	57.9
FUNDING					
Council Tax 2025/26 onwards: Overall referendum limit at 3% p.a.; compared to 5% baseline uplift		4.8	9.6	14.4	19.2
Collection fund collection rates: Reduced by 1%; compared to 98.5% baseline	2.8	2.8	2.8	2.8	2.8
2024/25 Government Funding: 1% reduction; compared to baseline level	0.8	0.8	0.8	0.8	0.8
TOTAL FUNDING	3.6	8.4	13.2	18.0	22.8
SPEND					
2024/25 Pay Uplift: Increased to 6%; compared to 4% baseline uplift	5.0	5.0	5.0	5.0	5.0
TOTAL SPEND	5.0	5.0	5.0	5.0	5.0
TOTAL CHANGES FROM BASELINE	8.6	13.4	18.2	23.0	27.8
WORST CASE SCENARIO - BUDGET GAP	56.4	67.6	79.3	82.1	85.7

Corporate Risk Matrix

KCR 1	Financial Sustainability	Previous	Current	
Risk Owner: CEO		Risk Type: Financial		
<p>Risk of failing to maintain a sustainable financial position due to the Council facing ongoing financial pressures with multiple causes; Government funding cuts, the impact and subsequent recovery from Covid-19, and the macroeconomic situation which is driving increases in both demand for services and costs to deliver services, as well as increasing borrowing costs across the financial plan period.</p> <p>Q1 update: The continued criticality of delivery of the 2023/24 budget and identification of required savings for 2024/25 (and future years) remains an organisational priority. Whilst robust budget monitoring and governance regimes are in place, success will be measured through the delivery of the required outcomes. Budgetary challenges across future years are significant and the process to identify and realise the additional savings required is underway. The overall financial position remains vulnerable to uncontrollable variations to planning assumptions (e.g. interest rates, pay award, inflation). Note that those risks categorised as ‘New’ within this report have been included for the first time for visibility, and are not necessarily newly identified risks.</p>		20	20	
Sources of risk Mitigating controls / actions		Responsible Officer	Previous	Current
1.1	Failure to maintain sufficient level of priority and focus that could lead to in year savings not being achieved, resulting in budget overspend and / or impact on the Council’s ability to determine the 24-25 balanced budget	Director of Finance	3x5 = 15	3x5 = 15
1.1.1	Established governance arrangements are in place to achieve planned outcomes at Cabinet and officer level including quarterly reporting to Cabinet / ET and escalation processes as required			
1.1.2	Resilience tracking and an early start to the 24-25 budget process			
1.1.3	Forecasts reviewed and updated on a monthly basis with updated year end position			
1.1.4	Ongoing budget monitoring takes place in conjunction with budget holders, responsibility for budgetary control is aligned to Strategic and Service Directors there are dedicated finance managers for each service area and income management teams			
1.1.5	Regular meetings and ongoing engagement as required between Service Directors and Finance, there are regular links to performance meetings, monitoring KPIs and contract compliance			
1.1.6	Internal Finance business meetings to share knowledge and best practice take place fortnightly			
1.1.7	Virements are used where appropriate to ensure budgets and spend are aligned accurately			
1.2	Risk of medium-long term financial instability caused by failure to develop or adhere to robust financial planning processes and procedures leading to reductions in service provision, possible government intervention and reputational damage	Director of Finance	3x5 = 15	3x5 = 15

1.2.1	Agreed 5 year capital plan with 2 year savings plan and 3 year headline spend and income forecasts. HRA to deliver a balanced 30 year plan			
1.2.2	Documented governance process for determining adequacy of reserves and the utilisation of reserves, if required, to balance the budget			
1.2.3	Corporate capital plan review			
1.2.4	Income assumption challenge and validation process in place with robust rationale for significant increase			
1.3	Risk of prolonged inflationary pressures resulting in cost increases, which impact on the council directly, and on the ability of contractors to deliver activities of the specified quality at the agreed price	Head of Finance / Procurement / Contract Managers	5x4 = 20	5x4 = 20
1.3.1	Ongoing and 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)			
1.3.2	Contract procedure rules followed, investigate where opportunity exists to renegotiate or retender contracts			
1.3.3	Ensure that budgets anticipate likely cost impacts with allowances built into budget to cover inflation risk. Recognise that even where inflation linked cost impact are permitted contractually, they may not be acceptable politically / reputationally			
1.3.4	Regular review of priorities and available resources, informed by ongoing monitoring of expenditure and updated forecast position			
1.3.5	Ongoing review of project business cases to consider how changes to assumed costs (borrowing / raw materials / contractor) impact overall viability. Similarly, to revisit benefits case where project outcomes deliver reduced energy consumption.	Head of Commercial Services		
1.4	The risk of a reduction in expected income as tenants, residents and businesses are unable to meet financial commitments resulting in a failure to meet budgeted income targets for Council Tax, Business Rates and other payments.	Head of Welfare and Exchequer	4x4 = 16	4x4 = 16
1.4.1	to migrate customers to cheaper, more effective methods of payment (e.g. Direct Debit).			
1.4.2	Process work in timely manner ensuring that correct bills are issued to customers as soon as possible and benefits are paid in line with expectations			
1.4.3	to the recovery timetable for issuing reminders and summonses.			
1.4.4	Continue to drive 'digital by design' improvement of business processes to reduce waste and deliver improved processing times			
1.5	The risk of external intervention by DLUCH (and subsequent required actions) which will impact on the Councils ability to deliver key services and investment priorities, increase borrowing costs and cause reputational damage	CEO	NEW	4x5 = 15
1.5.1	Delivery of identified savings, maximise income opportunities			
1.5.2	Deferral, reduction or removal of borrowing commitments to reduce capital requirements			
1.5.3	Prepare for DLUCH intervention by engaging Members and Senior Officers, actively manage reputational impact			

1.5.4	Review of corporate objectives (Must do, Should do, Stop)			
1.6	The sustainability of the Housing Revenue Account (HRA) Business Plan in the context of a significant repair backlog, legislative obligations arising from Grenfell, remediation of DM&C issues and tightening regulatory framework	Director of Finance	NEW	3x5 = 15
1.6.1	Robust governance arrangements in place to ensure common understanding of and agreement to priority actions			
1.6.2	Review of the Business Plan and scenarios linked to asset data, stress testing of assumptions and participation in benchmarking activity			
1.6.3	Proposals for annual rent increase based on government formula and approved by Cabinet			
1.6.4	Annual rent return to regulator			
1.6.5	Budget monitoring and review of the capital plan and savings requirements in line with the General Fund			
1.7	Demand pressures on key services such as Adults and Childrens Services result in unbudgeted additional costs that the Council does not have the financial capacity to meet	Director of Finance	NEW	3x5 = 15
1.7.1	Monthly budget monitoring to flag up any pressures and trends with services so that action can be taken			
1.7.2	Procurement of contract amounts to be linked to budgets, monitored and extensions / overspends to be reported through agreed governance			
1.7.3	Financial Procedure Rules, Contract Procedure Rules and Scheme of Delegation in place. Relevant training and briefings in place for appropriate staff.			
1.8	Risk that budget estimates are not considered robust	Director of Finance	NEW	3x5 = 15
1.8.1	2024-25 savings template proposals must detail assumptions and be supported by an achievable delivery plan			
1.8.2	Challenge sessions at relevant SLT and ET meetings to validate assumptions and estimates			
1.8.3	Budget proposals are validated by internal audit			
1.9	Risk that the Capital Programme is not sustainable due to either reliance on borrowing at a time of rising interest rates, or reliance on capital receipts from asset disposals that are not guaranteed	Head of Commercial Finance	NEW	4x5 = 20
1.9.1	Review of Capital Plan with Defer / Stop as potential outcomes			
1.9.2	Council Corporate Property Strategy has identified an initial register of surplus property, which is not required to support organizational delivery requirements			

1.9.3	Oversight of the Corporate Property Strategy is provided by the Corporate Property Board with assurance of progress and review of issues and risks	Corporate Property Board to be established		
1.10	Risk that Council reserves are utilised to such an extent that action is required to return them to adequate levels and / or that the Council is forced to seek funding externally with rising borrowing costs	Head of Commercial Finance	NEW	4x5 = 20
1.10.1	Review of Corporate Plan to identifying activity that can be stopped / reduced			
1.10.2	Review of Capital Plan with Defer / Stop as potential outcomes			
1.10.3	Proposals for budget savings in 2024-25 are currently being developed prior to review and agreement by ET	1 st submission of proposals due by 19 th July		
1.11	The risk of delay in repayment or default of loans that the Council has entered into with third party organisations due to poor lending decisions and / or deterioration in market conditions leading to write offs	Head of Accountancy	NEW	3x5 = 15
1.11.1	Annual review of the position relating to in scope loans and a provision made for any forecast loss			
1.12	The deterioration in the capital value of the Council's investments that, without the statutory override, would otherwise have to be charged to the Council's revenue account	Head of Accountancy	NEW	3x5 = 15
1.12.1	Regular monitoring of the investments in place and a provision set aside to provide for any potential loss			
1b ER	Safety Valve Commitments (Funding to support SEND transformation activity)	SD Children & Families	Raised: July 22	
1c ER	Identification of Budget Savings	CEO	Raised: Jan 23	
1d ER	Kirklees Apprenticeships for All	SD Growth & Regeneration	Raised: July 23	

KCR 2	Effective Governance	Previous	Current
Risk Owner: SD Corporate Strategy, Commissioning & Public Health		9	9
Risk Type: Compliance / Legal / Reputational			

Failure to effectively design, implement and maintain fit for purpose governance frameworks could lead to statutory breaches, poor allocation of resources and reputational damage for the Council. Given the breadth of activity and speed of delivery it is crucial that decision making and service delivery activity is well controlled to demonstrate value for money and be sufficiently agile to respond to resetting of priorities at a strategic or operational level.

Q1 Update: Effective stakeholder management and member engagement, as well as transparent and realistic assessment of the expected and potential impacts of decisions on council services and more broadly on residents, communities and businesses is required to ensure the optimum outcomes are delivered against the Councils 2023/24 and 2024/25 budget strategies. The external auditors are giving public indication of these issues, which are also reflected in the draft Annual Governance Statement. It is crucial that the control environment continues to operate effectively and focus on budget challenges does not weaken the assurance framework.

Sources of risk and Mitigating controls / actions		Responsible Officer	Previous	Current
2.1	Failure to ensure that effective processes, frameworks and training are in place and adhered to, by officers and members, in order to facilitate ethical, compliant and legally sound decision making, to avoid subsequent challenge and reputational damage.	Head of Governance	2x4 = 8	2x4 = 8
2.1.1	Agenda planning process is embedded with regular reminders issued			
2.1.2	Scheme of delegations has been approved	Reminder email issued Feb 2023		
2.1.3	General online and bespoke training available on CPRs, FPRs, Working in a Political Environment and Decision Making			
2.1.4	Effective stakeholder engagement and appropriate challenge (between officers, officers and members, and between member), with sufficient time for adequate consideration and scrutiny (e.g. timely publication of Key Decision Notices) is required			
2.1.5	Carefully following all rules and requirements, particularly those related to Financial Procedures Rules and Contract Procedure Rules			
2.1.6	Clear processes for recording officer decisions are in place, with an increase in the number of decisions that are being recorded			
2.1.7	Series of SLT briefings have taken place to ensure requirements are understood	Complete		
2.1.8	Review of decision-making templates to ensure the requirement to identify and document the associated risks is included. This could be existing risks that will be mitigated, the introduction of new risks, or a combination of both.			
2.2	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.	Head of Governance	3x4 = 12	3x4 = 12
2.2.1	Information Governance Policy and Strategy in place and regularly reviewed through appropriate governance			
2.2.2	Information Governance Board in place to provide oversight of IG issues and risks			
2.2.3	Comprehensive mandatory training in place required to be completed by all members of staff. Completion rates monitored through Information Governance Board (IGB)			
2.2.4	Reference material available via the Intranet (eg. Quick guides developed) and regular drop-in sessions to access expert guidance			
2.2.5	Online reporting functionality for information security incident.			

2.2.6	Procurement documentation (eg. Business Case, Contract Award Notification <£25k, IT Systems Assessment) requires assessment of IG risk to be considered.			
2.2.7	Undertake a review of current process for completing due diligence of third parties cyber security controls when entering into data sharing agreements	Transferred from 7.1.6 as action requires IGB oversight		
2.4	Failure to implement effective controls to prevent and identify fraudulent activity resulting in potential misuse of council resources leading to unfair outcomes for service users, poor value for money and reputational damage	Head of IA and Risk	3x4 = 12	3x4 = 12
2.4.1	Anti-Fraud, Bribery & Corruption Policy in place and reviewed regularly through approved governance.	Approved Dec 2022		
2.4.2	Fraud Risk Forum meets quarterly to review risks and issues.	First meeting Q1 2023		
2.4.3	Introduction of organisation wide Fraud training			
2.4.4	Fraud team in place to advise on fraud risk areas and investigate where there is evidence of fraud			
2.5	Insufficient visibility of the council-wide change delivery programme incorporating both transformation and project activity, concerns that the organisational capacity to deliver is insufficient to cope with the ambitious change agenda, coupled with challenging 'steady state' conditions.	SD Strategy & Innovation SD Skills & Regen	3x3 = 9	3x3 = 9
2.5.1	Corporate Transformation priorities are required to follow agreed project methodology			
2.5.2.	Clear and effective governance models and reporting routes in place, for Corporate Transformation Priorities, to include <ul style="list-style-type: none"> Individual Programme Board meetings, as appropriate Corporate Transformation Priorities are considered at Monthly Modern Organisation Board and/or Bi-Monthly TPB meetings. Programme risks reviewed with opportunity to escalate specific high risks for consideration and discussion Programme Assurance Sessions for corporate transformation led priorities, enabling opportunity for challenge and support on risk management Corporate PMO to have oversight of Corporate Transformation Priorities performance and progress tracking 			
2.5.3	Implementation of robust benefits realisation planning to ensure that both financial and non-financial outcomes are delivered in line with expectations, across all in-view programmes			
2c ER	Senior management transition	CEO		Raised: April 23

KCR 3	Statutory Obligations	Previous	Current	
Risk Owner: Chief Executive		16	16	
Risk Type: Legal / Compliance				
<p>The risk that the Council, or their delivery partners, are unable to meet statutory obligations due to changes in funding models and / or changes external market conditions (difficulty in recruiting, increasing costs inc NMW) or the emergence of new, unfunded government burdens. Where statutory obligations are delivered by external bodies (eg. West Yorkshire Joint Services) the process for obtaining ongoing assurance must be agreed and monitored through robust governance frameworks.</p> <p>Q1 update: Whilst the council's statutory obligations are ringfenced and prioritised in the current review of corporate budgets and objectives, there is a requirement is to think differently about how these services are delivered. Special Educational Needs & Disability (SEND) provision and Adult Social Care services continue to experience high levels of demand with increasing complexity in the cases that are being managed. Whilst robust plans are in place and delivery is underway to increase capacity these are long term projects with limited ability to influence current pressures.</p>				
Sources of risk and Mitigating controls / actions		Responsible Officer	Previous	Current
3.1	Risk that new statutory obligations create additional resource requirements that are not covered by existing government / other funding allocations and impact on the councils current policies and strategies.	CEO / ET	4x3=12	4x3 = 12
3.1.1	Horizon scanning and work to ensure that the local impacts of national legislation, or other changes are fully understood as soon as practical			
3.1.2	Strategic Leaders participate in regional and national forums. Joint responses to emerging issues are coordinated through these forums			
3.1.3	Continue to lobby, through appropriate mechanisms, for additional resources e.g., Local Government Association (LGA)			
3.1.4	Be aware of underlying issues through effective communication with citizens, partners, service providers and suppliers about likely impact on resources			
3.1.5	Understand, scenario plan and monitor financial implications so that budgets can anticipate likely impacts			
3.2	Failure to complete adequate assurance where responsibility to deliver statutory obligation has been [transferred] to external organisations	CEO / ET	3x3=9	3x3 = 9
3.2.1	Robust governance framework in place to monitor adherence to obligations that have been transferred eg. WYJS			
3.3	Sustainability of the Social Care Market: Service provider failures and \ or market exits resulting from increasingly difficult operating circumstances including, increasing costs, challenges with recruitment and retention and maintaining service quality	SD Adults & Health	4x5 = 20	4x5 = 20
3.3.1	Continue to engage with Kirklees Care Association ensuring issues for the sector are picked up and jointly owned.			

3.3.2	Where quality issues exist/emerge with the sector, steps are taken with system partners and CQC to ensure safety of residents.			
3.3.3	Escalation of issues where necessary to senior leaders and portfolio holder where provider failure is an issue.			
3.3.4	Sharing intelligence across the system through ourselves partner agencies allowing us to look for early signs of possible failure so we can intervene early and address issues at the earliest opportunity			
3.3.5	Continue to develop understanding and focus on performance measures to maximise grant income (where practical)			
3.5	Inability to maintain sufficient SEND provision due to lack of capacity within services, lack of existing local provision, increases in demand led services, increasing costs and increasing complexity in clients' needs	SD Childrens & Families	4x4 = 16	4x4 = 16
3.5.1	SEND Transformation will address the lack of specialist education provision through: 1) the rebuild of two existing Special Schools 2) expanding Additionally Resourced Provision 3) creating special school Satellite Provision 4) Refreshing the Alternative Provision offer			
3.5.2	Safety Valve funding agreement planned to eliminate cumulative deficit in DSG by year end 26/27, enhanced monitoring and support now in place to ensure delivery	See Emerging Risk 1b		
3a	Market Sustainability and Fair Cost of Credit Fund	SD Adults & Health	Raised: April 22	
3b	Revised CQC regulatory framework	SD Adults & Health	Raised: Jan 23	
3d	Office for Local Government (OfLog)/ Government Grant & Inspection Regimes	Chief Executive	Raised: Jan 23	

KCR 4	Third Party Relationship Management	Previous	Current	
Risk Owner: Chief Executive		12	12	
Risk Type: Operational / Reputational / Financial				
<p>Failure to develop and manage relationships with third parties (including grant awarding bodies and government agencies) to ensure council priorities are considered and outcomes delivered. Provision of services to residents and communities is no longer the sole preserve of 'the council', from the allocation of funding to end user delivery it is to be expected that there will be a multitude of third parties involved. These range from other public sector bodies, private suppliers / contractors, commercial partners to voluntary organisations. It is imperative that the Council nurture and maintain effective and influential working relationships with these third parties demonstrating robust governance and oversight.</p> <p>Q1 Update: Widespread supplier failure anticipated due to the challenging economic environment has not materialised and focus is now shifting to ensuring robust contract management processes are in place and adhered to. Engagement with suppliers and partners will be critical as the council is required to reduce spend with third parties and ensure remaining spend delivers value for money and against the agreed outcomes. We continue to anticipate increased completion to secure funding from external funding pots due to widespread budgetary constraints amongst public authorities, locally and nationally.</p>				
Sources of risk and Mitigating controls / actions		Responsible Officer	Previous	Current
4.1	Risk that the Council agrees contracts with suppliers / commissioned service providers that either do not meet the requirements of the council, or do not maximise the economic, social and environment benefits that procurement can bring	Head of Procurement	3x5=15	3x5 = 15
4.1.1	Procurement Strategy 2022-2026 and associated Action Plan details how KC will become an attractive partner to do business with, whilst maximising the economic, social and environmental benefits through our approach to social value			
4.1.2	Contract Procedure Rules regularly reviewed, communicated and adhered to			
4.1.3	Adherence to procurement processes, including the agreed governance framework, to ensure the risks associated with approvals are documented and escalated appropriately			
4.1.4	Rules to prevent / limit reliance on single suppliers and contracting with firms that derive large proportions of their business from the public sector.			
4.1.5	Proactively encourage and stimulate interest in tendering for council contracts by developing and publishing market position statements and procurement pipeline opportunities, undertake regular dialogue with market.			
4.1.6	Instigate early consultation with existing suppliers about arrangements to be followed at the end of existing contractual arrangements			
4.2	Risk that suppliers do not provide goods / service in line with contractual agreement due to lack of robust oversight and governance arrangements leading to delays, requirement to re-contract, possible legal costs and potential reputational damage	All contract managers	2x4 = 8	3x4 = 12

4.2.1	Undertake robust contract management - ensuring suppliers are performing and delivering against any key performance indicators and plans in place to manage external pressures such as changes to NMW, recruitment / retention challenges, supply chain disruption			
4.2.2	Ensure contractual documentation includes sufficient clarity on specifications.			
4.2.3	Ensure outcome measures / Key Performance Indicators to monitor performance are agreed pre contract completion			
4.3	<p>Risk that external agencies become increasingly influential and impose additional governance arrangements / policy and processes on to KC leading to protracted decision / delivery timelines, conflicting priorities, extra costs and political pressure, including but not limited to:</p> <ul style="list-style-type: none"> • West Yorkshire Combined Authority (WYCA)/Leeds City Region Local Enterprise Partnership (LEP) • West Yorkshire Police and Crime Commissioner • WYJS • Government departments e.g. DLUHC, BEIS • NHS West Yorkshire Integrated Care Board / Kirklees Integrated Care Board 	CEO / ET	4x3=12	4x3 = 12
4.3.1	Maintain senior officer engagement eg, Strategic Director currently Chair of 'Directors of Development' group,			
4.3.2	Ensure that Kirklees are represented on all relevant boards and relevant officer groups with appropriate briefing			
4.3.3	Ensure effective use of WY Chief Executives and WY Leaders groups to escalate issues / concerns			
4.3.4	Work with partners to co-design governance processes / funding agreements etc.. to reduce the risk of additional and unnecessary provisions which add cost or delays			
4.3.5	WY ICB Monthly meeting attended by senior officers (CEO, SD Adults & Health and Director of PH)			
4.4	A failure by an associated party creates financial or reputational issues for the council	CEO / SD Governance & Commissioning	3x3 = 9	3x3 = 9
4.4.1	Adequate monitoring of activities of associated parties			
4.4.2	Robust and task-based approach to selection of appropriate persons to act in governance roles within those organisations			
4.4.3	Clear governance of decision making, including approval by Cabinet where agreements in principle on way forward has been reached			
4a ER	Associated Parties	SD Growth & Regeneration		Raised: July 22
4b ER	Third Party data breach	SD Governance & Commissioning		Raised: April 23

KCR 5	People Management		Pr e v i o u s	Current	
Risk Owner: SD Corporate Strategy, Commissioning and Public Health		Risk Type: Colleague / Operational		20	
<p>Risk that delivery of services is negatively impacted through a reduction in number and / or capability of council workforce. We are reliant on maintaining a suitably qualified, capable and motivated workforce to meet the expectations of our partners and communities.</p> <p>Q1 Update: We continue to operate in a challenging labour market with pressure from external factors however procedures are in place to identify and unlock council wide opportunities and ensuring recruitment activity is aligned with budget requirements. Managing through a period of change presents additional challenges and will require strong and empathetic leadership in line with the Council values throughout the organisation. In addition, the work on Workforce Strategy is now well underway with central support being provided to teams across the Council to identify “Critical roles” and work on succession planning. People Services are also linked into the Budget Delivery Group (BDG) and there is routine HR involvement in risks associated with Council wide change. Staff retention remains an issue with factors such as uncertainty and senior management change having an unsettling affect.</p>					
Sources of risk and Mitigating controls / actions			Responsible Officer	Previous	Current
5.1	Failure to attract / recruit / retain staff to meet the demands of the organisation due to significant broader labour market challenges, expectations relating to pay & reward and national / regional shortages in some specialist areas leading to increased costs if agency / contracted staff are required and implications for operational service delivery.		Head of People Services	5x4 = 20	5x4 = 20
5.1.1	Recruitment strategy to promote the range of employee benefits and emphasise the job satisfaction factors, specifically from service employment		Refocused to target essential roles only		
5.1.2	Recruitment initiatives include working with the job centre, launch of careers site, working with employment and skills and social media campaigns. Marketing / Comms activity focussing on essential roles only		Successful recruitment events held in Q3 Other elements now BAU for essential roles		
5.1.3	Embedding flexibility into the recruitment process where possible and responding to changing candidate expectations. Eg. Application form has been further simplified.		In place and condiate experience excellence recognised through award shortlisting		
5.1.4	Engage and encourage younger people through targeted apprenticeships, training and career development opportunities as well as support into employment programmes (Project Search, Kickstart and work experience)		BAU. People Panel commitment to champion support into emplyment intitatives		
5.1.5	Refreshed People Strategy now in place, with regular monitoring of workforce data at ET and SLTs, introduction of dashboards and lead and lag indicators across People Services		Ongoing – monthly reporting in place		

5.1.6	Appropriate oversight and scrutiny in place through updates provided to Personnel Committee and Corporate Scrutiny Panel, specifically on recruitment and retention challenges	Ad hoc. Report 26/6 on workforce challenges in Planning
5.1.7	Dedicated resource is in place to support services with the most acute need, utilising more creative approaches such as talent banks, alternative advertising approaches and bespoke events.	Capacity and appetite more limited through current essential only recruitment
5.1.8	Piloting workforce planning approaches and benchmarking. Development of a workforce planning approach to consider long term plans as well as short term solutions;	WFP team working with most council services
5.1.9	My Learning (MiPod Xtra replacement) has now launched making learning easier to access for everyone. My Space, new employee portal launched, making accessing employee content easier from personal devices	12mth review of MyLearning to take place July/August Increase in take-up of My Space following F/F workshops for front-line staff as part of digital Upskilling project
5.1.10	Review and monitor use of market rate/retention supplements	Full review to take place in October
5.1.11	Focus on Mental Health Awareness, including stress, with promotion of Wellbeing surveys, Wellbeing network and dedicated support service	Pilots underway as part of People Strategy phase 2
5.1.12	Revitalising exit interviews and developing 'stay' interviews to drive understanding	Pilot activity underway – anticipate summer launch
5a ER	Potential for industrial action	SD Governance & Commissioning Raised: July 22
5b ER	Organisational capability	SD Governance & Commissioning Raised: Jan 23

KCR 6	Safeguarding	Previous	Current	
Risk Owner: SD Children & Families and SD Adults & Health		Risk Type: Reputational		
		12	12	
<p>Failure to keep vulnerable people in our communities safe from harm is a key priority for the Council. The consequence of a safeguarding failure are serious and long-lasting at both an individual and organisational level.</p> <p>Q1 update: As previously noted whilst controls and embedded procedures continue to work effectively there remains an elevated risk to compliance with statutory safeguarding duties due to demand pressures, temporary capacity issues and complexity of casework (e.g. relating to self-neglect cases). Additional assurance is put in place where operations outside of standard internal procedures are approved on a temporary basis.</p>				
Sources of risk and Mitigating controls / actions		Responsible Officer Target Date	Previous	Current
6.1	The council does not adequately safeguard children because of increased complexity, referral volumes and a lack of service capacity to respond to the assessed need.	SD Children & Families	2x4 = 8	2x4 = 8
6.1.1	Disclosure & Barring Service (DBS) checking, staff training, supervision, protection policies kept up to date and communicated			
6.1.2	Robust Safeguarding board partnership is in place, shared accountability across key strategic partners ensures oversight and management of safeguarding risks			
6.1.3	Effective management of social work (and related services); rapid response to any issues identified and from any Safeguarding Practice Reviews (Children), Ofsted focus visits have evidenced practice is improved with no children considered at risk of significant harm. LADO procedures, process and training issues have been addressed because of the 2019 Ofsted inspection.			
6.1.4	16+ Unregistered/unregulated provision procedure in place and communicated to staff mitigates against inappropriate use of the above provision.	Insufficeint capacity to meet demand has resulted in use of unregulated provision. Volumes are decreasing and additional assurance operated throughout placement		
6.1.5	Continued focus on strengthening practice - Recording Assessment and Planning with regular, high quality supervisions in place.			
6.1.6	Recruitment practices and a focus on developing staff has stabilised the social care workforce and addressed capacity issues.			
6.1.7	Monthly directorate wide QA meetings focusing on key areas, giving assurance of grip, management oversight, quality of practice and performance.			
6.1.8	Service Practice learning days and auditing in place contributing to children's services objective of being a learning organisation			
6.1.9	Caseloads are monitored as part of the embedded performance culture; action is taken promptly to allocate and balance workloads.			
6.2	The council does not adequately safeguard 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.	SD Adults & Health	3x4 = 12	3x4 = 12

6.2.1	The Safeguarding front door and the social care hubs regularly review back logs, and the level of complexity, prioritising cases to ensure people are safe.			
6.2.2	Escalation process in place through the Safeguarding Service Manager where there may be unmitigated risk and/or media interest			
6.2.3	The teams are currently working on a risk basis and triaging/monitoring cases			
6.2.4	Staff access training appropriate to their role			
6.2.5	Regular supervision is in place where caseloads are discussed, and actions set.			
6.2.6	A peripatetic team has been developed to support with peaks in demand i.e. care home closures.			
6.2.7	Recruitment and retention issues are managed through recruitment drives, rolling adverts, and a review of social work grades.			
6.2.8	The self-neglect policy and pathway has been reviewed and is in use. Self-neglect cases are being managed through the multi-agency risk escalation conferences			
6.2.9	Adult's representation on all strategic and operational groups related to safeguarding (such as; Prevent, Domestic Abuse and Modern Day Slavery)			
6.2.10	Person in Position of Trust (PIPOT) process in place			
6.2.11	Completion of the development of the Corporate Safeguarding Policy (approved by Cabinet March 2022) has resulted in raised awareness			
6.3	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.	SD Children & Families	2x4 = 8	2x4 = 8
6.3.1	Additional resources and expertise allocated to new and historical Child Sex Exploitation (CSE) and other legacy work, as required.			
6.3.2	The 2022 JTAI inspection observed there is a well embedded strategic partnership approach to CSE & CCE. This focus has enabled the historical childcare management practice issues to be addressed.			
6.3.3	Two exploitation subgroups that focus on strategic and operational matters relating to the exploitation of children are in place which has mitigated resource demands to address consequential matters.			
6.3.4	Risk matrix and risk management approach implemented with the police and partners.			
6.3.5	Understand relationship with the Prevent strategy, and issues linked to counter terrorism			
6.3.6	Continue to monitor external developments and engage with other LA's / relevant bodies			
6.3.7	Develop and embed an approved multi-agency model to address CSE			Service users currently in receipt of support through temporary provision delivered by third party

KCR 7	Resilient Operational Processes	Previous	Current
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Risk Owner: SD Corporate Strategy, Commissioning & Public Health		Risk Type: Operational	15	12
<p>Failure to develop and maintain resilient operational processes and controls resulting in an inability to keep our communities and colleagues safe. Statutory obligations include, but are not limited to, the Civil Contingencies Act and Health & Safety at Work Act.</p> <p>Q1 Update: Work continues on an ongoing basis to ensure the Council's defences are operating effectively to identify, prevent and recover from any hostile cyber activity. The external environment threat level remains high and we continue to review and take learnings from impacted organisations, updating our control framework as required. Note that reduction in score does not indicate a reduction in cyber security risk level, risk scoring has been moderated and adjusted to reflect most likely scenario, rather than worst case outcome. Management of Health & Safety continues to be well controlled.</p>				
Sources of risk and Mitigating controls / actions		Responsible Officer Target Date	Previous	Current
7.1	The risk of a data breach and / or impaired system functionality caused by a malicious cyber-attack leading to inability to deliver council services, costs to recover / compensate and associated reputational damage	Head of Technology	5x5=25	4x4 = 16
7.1.1	Documented and approved Cyber Strategy	Implementation of all actions complete		
7.1.2	Penetration tests and PSN accreditation is maintained on an annual basis			
7.1.3	Business continuity procedures (in various scenarios) including recognising that some solutions may involve a return to paper-based solutions and records			
7.1.4	Access to core systems restricted through Privileged Access Management			
7.1.5	Adherence to NCSC guidance			
7.1.5	Controls validated on a regular basis through industry benchmarking and review by external auditors.	All actions identified through Grant Thornton review completed		
7.1.6	Undertake a review of current process for completing due diligence of third parties cyber security controls when entering into data sharing agreements (eg. commissioned services)	Action transferred		
7.2	The risk that the Council's incident management / emergency planning is insufficient to manage a serious incident or series of related incidents leading to short term or prolonged impacts on the Kirklees community and Council employees and operations. Potential risk causes include, but are not limited to: Weather related events; Industrial accident; Infectious disease outbreak; Terrorist attack	Head of Health Protection	3x4=12	3x4 = 12
7.2.1	The Council has an embedded emergency management system that aligns to the NHS Emergency Preparedness, Resilience and Response. Readiness and competencies are monitored through completion annually of a self-assessment audit	2022 self assessment outcome: 'Substantial assurance'		
7.2.2	All our plans are subject to regular review as per work programme. We also regularly train people in their roles and test these via exercises			
7.2.3	Governance is provided via Kirklees Health Protection Board			
7.2.4	Debriefing following incidents so that lessons can be identified, and plans modified where necessary			

7.3	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 with the potential for prosecution and reputational damage.	Head of Health Protection	2x4=8	2x4 = 8
7.3.1	Regular monitoring through Health and Safety Oversight Board			
7.3.2	Completion of Bi-annual corporate performance reports			
7.3.3	Audit of the health and safety management systems of Services within the Council, carried out in accordance with HSE guidance Successful Health and Safety Management (HSG (65))			
7.3.4	Management review and inspection of high risk premises at 3 yearly intervals and medium risk premises at 5 year intervals.			
7.3.5	The Council's online accident and incident reporting system (Claim Control) is embedding will be able to provide statistical information to managers at agreed intervals.			
7.3.6	Mandatory health and safety training matrix developed to specify the minimum level of training dependent on role within the Council. A well-managed training programme will help to develop a positive health and safety culture as well as helping to ensure that the Council meets its legal duty to protect its employees			

KCR 8	Climate Change		Previous	Current	
Risk Owner: SD Environment Strategy & Climate Change		Risk Type: Operational / Reputational		12	12
<p>Failure to consider and adequately respond to Climate Change (emission reduction and resilience building) both at an immediate operational level and as longer-term strategic risk, resulting in not achieving our 2038 target of ‘Net Zero and Climate Ready’ and insufficient resilience to the climate change risks outlined within Kirklees’ district-wide Climate Change Risk and Vulnerability Assessment (CCRVA), which portrays consequential local, physical environmental / social impacts (eg. Flood risk, overheating) financial impacts (predominantly restrictions on funding and cost of recovery) and reputational damage.</p> <p>Q1 Update: Progress continues to be made on the Environmental Sustainability Strategy and the prioritisation of actions agreed as part of the Climate Change Action Plan. The need to identify further budget savings is expected to have an impact on the extent to which climate adaptations and mitigations can be prioritised in the short term. We continue to use external organisations to benchmark our activities.</p>					
Sources of risk and Mitigating controls / actions			Responsible Officer	Previous	Current
			Target Date		
8.1	Failure to become “climate ready by 2038” by identifying, prioritising and implementing adaptation measures resulting in low levels of climate change resilience.	SD Environment Strategy & CC	3x5=15	3x5 = 15	
8.1.1	Operational and response plans designed to minimise impacts (e.g. gully cleansing for those areas which are prone to flooding, winter maintenance budgets are supported by bad weather contingency, gritting deployment plans etc..)				
8.1.2	Awareness of local consequences such as ensuring appropriate levels of energy efficiency in residential and commercial property, and the financial consequences				
8.1.3	Consultant-led work, due to be completed by August 22, to understand Kirklees’ climate change risks and vulnerabilities and identifying possible adaptation measures.	Complete			
8.1.4	Development of the Council wide Environmental Sustainability Strategy to integrate best-practice climate and environmental considerations into all council decision-making as business as usual.	Council approval due late 2023			
8.1.5	Council participating in Yorkshire and Humber Climate Commission Adaptation Framework, which has the objective of developing a framework for consistently integrating the climate change risks outlined in Kirklees’ CCRVA into Corporate and Service Area risk assessments with associated mitigations	January to December 2023			
8.2	Risk that our ‘net zero by 2038’ climate commitment is not achieved due to scope and scale of programme exceeding the funding and delivery capability that is currently allocated. Grants increasingly require demonstration of climate commitments, impacting on funding and statutory obligations relating to climate change are becoming more stringent.	SD Environment Strategy & CC	3x4=12	3x4 = 12	
8.2.1	PCAN (Placed-Based Climate Action Network) and UoL led work, completed in Jan 22, outlining the pathways to Net Zero for Kirklees, in-line with the districts 2038 net zero target and UK’s 2050 net zero target.	Complete			
8.2.2	Climate Change engagement underway to inform the Action Plan, including a resident survey alongside workshops with Council and non-Council stakeholders. The results for which will be published as part of the Autumn 22 Action Plan.	Complete			

8.2.3	Phase 2 Climate Change Action Plan published in December 2022, detailing how we will become carbon neutral and climate ready by 2038	Complete – approved by Council December 22
8.2.4	Establish Climate Change Board to track progress against the CCAP	Established in 2022
8.2.5	Place based prioritisation of actions outlined in the climate change action plan through stakeholder engagement	Summer 2023, engagement completed, and the findings are being written up.
8.2.6	Development of business cases for the priority actions identified by the place-based prioritisation process (dependent on obtaining necessary external funding)	Mid 2024 subject to financial support for developing the business cases.
8.2.7	Delivery and implementation of the businesses cases that require Council ownership	Mid 2024 subject to financial support for developing the business cases.
8.2.8	Ongoing Monitoring & Evaluation, with annual reporting of progress to CDP and implementing a 3-yearly reporting process for our CCAP once V2.0 is published.	Annual CDP Reporting – July 2023 CCAP reporting due to commence mid 2024
8.2.9	External funding bids continue to be submitted and alternative sources of funding are applied for where available.	Ongoing

KCR 9	Community Wellbeing & Resilience	Previous	Current	
Risk Owner: SD Adults & Health		Risk Type: Operational / Reputational		
Risk of declining community wellbeing and resilience caused by lack of engagement with communities directly and partner organisations, insufficient understanding of community needs and wants, poorly targeted interventions / service developments, persistent reduction in funding.				
Q1 update: Continued working with communities, shaped by the Inclusive Communities Framework, to build resilience and ensure early indicators of increasing tension (for various reasons) are recognised and responded to appropriately. Robust monitoring and oversight with partner organisations is in place with clear escalation processes if required. Cost of Living interventions are embedded and we are seeking to expand provision where opportunities arise.				
Sources of risk and Mitigating controls / actions		Responsible Officer Target Date	Previous	Current
9.1	Failure to address matters of violent extremism and related safer stronger community factors, including criminal exploitation, or national or international incidents (e.g. terrorism), create significant community tension, with the risk of public disorder, and threats to councillors going about their duties.	Service Director Communities & Access Services	4x4=16	4x3=12
9.1.1	Dedicated community tensions monitoring process and a clear procedure to process intelligence related to protests and tensions. Procedure includes Police and Emergency planning colleagues.	Overall risk rating for risk 9.1 reduced based on the monitoring and oversight processes that are in place		
9.1.2	Weekly tensions monitoring (tactical threat) meetings are held with all relevant partners – these can quickly switch to daily if required. Escalations are reported into Police Silver and via Safer/EP internally dependent on issue. Silver/Gold groups in place for oversight.			
9.1.3	Prevent Action Plan addresses community engagement, critical thinking and ideological issues and seeks to mitigate risk	Results from Home Office evaluation of Prevent Duty performance indicates that all statutory duties are being met or exceeded		
9.1.4	Channel Panel process is subject to ongoing self-assessment, internal audit review and external assurance by the Home Office	Chanel Panel received maximum score in above HO evaluation		
9.1.5	Implementation of the Inclusive Communities Framework to build resilience to extremist narratives, ensuring people feel listened to and that they belong	Annual report on progress and summary recommendations submitted to the Communities Board		
9.1.6	The Cohesion Team engage with communities and enable opportunities for communities to build relationships and mix to counter extremist narratives			
9.1.7	Protect and Prepare obligations to mitigate terrorism risk on publicly accessible locations (PAL). The Protect Duty will introduce additional responsibilities with a short implementation date anticipated.	Protect & Prepare group have been established to oversee implementation		
9.1.8	Assurance processes re ensuring appropriate understanding associated with the use of public and client access to the internet (terrorism and extremism related)			

9.2	The impact of the “cost of living crisis” (specifically inflationary pressure leading to increased prices for food and fuel) on individuals, the community, partners and the business sector, and on their priorities, and their consequent demands for council service. Impact on the voluntary sectors may reduce their ability to support communities, with a consequent impact on the council.	Head of Policy, Partnerships & Corporate Planning, Head of Improving Population Health	4x4=16	4x3 = 12
9.2.1	Interventions and support put in place to mitigate some of the effects of the Cost of Living crisis are being coordinated and monitored through the Cost of Living Programme Board. Recognising the urgency of the need, the action plan is primarily focussed on accelerating and scaling up existing work rather than establishing completely new projects. There is Representation from all relevant services with weekly reporting to Cllr Davies (as portfolio lead).	Programme Board meeting reduced to monthly. Majority of workstreams reporting GREEN		
9.2.2	Priority 1: Emergency response with focus on direct support for people already in crisis <ul style="list-style-type: none"> - Communications - Access to Support for residents - Housing Services - Support for and from businesses - Working with the third sector to understand place based and community impact of COL. 	Ongoing administration of the Household Support Fund 4 to residents.		
9.2.3	Priority 2: Building resilience within and across our communities <ul style="list-style-type: none"> - Community Response - Community Power 	Contine to nurture new community groups and support established groups with funding applications, volunteer recruitment etc...		
9.2.4	Priority 3: Preventative action to address medium-long term challenges <ul style="list-style-type: none"> - Economic Strategy & Long term recovery - Working, Volunteering, Participating, Aspiring - National & Regional Lobbying 			
9b ER	Adult Social Care & hospital discharge procedures	SD Adults & Health	Raised: April 22	
9e ER	Housing stock availabilty	SD Growth & Regeneration	Raised: Jan 23	

KCR 10 Physical Assets and Infrastructure		Previous	Current	
Risk Owner: SD Growth & Regeneration		Risk Type: Compliance / Reputational		
The exposure to increased liabilities arising from property ownership and management, including both the councils residential portfolio and corporate portfolio (inc schools, community buildings) with reputational and financial implications.		12	12	
Q1 Update: Review and revisions to Asset Strategies covering the Council's Corporate and Residential property portfolios are progressing in line with planned deliverables. Focus will now move to effective prioritisation, ensuring that the financial impacts of required remedial activity and ongoing stock maintenance programmes are well understood and are balanced with the obligation to meet statutory requirements.				
Sources of risk and Mitigating controls / actions		Responsible Officer Target Date	Previous	Current
10.1	Exposure to increased liabilities arising from the Council's ownership and management of corporate assets, including dangerous structures and asbestos, cladding and fire controls with reputational and financial implications	Head of Property	3x4 = 12	3x4 = 12
10.1.1	Building Safety Assurance Board - Corporate manages corporate compliance with statutory regulations and other guidance including ongoing management of building compliance risks, with escalation to the Health & Safety Oversight Board	Next meeting: November 23		
10.1.2	Compliance testing matrix in place identifying sources of risk, test requirement as detailed in legislation and test frequency			
10.1.3	Embedded programme of fire risk assessments, inspections and audits in place, as documented in Corporate Fire Safety Policy. New fire log has been produced for site trial before full roll out.			
10.1.4	Approved Asset Strategy in place	Asset Strategy under review (Q4 22-23)		
10.1.5	Procurement and integration of new asset management database to monitor and report our asset management activity	Ongoing into 2023, implementation targeted for Q4 23-24		
10.1.6	Development and implementation of processes and procedures to support delivery of prioritised actions based on condition surveys and defects reported during servicing & maintenance			
10.2	Exposure to increased liabilities arising from residential property ownership and management, focussing on the 6 components of building safety (fire, asbestos, gas, electric, water, lifts) and latterly DMC (Damp, Mould and Condensation)	Head of Assurance	3x4 = 12	3x4 = 12
10.2.1	Building Safety Assurance Board (Housing) established to provide oversight of controls and governance in place, reporting into the Housing Improvement Board and the Health & Safety Oversight Board			
10.2.2	There are regular programmes of inspection and re-inspection for all six-building safety workstreams including asbestos and water hygiene, whilst the work on strengthening processes and data integrity is supporting a stronger internal framework of assurance.	Third party appointed to validate integrity of building safety compliance data and develop Landlord Compliance Data Management Plan		
10.2.3	Regular onsite audits, detailed training programme and dedicated HSE team ensure robust H&S culture with officers clear on duties related to H&S compliance			

10.2.4	For Fire Risk Assessment (FRAs) remedial actions, completion of every high priority action is tracked and those to high rise blocks notified to the Regulator. We remain on target to complete the outstanding high risk remediation actions in line with agreed timetable. The low and medium rise FRA actions are currently at the early stages of contract negotiation.	March 2024 overall completion date for high priority actions. Full programme completion by 28-29	
10.2.5	Programme of activity to ensure housing stock meets the Decent Homes Standard. Stock condition validation and data cleansing activity is underway, focus now on development of a long term asset management strategy, including benchmarking of cost data	Asset Strategy and supporting action plan on track for completion during Q2 23-24	
10b ER	Damp, Mould & Condensation Strategy	SD Homes & Neighbourhoods	Raised: Jan 23

Outline Corporate Budget Timetable

Date	Action	Status
6th Sept 2023	Cabinet considered Medium Term Financial Strategy	This report
13th Sept 2023	Council considers Medium Term Financial Strategy	
Sept/Nov 2023	Consultation period – Council Priorities/Budget	
Oct/Nov 2023	Autumn Statement (not confirmed)	
Dec 2023	Provisional Local Government Finance Settlement (LGFS) 2024/25	
Dec 2023	Cabinet/Council - HRA Rent and Service Charge Setting Report	
	Cabinet/Council - Schools Funding Reports	
Jan 2024	Council Taxbase Report (delegated to Service Director Finance)	
Jan/Feb 2024	Final Local Government Finance Settlement 2024/25	
Feb 2024	Cabinet considers Budget and Council Tax 2024/25	
Feb/Mar 2024	Council sets Budget and Council Tax 2024/25	

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Name of meeting: Council

Date: 13 September 2023

Title of report: Overview and Scrutiny Annual Report 2022/23

Purpose of the report: In line with constitutional requirements, this report presents the Overview and Scrutiny Annual Report for the 2022/23 municipal year to Council.

Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions	No
Is it in the Council's Forward Plan?	Not applicable
Is it eligible for "call in" by Scrutiny?	Not applicable
Date signed off by <u>Director</u> & name	Rachel Spencer-Henshall 23.8.23
Is it signed off by the Director of Finance?	Not applicable
Is it signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft 23.8.23
Cabinet member portfolio	Not applicable

Electoral [wards](#) affected: None specific

Ward councillors consulted: Not applicable

Public or private: Public Report

Have you considered GDPR?

Yes - GDPR has been considered. This report contains no information that falls within the scope of the General Data Protection Regulations.

1. Summary

The Annual report sets out a summary of the work undertaken by the Council's Scrutiny Panels during 2022/2023.

2. Information required to take a decision

The Council's Constitution requires the Chair of Scrutiny to submit a report to Council at the end of each municipal year, highlighting Overview and Scrutiny work in the previous twelve months.

Attached at Appendix One is the Overview and Scrutiny Annual Report for 2022/23. The Council is asked to receive and note the Annual Report.

3. Implications for the Council

The work of Overview and Scrutiny contributes to all the Council priorities set out below by considering proposals and pieces of work that contribute to delivering the priorities:

- Working with People
- Working with Partners
- Place Based Working
- Climate Change and Air Quality
- Improving Outcomes for Children

3.1 Financial Implications for the people living or working in Kirklees

There are no financial implications for people living or working in Kirklees.

3.2 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

The Annual report is submitted in line with the requirements of the Constitution. There are no financial or Human Resource implications.

4. Next steps

Following consideration by Council, the Annual Report will be available for information on the Council's website.

5. Officer recommendations and reasons

That Council receive and note the Overview and Scrutiny Annual Report 2022/23.

6. Cabinet portfolio holder recommendation

Not applicable

7. Contact officer and relevant papers

Leigh Webb, Governance Manager

Tel: 01484 221000 Email: leigh.webb@kirklees.gov.uk

8. Background papers and history of decisions

- Minutes of Overview and Scrutiny Management Committee and Scrutiny Panels during 2022/23
- Lead Member Reports to Overview and Scrutiny Management Committee in 2022/23

9. Service Director responsible

Julie Muscroft, Service Director, Legal, Governance & Commissioning

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Overview and Scrutiny Annual Report

2022/23



Chair's Foreword

The start of the 2022/23 municipal year saw the appointment of four Scrutiny Panel Chairs and I would like to thank them for their hard work throughout the year.

Over the last year, we have discussed topics covering a wide range of topics and policy areas and were given insight into some complex issues. Some of the highlights of the wider work of the Panels are outlined in this report, including pre-decision consideration of the Kirklees Communities Partnership Plan and the Inclusive Communities Framework; an update on the issue of Maternity services in Kirklees; monitoring of the Council's Plan; a review of the Council's Winter Maintenance policy; focus on education and learning outcomes across Kirklees; and continued examination how the Council has responded to the cost of living crisis.

2022/23 saw the Council accept the findings of the Democracy Commission, who had been tasked with reviewing the current and alternative models of governance. Having agreed to retain the current model, a number of recommendations were made which related to enhancing the Council's scrutiny function, including reviewing the scrutiny structures, providing specific scrutiny training and encouraging more pre-decision scrutiny.

I am pleased that the new structures give responsibility to the Management Committee to undertake high level scrutiny in respect of financial management, risk and performance. In these challenging times, oversight of these areas is critical as the Council makes difficult decisions to manage budgets and provide services to the public. I look forward to engaging with Cabinet as these challenges are faced and am keen to further encourage a constructive relationship which results in more engagement and pre-decision scrutiny.



I am continually grateful to members of the various scrutiny panels for their hard work and contributions throughout the year and would like to thank all the Scrutiny Councillors, Voluntary Co-optees and Governance Officers for their hard work and commitment during the year.

This year was the first year for a number of our new Voluntary Co-optee's, and I would like to pay tribute to them all for their valuable input to the scrutiny process in Kirklees. I am also grateful to all the local groups, organisations and individuals who have attended meetings, made presentations and provided evidence, and to council officers and Cabinet Members for their attendance and contributions.

Looking forwards, I am keen to build on the positive impacts outlined in this annual report and successfully embed the new scrutiny structures to deliver on the recommendations of the Democracy Commission.

Chair of Scrutiny

A handwritten signature in black ink that reads "Elizabeth Smaje". The signature is written in a cursive, flowing style.

Councillor Elizabeth Smaje

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Overview and Scrutiny Management Committee 2022/23

Committee Membership
Councillor Elizabeth Smaje (Chair)
Councillor John Taylor
Councillor Yusra Hussain
Councillor Andrew Marchington
Councillor Jackie Ramsay

Work Programme 2022/23

- Leader's Priorities.
- Council Plan.
- Crime and Disorder.
- Pre-Decision Scrutiny of the Communities Partnership Plan 2022-27.
- Annual Refresh of the Strategic Impact Assessment.
- Domestic Abuse Strategy.
- Local Flood Risk Management.
- Inclusion and Diversity.
- Inclusion and Diversity Strategy.
- Inclusion and Diversity Annual Report.
- Inclusive Communities Framework.
- Pre-Decision Scrutiny.
- Implementation.
- Community Anchor Network Update.
- Scrutiny of Loneliness in Kirklees.
- Regional Funding.
- Primary Care Networks and Local Health Improvement - Progress Report.

In addition to the formal meetings of the Committee, informal sessions also took place to facilitate pre-decision scrutiny and comment on the Council Plan, the Inclusion and Diversity Annual Report, and the revised Inclusion and Diversity Strategy, prior to submission to Cabinet and Council.

The Chair of Scrutiny also received briefings during 2022/23, including regular updates with the Authority's Head of Risk, with the Strategic Director – Corporate Strategy, Commissioning and Public Health in respect of budget engagement and, as necessary, to focus on areas of potential scrutiny interest that arose during the year.

Committee Highlights

Ad Hoc Scrutiny Panel – Health and Safety Compliance in Residential Housing Stock.

The Ad Hoc Panel was formally established by the Overview and Scrutiny Management Committee in 2021/22 to carry out a focused piece of work to consider the Council's policies, procedures and arrangements for managing the health and safety of its tenants and residential property portfolio, with a particular focus on high-rise and multiple occupancy blocks.

The cross-party panel included one of Kirklees' scrutiny co-optees and was assisted by an independent adviser with specialist knowledge of the area under consideration.

Following extensive evidence gathering, the Panel produced its final report containing its findings and seventeen recommendations. The report was submitted to Cabinet on 21 December 2022. Cabinet accepted all the recommendations, subject to the amendment of one to require monthly, rather than weekly, reporting. The related Action Plan was also approved.

A Homes and Neighbourhoods Improvement Board was established in early 2023 and the Overview and Scrutiny Management Committee will receive a progress report, in respect of the implementation of the recommendations, during 2023/24.

Leader of the Council Priorities 2022-23

The Leader of the Council was invited to the meeting of the Committee in July 2022 to set out his portfolio priorities for the year. He returned in February 2023 to give an update on progress. On each occasion he responded to comments and questions from the Members of the Committee.

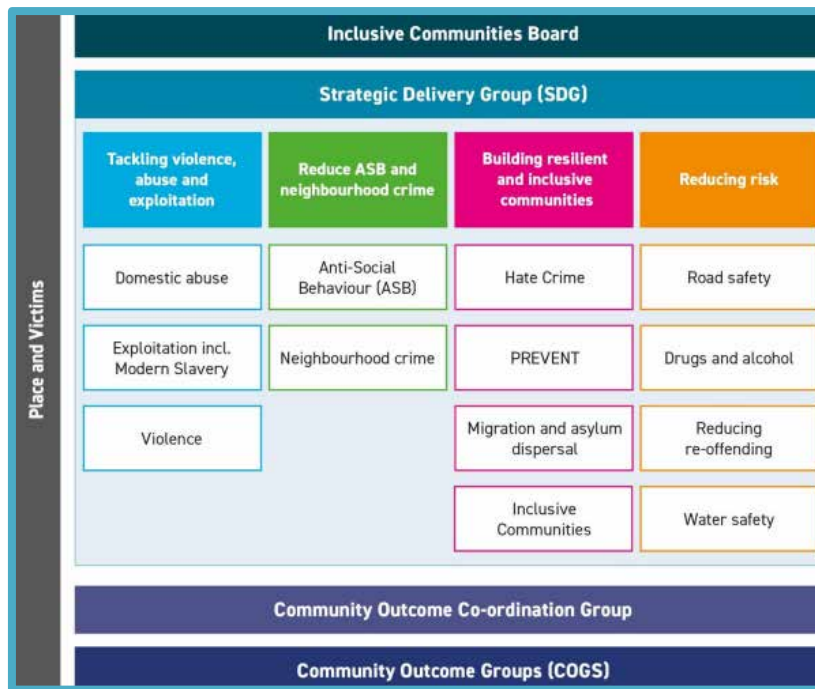
Kirklees Communities Partnership Plan 2022-2027

In June 2022 the Committee undertook pre-decision scrutiny of the latest version of the Communities Partnership Plan, which covered the period 2022-2027. They were joined by the Cabinet Member for Learning, Aspiration and Communities and Chief Superintendent Jim Griffiths from West Yorkshire Police.

The plan is designed to address multi-agency issues affecting quality of life for residents, as required by Section 5 of the Crime and Disorder Act 1998, and is informed by a Strategic Intelligence Assessment (SIA) developed using data, intelligence and insight from partnerships, which was reviewed on an annual basis.

The key strategic priorities for the next five years were:

- Tackling Violence, Abuse and Exploitation.
- Reduce Anti-Social Behaviour and Neighbourhood Crime.
- Reducing Risk.
- Building Resilient and Inclusive Communities.



Members made a number of comments in respect of the involvement of Councillors, the need for a greater focus on speeding and road safety, to reflect the concerns of local people, and the inclusion of outcomes and good practice. These were taken on board in developing the final document, which was endorsed by Cabinet in September 2022 and adopted by Council at its meeting on 12 October 2022.

In February 2023, the Committee received a report which set out the findings emerging from the annual refresh of the Kirklees Strategic Intelligence Assessment (SIA) which aimed to ensure that the themes within the Partnership Plan remained valid and to highlight any exceptions, trends or potential areas for future focus. The report also included a specific focus on the issues of road safety and serious violence.

The Committee reiterated that the importance of working and engaging with Ward Councillors on issues in their areas should be embraced by all parties and requested the provision of further information in relation to the action taken in response to the data gathered from speed indication devices and how this is shared with partners, and how the data in respect of collisions not involving injury was collated and utilised.

Flood Risk Management Annual Update

In March 2023, the Committee undertook its annual scrutiny of local flood risk management and considered a report which detailed progress against the Action Plan of the Kirklees Local Flood Risk Management Strategy.

The report also set out the process for the development of the new strategy, which was due to be adopted in late 2023.

The Cabinet Member and Portfolio Holder for Regeneration was in attendance at the meeting along with representatives of partners; the White Rose Forest Project and the National Trust who explained projects being undertaken to provide natural flood management. Other partners included Yorkshire Water, the Woodlands Trust, Moors for the Future and the Environment Agency.

The Committee welcomed the interesting and informative presentations on the ongoing work in relation to natural flood management and the strong partnership working arrangements. It also requested that the new Flood Risk Management Strategy be submitted for pre-decision scrutiny in advance of it being presented to Cabinet.

Domestic Abuse in Kirklees – Update

A report was submitted to the Committee in February 2023 which provided a detailed update on activity to tackle domestic abuse in Kirklees, in line with the strategic aims and priorities of the 2022-2027 Domestic Abuse Strategy, which had been subject to pre-decision scrutiny by the Committee in 2021/22.

The Cabinet Member for Learning, Aspiration and Communities and representatives of West Yorkshire Police, West Yorkshire Integrated Care Board and Yorkshire Children's Centre (Perpetrators Programme) joined the discussion.

Members noted that the work being undertaken across the partnership was evident and was very positive. The work being undertaken with perpetrators and children was commended and the efforts to widen the provision of 'safezones', particularly in the Rural and Batley and Spen areas, was welcomed.

They also requested that further information be provided relation to benchmarking against other local authorities in respect of the incident/crime conversion rate for reports made to the Police; and the approach being taken in terms of the adjacent NHS Trusts.

Inclusive Communities Framework

A report was submitted to the meeting of the Committee on 28th June 2022 in respect of the Inclusive Communities Framework (ICF), prior to its submission to Council.



The ICF had been developed to provide a partner-produced strategic approach to building cohesive communities in Kirklees. It would sit alongside the Council's Health and Wellbeing, Sustainable Environment and Economic Strategies and set out how the Council and its partners would work with communities to try and ensure a safe and inclusive community.

Members asked a number of questions and requested that the implementation plan be brought back for consideration at an early stage and that its comments, as summarised below, be taken into account in the progression, and implementation, of the ICF:

- The importance of the role of Councillors as representatives of their communities.
- The need for realistic expectations, such as in respect of community input to decision-making.
- The use of accessible and clear language.
- The provision of a balance of stories.
- Reference to all of the engagement undertaken.
- The need for a focus on action as a key element.

The ICF was approved by Cabinet 5th July 2022 and Council on 13th July 2022 and, a report was submitted to the November meeting of the Committee which provided an update in respect of the Inclusive Communities Framework, including an overview of the Council's plans for implementation and a response to the issues raised by the Committee at its meeting on 28th June 2022.

The Committee reiterated its view in respect of the integral role of ward councillors in this work, due to their position at the heart of the organisation and their unique position within local communities. It also recommended that consideration be given to broadening representation on the Communities Board and stressed the importance of the Place Standard approach; listening to the voices and experiences of communities and robust monitoring of action plans to allow any issues with progress to be addressed, to learn from good practice and to assess impact and outcomes.

Regional Funding Update

At the meeting in December 2022 the Committee gave consideration to the Authority's approach to regional funding activity, with a focus on the funds administered by the West Yorkshire Mayoral Combined Authority (WYMCA).

A number of the Kirklees Councillors who were members of one of the WYMCA scrutiny committees were also welcomed to the meeting.

A report was presented which provided details on the main strategic economic development funding streams at regional level, including Gainshare and the UK Shared Prosperity Fund (UKSPF). It also gave an overview of the approach currently being taken including investment prioritisation, horizon scanning for future opportunities and overview/monitoring of all funding coming into Kirklees.

It was explained that the Council was taking a proactive approach in terms of the development of outline schemes, so that it was able to react quickly when funding opportunities came forward, and that the West Yorkshire Investment Strategy set out the following six investment priorities:

- Good Jobs and Resilient Businesses (including entrepreneurialism).
- Skills and training for people.
- Creating Great Places and Accelerated Infrastructure.
- Tackling the Climate Emergency and Environmental Sustainability.
- Future Transport Investment.
- Culture and Creative Industries.

The Committee recommended that consideration be given to:

- The need to facilitate a wider awareness of the work of the Combined Authority for Kirklees Councillors.
- The provision of greater support for those Councillors representing Kirklees on the Combined Authority.

- The need for a strategic approach to bus services across the district.
- The use of the Place Standard to build a strong evidence base for local priorities.
- Feedback to the wider Council from Kirklees Combined Authority representatives.

Loneliness and Social Isolation in Kirklees Post Pandemic

During 2022/23 the Committee gathered evidence in respect of the issue of loneliness in Kirklees and the impact of the pandemic, with the aim of helping to inform and shape the partnership approach in responding to this issue, in light of the potential impact on the health and wellbeing of local people.

This included formal sessions in October and December 2022 in respect of the role of the Partnership Loneliness Steering Group and how best to identify, signpost and refer people who are lonely or isolated and how loneliness could be 'made everyone's business'.

Members engaged with the following teams and partner organisations:

- Kirklees Partners' Loneliness Steering Group.
- Local Integrated Partnerships.
- Local Area Co-ordination.
- Public Health.
- Community Plus.
- The Council's Wellness Service.
- Luv2MeetU – a charity which operates on a national basis and organises events for small groups of people with learning disabilities or autism to address issues associated with independence and/or loneliness.
- Yorkshire Children's Centre – a local charity which takes a lead on the befriending partnership work in Kirklees.
- Age UK (Kirklees and Calderdale).
- Yorkshire Children's Centre.
- The Carer's Trust Mid Yorkshire – a local charity working to support unpaid family carers.

- Carer's Count - a not for profit organisation that supports unpaid carers within Kirklees.

Visits were carried out to the following groups to discuss the issues with service users:

- Long Covid Support Group - one of two support groups run by the Council's Wellness Service based at Batley Town Hall.
- Young Onset Dementia Support Group – led by volunteers through Yorkshire Children's Centre.
- Carer's Count at two locations in North and South Kirklees
- Carer's Trust Listening Group.

Further to some additional work in 2023, to focus on the views of young people, a report will be produced containing the Committee's recommendations.



Lead Members' Updates from Standing Scrutiny Panels

Each of the Lead Members provided the Committee with an update on the work of the standing scrutiny panel, listed below, on a regular basis.

Health and Adult Social Care Scrutiny Panel 2022/23

Panel Membership
Councillor Jackie Ramsay (Chair)
Councillor Jo Lawson
Councillor Bill Armer
Councillor Vivien Lees-Hamilton
Councillor Alison Munro
Councillor Lesley Warner
Helen Clay (Co-optee)
Kim Taylor (Co-optee)

Work Programme 2022/23

- Resources of the Kirklees Health and Adult Social Care Economy.
- Impact of Covid-19.
- Capacity and Demand - Kirklees Health and Adult Social Care System.
- Joined up Care in Kirklees Neighbourhoods.
- Mental Health and Wellbeing.
- Unplanned Care.
- Maternity Services.
- Access to dentistry.
- Quality of Care in Kirklees.
- Kirklees Safeguarding Adults Board (KSAB) 2021/22 Annual Report.
- Inequalities in access to health care services.
- New Plan for Adult Social Care Reform.
- Palliative and end of life care.

Panel highlights

Maternity Services in Kirklees

In the Panel's meeting held in September 2022 representatives from Calderdale and Huddersfield NHS Foundation Trust (CHFT), Mid Yorkshire Hospitals NHS Trust (MYHT) and the West Yorkshire Local Maternity System attended the meeting to present an update on the provision of maternity services in Kirklees.

Areas that were discussed included: recommendations and local improvement and action plans following publication of the Ockenden reports; the challenges of the local maternity workforce and the impact of these on childbirth choices for women in Kirklees; and details of the risk assessment of midwifery-led birth units against published European birth centre standards.

As part of their continuing review into maternity services in Kirklees panel members visited the Calderdale Royal Hospital (CRH) Birthing Unit and Labour Ward on 16 February 2023 to have a tour of the Birthing Unit and Labour Ward and to receive a presentation on CHFT maternity services that included an update on service developments.

Outcomes

As a result of the initial discussion the Panel agreed to write to the Chief Executives of both hospital trusts to express its concerns that women who lived in Kirklees were currently unable to access a birth centre located in their local district and the potential for there to be an extensive period before the resumption of services could take place.

The letters included a request to receive as soon as possible a clear timeline for the reopening of the birthing centres in Kirklees and details of the maternity services model.

The Panel also agreed that it would commit to engage with CHFT and MYHT on any external work or communications that the Panel undertook regarding the situation on

maternity services in Kirklees and to arrange a further meeting in public at the earliest opportunity to review in detail the maternity services proposals and to consider if they constituted a substantial change or variation to service.

Following the visit to CRH panel members discussed their findings and agreed that a follow up letter should be sent to the hospital trusts to outline further concerns relating to the intermittent closure of the CRH Birthing Unit due to staff shortages and to reiterate that scrutiny still had concerns regarding the lack of access for women living in Kirklees to a birthing facility located in their local district.

The Panel also highlighted concerns regarding the equality of access for Kirklees parents who had to travel further than they would have if a service was still available at Huddersfield and the impact on those families who relied on public transport. The Panel concluded that unless it was made aware of work that was taking place to reintroduce the birthing centres that taking account of the length time that the Birthing Units in Huddersfield and Dewsbury had been closed it would have no alternative but to recognise that a substantial change to service had taken place that the public should, retrospectively, be consulted on.

Joined up Care in Kirklees Neighbourhoods

The Panel included in its work programme a focus on how local primary care services via Primary Care Networks (PCNs) contributed to targeted integrated service delivery in the Kirklees neighbourhoods.

There were a number of areas that the Panel felt warranted review that included looking at the work that was being developed through the Council's primary care network & local health improvement leads and considering the progress, effectiveness and breadth of services being delivered in the community.

The Panel was also keen to assess the capacity of out of hospital care to include all aspects of community care including adult social care capacity, community services

capacity, and primary care support and to take account of the work that was being done by Community Pharmacy to help alleviate demand in hospitals.

At its meeting held in December 2022, the Panel heard from a range of representatives from the local health and adult social care system that included input from Community Pharmacy West Yorkshire and Local Care Direct, which is a community-owned healthcare provider delivering a wide range of NHS services to the people in Kirklees.

The discussions were detailed and constructive and covered a number of areas that included the role of community pharmacy in helping to alleviate pressures across the wider primary care system; the work being done to utilise the different skill mixes in the workforce and developing further the use of digital technology; the work that was taking place to align the agencies working in the neighbourhood model to general practice; and plans for the introduction of community diagnostic centres.

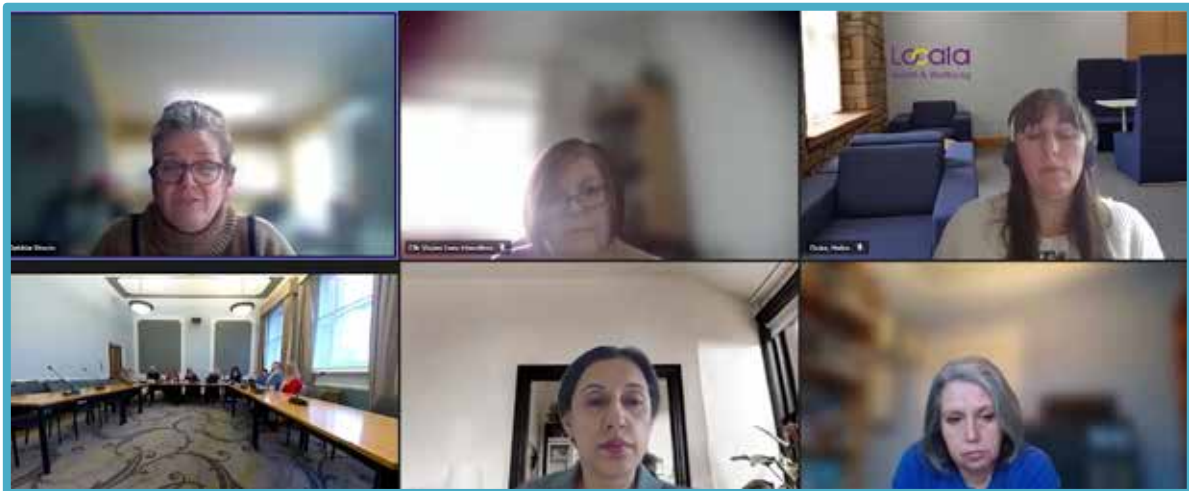
Outcomes

A number of concerns highlighted by the Panel were addressed that included an agreement that more work was needed to align the role of elected members in the work of Primary Care Networks (PCNs) and the neighbourhood model including developing the right forums to build that working relationship; an agreement that the development of the working relationships with the PCNs should be undertaken outside of the PCN formal business meetings; and an acknowledgment of the importance of communicating with the public and raising awareness of the local neighbourhood services.

The Panel acknowledged that the information and discussions had provided good evidence of the progress that was being made in integrated working despite the pressures in the local health and adult social care system.

Dentistry in Kirklees

The Panel has acknowledged that access to dental services in Kirklees can be a challenge for some people and was keen to explore in more detail the current position in Kirklees and what options may be available to address and tackle any inequalities in access to dental services.



The Panel also identified a number of areas that it felt warranted further scrutiny that included the approach being taken to promote oral health and dental health improvement; the support being provided to vulnerable groups; the forthcoming changes to dental commissioning arrangements; and looking more closely at orthodontic services in Kirklees.

At its meeting held in March 2023 representatives from NHS England, Public Health, Locala and the Kirklees Local Dental Committee attended to discuss in more detail the issues highlighted by scrutiny.

The discussions were robust and constructive and covered a number of issues that included:

The position of Orthodontic services in Kirklees; an update on the Oral Health Needs Assessment for the Yorkshire region; the challenges in accessing an NHS Dentist; delays in accessing hospital dental extractions for children and young people; the work

undertaken by Locala in providing Community Dental Services; and the transfer of commissioning responsibilities from NHS England to West Yorkshire ICB.

Outcomes

The Panel agreed that it should write to the two acute Trusts, Locala and the West Yorkshire ICB outlining its concerns in delays in accessing hospital dental extractions for children and young people. The Panel also agreed that following the transfer of the commissioning of dental services to the West Yorks Integrated Care Board (WYICB) that representatives of WYICB should be invited to attend a future Panel meeting to discuss its response to the delays in hospital dental extractions for children and young people.

Comments

Emily-Parry Harries - Head of Public Health

"The opportunities with scrutiny panels have been two fold this year and both very welcome – the Public Health team have been able to support the panel in furthering their understanding of inequalities and then use this understanding to support and challenge organisations to better support the population of Kirklees in the delivery of services."

Michelle Cross - Service Director- Mental Health & Learning Disability

"Involvement in Scrutiny Panel has been useful not only from an Adult Social Care perspective but from the whole Health and Social care system, we have done joint presentations with partners such as ICB, Independent Sector, SWYFT and LOCALA. It's good to show how joined up the system is in Kirklees and strength in partnerships that we have. The planning workshops are helpful in shaping the work plan and we get invited to be part of that which enables an understanding of what panel members want to understand further, I would say sometimes it's hard to understand how much detail is required as subjects are quite broad and there is a danger of providing too much detail but feedback we've had is its been well received and the conversation and discussion is always the best part of the sessions. "

Kim Taylor – Scrutiny Co-optee

“Working as a voluntary co-optee on the Health and Adult Social Care scrutiny panel has given me the opportunity to be part of the panel’s decision-making process and to use my experience of working in the NHS to influence and constructively challenge the way that services in Kirklees are delivered. As a lay member of the scrutiny panel, I am always mindful to consider the effect of any proposed changes or concerns about the quality of services delivered by the council and its partner organisations, and what these would mean to me, my family and friends, and the wider community. I particularly enjoyed the panel discussions on unplanned care and I am pleased that these have been included in the work programme for 23/24 with a focus on the work being done in the community to reduce unnecessary admissions to hospital.”

Joint Health Overview & Scrutiny Committees 2022/23

Calderdale and Kirklees Joint Health Overview and Scrutiny Committee (JHOSC)

Kirklees Membership
Councillor Elizabeth Smaje (Joint Chair)
Councillor Jackie Ramsay
Councillor Alison Munro
Councillor Aleks Lukic

During the 2022/23 municipal year the JHSC maintained its focus on reviewing the revised hospital services proposals at Calderdale and Huddersfield NHS Foundation Trust (CHFT) and held two formal meetings in October 2022 and March 2023. In June 2022 the JHSC members also attended an informal workshop with representatives from CHFT to discuss the Trusts Outline Business Case (OBC) which included a number of sections that contained highly commercial sensitive information.

The meeting held in October 2022 included a formal report that covered the areas discussed at the OBC informal workshop; an update on progress of the new Huddersfield Royal Infirmary Accident and Emergency Department; and a presentation from the Yorkshire Ambulance Service on its 2021 modelling report that would be used to determine the impact of changes and the additional ambulance capacity required.



At the meeting in March 2023 the JHSC was presented with details of CHFT's communication plans for its new Accident and Emergency department; details of the planned arrangements for the transition of services from the old Huddersfield Royal Infirmary A&E Department to the new; an update on the actions from the latest Travel Plan and details of the plans for refreshing the Travel Plan and Survey; and an update on the hospital services reconfiguration project costs and contingency plans.

West Yorkshire Joint Health Overview and Scrutiny Committee

Kirklees Membership

Councillor Elizabeth Smaje (Deputy Chair)

Councillor Jackie Ramsay

The JHOSC met 3 times during 2022/23 and covered a variety of issues that had implications for the West Yorkshire region.

Issues covered included: an overview of the aim and objectives of the West Yorkshire Association of Acute Trusts; an update on West Yorkshire Community Diagnostic Centre Plans; contributing to the refresh of the West Yorkshire (WY) Partnership Board

Five Year Strategy; and an update and discuss on service demand pressures on the Yorkshire Ambulance Service; and considering access to NHS dentistry in West Yorkshire and looking at wider oral health issues.

Corporate Scrutiny Panel 2022/23

Panel Membership
Councillor John Taylor (Chair)
Councillor Steve Hall
Councillor Tyler Hawkins
Councillor Harry McCarthy
Councillor John Lawson
Councillor Aleks Lukic
Garry Kitchin (Co-optee)
Kristina Parkes (Co-optee)
James Ryan (Co-optee)

Work Programme 2022/23

- Financial Management/Capital Plan.
- Council Risk Register.
- Responding to the cost-of-living crisis.
- Procurement .
- Social Value Strategy.
- The People Strategy.
- Asset Management.
- Emerging Issue – Customer Service Capacity.
- Access to Services and Customer Services.
- Libraries.
- Technology Strategy.
- Comms Strategy.

Panel highlights

Responding to the cost-of-living crisis

At its meeting on the 3rd October 2022, the Panel received an update on the Council's response to the cost-of-living-crisis, specifically, the measures that were being put in place, to support local residents and communities in dealing with the difficult economic climate. Officers from the Welfare and Exchequer Team gave the Panel an overview of some of the support that was on offer to local residents which included: financial support and debt advice, advice on keeping your house warm and reducing energy bills, support with the cost of food, Kirklees jobs and careers and mental health support.

The 'Bread and Butter Thing', was hailed as a good example of the support available, which provided low cost, nutritious, affordable food across places in Kirklees, where residents could access three bags of food for £7.50, and anybody could access that provision. There were four such provisions across Kirklees, and the aim was to roll this out to more areas across the district.

The Panel was concerned that information regarding the support available may not be reaching the people who would most benefit from help and support, and asked how such information was being disseminated.

Outcomes

The panel welcomed the support proposed by the Council and was supportive of promoting Libraries as welcoming warm spaces and suggested supporting other community buildings to offer warm spaces as well.

Social Value Strategy

On the 15th August 2022, the Panel received an update on social value which had become an increasingly important focus for both the public and private sector, in

trying to optimise the social, economic, and environmental benefit of every pound invested.

The Panel learned that the current strategy had been in place since 2013, after the Social Value Act 2012 came into force. The legislation set a requirement for public sector bodies to consider social value in some procurement activity. The new strategy that was being developed, acknowledged some important developments that needed to be taken into account. Firstly, there was a need to consider, and embed social value much more widely in relation to the council's activities. Secondly, there was a need for commissioners to consider social value outcomes and how they might be achieved at a much earlier stage of the project development process. More importantly, the aim was to increase the visibility of social value commitments in the way contracts are commissioned and managed.

The Panel was presented with a set of proposals which outlined how the policy would be implemented. One part of that process would be to identify a lead within each service to develop social value knowledge and capacity, to ensure it was embedded throughout the commissioning of services. Another aspect would be developing a programme of training and action learning for the service leads.

In response to the information presented, the Panel raised concerns about what remedial action would be taken, for example, if faced with non-delivery against the social value stipulated, and not getting the value agreed with providers. The Panel questioned how successful have some of the measures like clawback and retention been?

Outcomes

The Panel asked that an action to talk to the big building companies be undertaken before finalising the policy, as this would ensure that the consequence of implementing the policy is fully understood.

Access to Services and Customer Services

At its meeting on the 28 November 2022, the Panel received information on some of the strategic objectives for libraries and access to services. The Panel was reminded that at its meeting on the 15 August 2022, information was presented on the work that was being undertaken to implement the new telephony system. Since the new system was introduced, the call answer rate had gone from between 73-75% on approximately 12,000 calls per week, to averaging over 85%, and this was consistently being achieved, and it is getting better.

The Panel also learned that there are 24 place-based libraries supporting access to services that reflect and are relevant to local communities by both the buildings and the outreach on offer. They are a valued and trusted local resource, providing a safe and welcoming space, and this is a key hinge point in terms of the council's commitment to delivering a warm spaces offer.

Outcomes

The Panel recognised that there are financial pressures, and a cost of living crisis and there are demands being placed on services as a consequence, and was encouraged by the steps being taken by the service to ensure that local people were able to access key services.

Comments

Cllr John Taylor - Lead Member

"Last year much of the focus was on the financial impact on the Council and communities as a result of the energy price rises and inflationary impacts. We looked at the range of support being provided by the Council and the Government. We also reviewed the performance of our customer service teams which is undergoing transformation to multi skill more of the team to provide quicker & better outcomes for residents".

Dave Thompson - Head of Access Strategy and Delivery

“Through the implementation of the access strategy, we have had valuable conversations with the Corporate Scrutiny Panel. The Panel has helped us work better, by asking key questions and providing support particularly around co-production with communities and our localised digital inclusion plans”.

Economy and Neighbourhoods Scrutiny Panel 2022/23

Panel Membership
Councillor Yusra Hussain (Chair)
Councillor Tyler Hawkins
Councillor Matthew McLoughlin
Councillor Martyn Bolt
Councillor John Taylor
Councillor Aafaq Butt
Chris Friend (Co-optee)
Jane Emery (Co-optee)
Jonathan Milner (Co-optee)

Work Programme 2022/2023

- Waste Strategy Capital Update.
- Hot Food Takeaway SPD.
- Affordable Housing SPD.
- Kirklees District Heat Network.
- Winter Maintenance Policy Review.
- Climate Change Action Plan.
- Progress update on Bus Stations (part on TCF).
- Tourism, Heritage & Cultural Strategies.
- Road Safety – Speeding Enforcement (deferred).
- Housing Allocations Update.
- Tree Policy Framework.
- Grounds Maintenance.

- Post 16 Skills.
- Future of Housing Homes and Neighbourhoods.
- Affordable Housing SPD.
- Public Space Protection Orders.
- Statutory Food Hygiene Plan 2023 – 2024.
- Statutory Health & Safety Plan 2023 – 2024.

Panel Highlights

Waste Strategy Capital Update

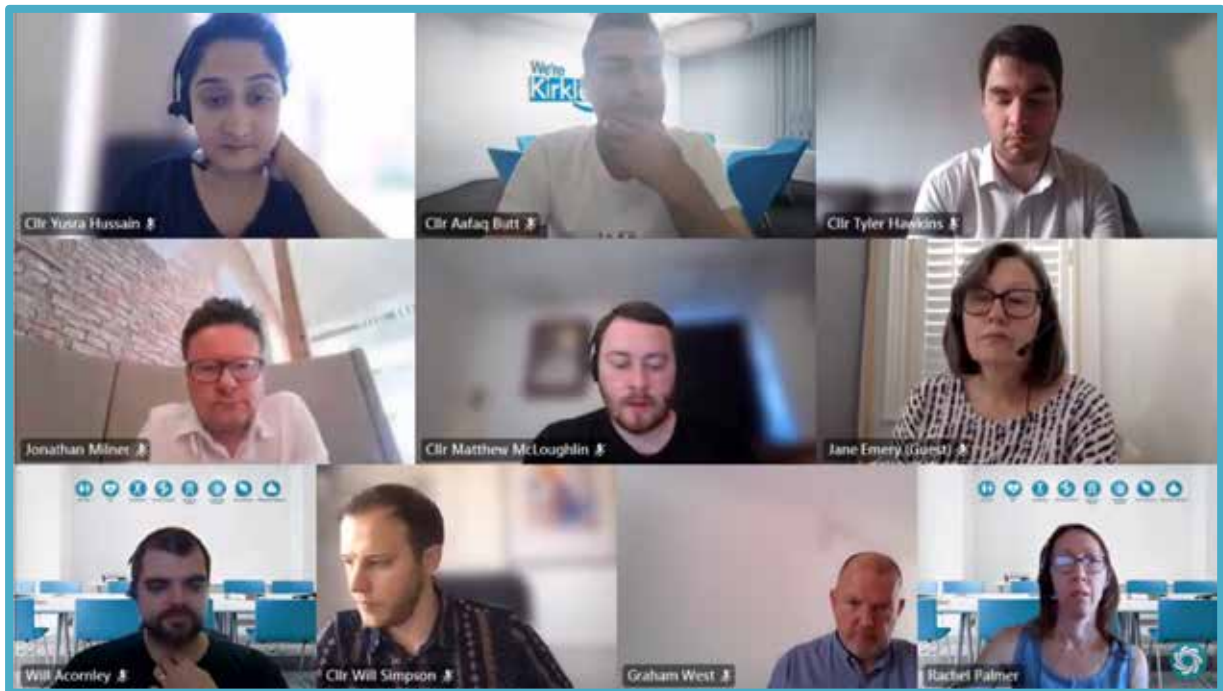
At the meeting of the Panel held 19th July 2022, the Panel considered the Waste Strategy Capital Update. It was explained that a report was to be submitted to Cabinet 9th August 2022 to agree delegated authority to draw on funding (approximately £3 mil) to allow the implementation and delivery of 7 key initiatives associated with the recently adopted Resources and Waste Strategy. These were:

1. The Community Reward Scheme.
2. The Reuse Shop.
3. Improved Litter Facilities.
4. Investment in Innovative Technology to Target Environmental Enforcement.
5. The Glass Collection Trial.
6. Bulky Collections – Third Sector Reuse Partner.
7. Depot Review.

The Panel were presented with the detail of each of the 7 key initiatives which were all in the early phases of development and the reasons why the funding was required for implementation. In the discussion that followed, key points were raised which included the importance of:

- The alignment of similar projects where possible, such as the 'ReUse Shop' and plans for bulky waste collection, to achieve desired shared outcomes.

- Ensuring that new collection and reuse facilities/services are accessible across Kirklees as a part of the long-term plans.
- Working with several third sector and private organisations to create a reuse network.
- Maximising social benefits including, upskilling, and training opportunities, as well as supporting other services (such as homes and neighbourhoods to provide residents with reused furniture for example).



Outcomes

The Panel welcomed the update highlighting the key benefits of the initiatives particularly in improving waste collection and reduction as well as wider opportunities to uplift products which was key during the cost-of living crisis. The Panel were also provided with early opportunity for input into the 7 initiatives with the understanding that further engagement was to be held with scrutiny, elected members and local communities as the projects developed.

Winter Maintenance Policy Review

Winter Maintenance was reviewed by the Panel in September 2021 which included a focus on the link to planning. Key issues noted included the maintenance of active travel routes, the challenges around housing growth, resources, and capacity for

Winter Maintenance. At this time the Panel recommended that the current policy for Winter Maintenance should be assessed.

In response to the recommendation, at the meeting of the Panel held 30th August 2022, a presentation was received which provided an overview of the Winter Maintenance Policy. The update set out the work undertaken by the 'Highways Working Group' which was established to carry out the review of the policy and the supporting winter maintenance operational procedures reflecting the considerations raised at the previous scrutiny meeting. The Panel were informed that:

- The budget for Winter Maintenance had been increased from £1.2m to £1.8m in 2021/22.
- In respect of gritting lengths, treatments times and grit bin provision for the West Yorkshire area, it was reported that Kirklees had the shortest treatment time (on par with Leeds Council) and gritted a higher percentage of the network.
- Kirklees had the highest number of grit bins on its untreated carriageway network.
- Recent service improvements included (i) automated grit bin process, (ii) extending winter standby by three weeks, (iii) effective social media communications and (iv) the review of the existing volunteer scheme.

In the discussion to follow the Panel explored various issues including: the approach to active travel routes, snow warden safety, the use of orange for visibility vests, the amount of grit laid, and the use of snow ploughs. Key questions were raised around the accommodation of new housing estates and the impact of inflation on the Winter Maintenance budget. Concerns were also raised in relation to the gritting around health centres and the consistency of the approach across all wards in Kirklees.

Outcomes

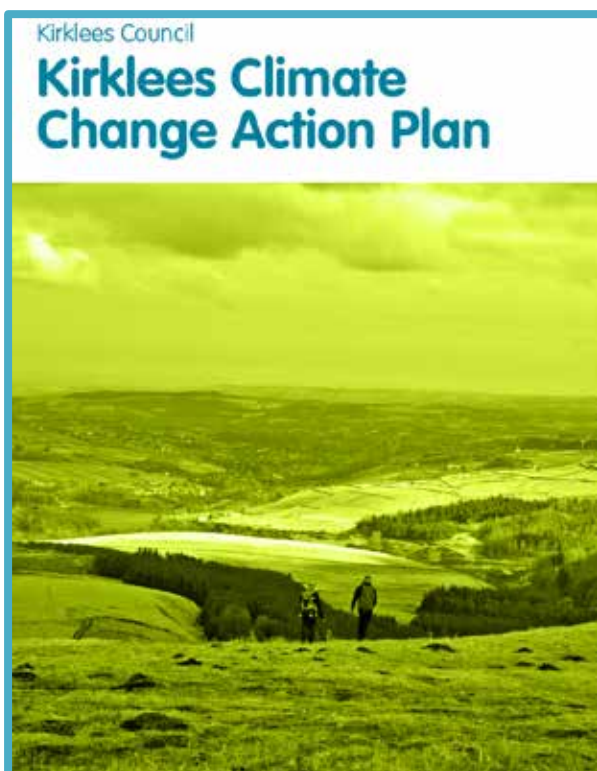
It was resolved that further information be provided to the Panel in relation to; (i) the gritting of routes to health centres (ii) the future maintenance of active travel routes

when the Council had invested initial capital, (iii) the increase in costs for gritting, (iv) information relating to whether grit bin provision could be a planning condition and (v) details of the risk assessment for Snow Wardens.

The Panel also commended officers on the use of social media in engaging with and informing the public around gritting and other winter maintenance issues, noting the positive responses from members of the public now that they had access to direct lines of communication.

Kirklees Climate Change Action Plan

At the meeting of the Panel held 18th October 2022, the Panel undertook pre-decision scrutiny in respect of the Climate Change Action Plan (CCAP). The Panel were presented with the draft Cabinet report, the draft action plan and the proposed next steps for consideration.



The Panel were informed that in response to Kirklees Council's declaration of a Climate Emergency in 2019, that the CCAP was developed to reach the Council's target to be net zero by 2038. The Plan set out several actions to achieve this and was centred on evidence and public engagement. The plan was structured by 8 action areas which were: Buildings, Energy, Natural Environment and Biodiversity, Sustainable Food and Agriculture, Transport, Waste, Water and Cross-Cutting.

In the discussion to follow the Panel considered a variety of themes in detail including, the approach to communications, the link between the CCAP and other key strategic documents (e.g.- future revisions of the Local Plan, the Transport Strategy and the Resources and Waste Strategy), the measurement of the reduction of carbon emissions and the associated timeframes of the actions.

In relation to Natural Environment and Biodiversity the Panel also asked several questions about; the consideration of the species of trees planted in the proposed sapling nurseries, the risks of invasive species, encouragement for hedgerow productions to increase biodiversity, (particularly insect population growth), water efficiency standards and the wetting of the moors to reduce flood risk and increase carbon capture in the peatlands.

Outcomes

Arising from the discussion the Panel made several recommendations for the development of the Plan.

In relation to the approach to communication and engagement, the Panel felt that the place-based focus of the Plan should be emphasised to address the individual needs within different communities. There should also be several different methods/streams of communication to engage with a variety of audiences, with different levels of understanding and needs. As a part of this the use of lay language and success stories (linking key technical information to the real-life experiences of the public) was recommended to support increased understanding within communities.

The Plan should be used to help inform and support the Local Plan and other key strategic links, such as the Transport Strategy and Waste Strategy. The Panel also recommended that consideration be given to the inclusion of Low Emissions Zones within the Plan, as well as within other linked strategies such as the Air Quality Action Plan.

In relation to measuring success, the Panel recommended that the Plan be reviewed and monitored regularly to ensure the climate emergency actions were being achieved. As a part of this, Mid-Term targets (i.e.- for reducing emissions) should be included in Phase 2 delivery of the Plan, and baseline targets for net zero ambitions and reducing carbon emissions should be made clear.

The Panel also recommended that consideration be given to; (i) the co-benefits (i.e., social value and place-based working) when reviewing building efficiency and (ii) the new development higher water efficiency standards be considered for expansion to private developments.

In relation to recruitment the Panel, recommended that the role of external Climate Champions be considered in the long term, and that Site Inspectors be included as part of the mandate that focused on protecting and enhancing the natural environment.

In relation to Natural Environment and Biodiversity the Panel recommended that (i) consideration be given to native species and tree types when planting to achieve the desired outcomes and that the details for mitigating the risks of invasive species be included in the Plan, (ii) the issue of the re-wetting of the moors be considered to encourage carbon retention in the peatlands and to mitigate the impact of degradation and (iii) it was important to encourage farmers to use any available hedgerow to increase biodiversity particularly insect population growth.

Progress Update on Huddersfield, Heckmondwike and Dewsbury Bus Station Projects (Part of the Transforming Cities Fund)

At the meeting of the Panel held 18th October 2022, a report setting out a progress update and the next steps for the Huddersfield, Heckmondwike and Dewsbury Bus Station Projects (part of the Transforming Cities Fund Programme) was considered. Lead Officers from the West Yorkshire Combined Authority (WYCA) were also in attendance.



Across the three bus stations, the projects were being developed in response to key issues which included the poor-quality physical environment, anti-social behaviour, road safety concerns, a lack of good quality services and accessible facilities, and poor pedestrian access. The investment in the bus stations aimed to achieve improved customer satisfaction, and an overall increase in bus patronage. This was along with reductions in anti-social behaviour and improvements would also make the bus station more energy efficient and contribute to the wider regeneration of the town centres.

In the discussion to follow the Panel explored how the planned improvements would achieve the desired outcomes and how wider bus services could be improved (particularly in more rural areas). Other key themes included questions around; public consultation/engagement, increasing bus patronage, improving safety and accessibility, the greening of the bus stations and the maintenance of these areas.

Outcomes

In relation to increasing bus patronage, recommendations made by the Panel included that (i) consultation/engagement with non-bus users be held to understand what would encourage future travel by bus, (ii) the wider connectivity of smaller towns and more rural areas should be considered to increase network usage.

In relation to the greening of the Bus Stations, the Panel recommended that there should be designated officers with accountability for the maintenance of green spaces around bus stations. These officers should be based locally or visit regularly and act as a point of contact in relation to maintenance. The Panel also questioned the removal of trees' to facilitate the planned improvements and highlighted that the Council's policy in relation to removing trees should be followed.

In relation to increasing safety and accessibility, the Panel recommended that there should be visible security stations and regular patrols inside the bus stations. It was also agreed that regular review be undertaken in relation to the value engineering and the scope of the projects.

Grounds Maintenance Current Position

At the meeting of the Panel held on 10th January 2023, the Panel considered a report setting out the current position in relation to Grounds Maintenance. The update highlighted the work undertaken and the achievements of the Councils Ground Maintenance Team as well as the challenges they faced and the future ambitions for the service.

The Panel were informed that the Grounds Maintenance Team were responsible for all parks and recreational grounds and maintained most greenspaces within Kirklees, as well as delivering contract services to a range of clients including Kirklees Homes and Neighbourhoods, Highways, Bereavement, Corporate Facilities Management, Schools, Academy Schools, and KAL. It was noted that the Grounds Maintenance service also offered a range of benefits which included:

- Working with people / local groups to provide people with practical work experiences to help them back into employment.
- 6 green flag awards for primary parks and country parks.
- Free and open accessible green spaces people could enjoy which supported mental-health and wellbeing.

- Working closely with partners to support biodiversity and the climate change agenda.

Key challenges were noted in relation to recruitment, budgets, machinery, and the gap between expected and resourced service standards.

Outcomes

The Panel commended those Officers who had served 50+ years within the Grounds Maintenance Team and recommended that these officers be recognised, celebrated, and thanked for their service.

The Panel also made suggestions around the approach to engagement and recommended that a plan be developed. Recommendations were also made to improve the co-ordination of tree planning on recreational grounds through understanding the needs of each individual area, and that consideration be given to alternative provisions to support young people needing a more practical learning experience and to provide clear career pathways, to support recruitment challenges.

Comments

Jonathan Milner – Scrutiny Co-optee

"Being engaged with the decision-making process for our towns transportation hubs was a particular highlight. To see the dedication, governance and due diligence that goes into the transformation of our communities is an enlightening and enjoyable experience. The openness and transparency of the scrutiny process along with the collaborative manner in which all involved undertake their duties to ensure that we act in the best interest of our communities to improve and empower them has been refreshing to see in a Local Authority."

Councillor Yusra Hussain - Lead Member

"I want to thank all panel members and co-optees, for their commitment to the work of the Panel and contributions to effective scrutiny through their thoughtful and thorough consideration of the complex and important issues put before them. Key priorities of

the Panel in the 2022/23 year included a continuous focus on environmental matters in relation to the climate emergency and consideration of the impact of inflation arising from the ongoing cost-of-living crisis.

We have also given scrutiny to a number of pre-decision items, considered matters relating to housing, the developments to Kirklees's bus stations where we were kindly joined by officers from the Combined Authority, and explored the provision of post-16 skills, education and further employment with a key focus on how this relates to the local economy, to name a few of the varied and interesting topics that were considered as part of the Panels busy work programme, as we aim to drive improvement through strong and robust scrutiny."

Children's Scrutiny Panel 2022/23

Panel Membership
Councillor Andrew Marchington (Chair)
Councillor Paul White
Councillor Richard Smith
Councillor Elizabeth Reynolds
Councillor James Homewood
Councillor Ammar Anwar
Oliver Gibson (Co-optee)
Graeme Sunderland (Co-optee)
Toni Bromley (Co-optee)

Work Programme 2022/23

- Review of the Improvement Journey
- Independent Review of Children's Social Care – white paper
- Educational and Learning Outcomes and Kirklees Future Commission Learning Strategy
- Sufficiency for Children's Service (places/staffing resources)
- Changes to Young People's Activity Team (YPAT) Provision
- Partnership arrangements and visits
- Special Educational Needs and High Needs
- Mental Health in Schools
- Performance Information
- Elective Home Education
- Voice of the young person
- Early Years (Early Help Services and Engagement of Families Together)

- Pre-decision scrutiny
- Feedback from Panel Members on key issues considered by Corporate Parenting Board and Ambition Board

Panel Highlights

Review of the Improvement Journey – Outcomes of the Joint Area

Targeted Multi-agency Inspection

In October 2022, the Panel considered a report on the Joint Area Targeted multi-agency Inspection that highlighted the following:

- The inspection took place from 27th June 2022 to 1st July 2022 and was carried out by inspectors from Ofsted, the Care Quality Commission and Her Majesty's inspectorate of Constabulary and Fire Rescue Services.
- The outcomes were provided by letter which summarised the headline findings and provided areas that needed improving.
- The letter from Ofsted explained that the inspectors had found that Kirklees safeguarding children's partners had significant knowledge of their local area and demand, practice with their agencies and the experiences of children. Mature relationships within the Kirklees Safeguarding Children's Partnership enabled partners to challenge each other effectively which demonstrated the well-established respect for, and equality of, partners views.
- The Inspectors had determined that Kirklees Council was the principal authority and should prepare a written statement of proposed actions responding to the findings outlined in the letter which was to be a multi-agency response.

Outcomes

The Panel acknowledged the "What needs to improve" and thanked Kirklees staff and partners for the hard work they undertake.

Independent Review of Children’s Social Care – white paper

The Panel considered how the Council was addressing the implications of the Care Reform white paper and the outcome of the Government’s response.

The Panel noted that the Care Reform Report on Children’s Social Care was broken down into 8 key areas, as follows:

- Reset Children’s Social Care
- A revolution in family help
- A just and decisive child protection system
- Unlocking the potential of family networks
- Transforming care
- The care experience
- Realising the potential of the workforce
- A system that is relentlessly focussed on children and families
- Implementation

In March 2023, the Panel considered a report entitled “Stable homes built with love” providing an update on the Government’s response in February 2023 to the McCallister, National Care Review which was published in May 2022.

Vicky Metheringham, Service Director for Child Protection and Family Support explained that on 2nd February 2023, the Department for Education (DfE) issued its response to the Independent Review of Children’s Social Care, the Child Safeguarding Practice Review Panel’s inquiry into the murders of two children and the Competition and Markets Authority’s study of the children’s social care market in three consultation documents. The consultations closed on 11th May 2023 and the outcome would inform future planning within Children’s Services at both a Local and National level.

In response to the McCallister report of 2022, the DfE set out an initial response for addressing a range of issues that impacted children’s Social Care Services.

Outcomes

In March 2023, the key areas covered as part of the consultation period were outlined in the report and noted by the Panel.

Education and Learning Outcomes

In July 2022, the Panel considered a verbal update on Educational Outcomes which highlighted the following key points:

- That a report was scheduled for Cabinet in July 2022 which encapsulated the educational outcomes and challenges during 2021/22 and showed how resilient schools were in providing the continuity of education during this time. The Panel had commented on the draft report at their panel meeting in March 2022 and were thanked for their help in shaping the report to Cabinet in July 2022 on Educational outcomes;
- The Education Strategy referred to as 'Our Kirklees Futures' outlined 3 key obsessions – inclusion, resilience and equity and these obsessions ran through the ambitions and vision;
- Kirklees Futures Summit held on the 23rd June, the key aim of which was to take the learning strategy from planning to first stages of implementation;
- The success of the Summit had produced the momentum for the Learning Strategy throughout the district and would be the key vehicle for improving educational outcomes;
- Reviewing Education and Learning Partnership Board to ensure it was able to hold the system to account for its actions.

In September 2022, the Panel considered a report giving an update on the Special Educational Needs and Disabilities (SEND) Inspection – Action Plan and inspection outcomes as part of their pre-decision Scrutiny.

In October 2022, the Panel received an update on Educational Outcomes and GCSE exam results.

In March 2023, the Panel considered a report on the current context around exclusions and suspensions in Kirklees and planned actions to support work in reducing these. There had been an increase in permanent exclusions and suspensions across Kirklees which applied mainly to boys and secondary schools. The main reason for exclusion and suspensions was around persistent disruptive behaviour. Reducing exclusions and suspensions in Kirklees was a priority, with both the SEND transformation plan and the 'Our Kirklees future learning strategy' outline a number of key actions underway. There was a need to refresh the approach to identify and support the needs of children and young people at a much earlier stage. Projects were being implemented to develop specialist placements across the alternative provisions sector and wider special educational needs and disabilities sector along with training, learning and upskilling.

Outcomes

In July 2022, the Panel agreed that they would welcome the opportunity to contribute to the restructuring and reshaping of the Education and Learning Partnership Board; receive future updates on how the Learning Service and Cabinet Members were scrutinising the educational outcomes, consider future information on longitudinal educational outcomes for the next 5 to 10 years (including 16+ and beyond) and receive a copy for information of the Educational Outcomes report scheduled for consideration by Cabinet on the 26th July 2022.

In September 2022, the Panel noted the areas for the improvement journey of the Transformation Plan; that Officers in Children's Service provide the Panel with details of partners involved in the Transformation Plan that they can meet with or visit as part of the Panel's scrutiny work; that the Panel receive further information on the increased number of pupils in Kirklees LA schools and academies with an Education Health and Care Plan since January 2015 to January 2021; that the Panel be invited to be involved in the development of the Transformation Action Plan going forward. The Panel asked that officers build into the action plan how the Panel might scrutinise the inspection outcomes; and that the Panel focus on the impact and affect

of ethnicity, gender and socio-economic factors on educational outcomes as part of their scrutiny.

In March 2023, the Panel asked for further information on the proportion of schools that were primary academies compared to secondary academies and agreed to consider a future report on how progress is measured on the cultural change towards supporting schools in developing a trauma informed approach.

Changes To Young People’s Activity Team (YPAT) Provision

In September 2022, the Panel received an update on the ongoing changes to the Young Peoples Activity Team (YPAT) provision as part of the ongoing SEND Transformation Programme and the ongoing development of the Short Breaks Offer.

The short breaks service supported disabled children and young people aged 5 to 18 with profound and complex needs. The service comprised of out of school clubs, weekend and holiday sessions, community sessions which ran from a large council owned building in Ravensthorpe. The building was shared with Adult Services and required significant investment. A need for new premises had been identified several years ago.

Outcomes

The Panel agreed to arrange a visit to the new premises at the Children’s Place Nursery in Ravensthorpe when fully operational.

Special Educational Needs and High Needs

In September 2022, the Panel considered the Special Educational Needs and Disabilities (SEND) Inspection – Action Plan and Inspection Outcomes and was informed that in May 2022 the Ofsted inspection report for Kirklees had been published. The report included a copy of the Transformation Plan. The main weaknesses identified were the poor delivery of the Healthy Child Programme (HCP)

and the area's ability across services and within settings to identify and meet the needs of children and young people with SEND who were in mainstream settings.

The Healthy Child Programme was being reviewed and would be a priority incorporated into the Transformation Plan as a key workstream going forward. An annual review of the transformation plan was taking place and some examples of what would need to be addressed would be how schools identified children early, to ensure schools had good Mental Health support teams and about making sure schools had a good Healthy Child Programme with a mandate of contacts and early intervention. A broad group of professionals would contribute to the outcomes. The Panel acknowledged the passion that officers were demonstrating to improve families lives and that the improvement journey was a high priority for the Council's Administration.

In December 2022, an Informal meeting of the Panel discussed a draft report scheduled for consideration by Cabinet on the 21st December 2022, giving an overview of plans to refresh and expand the "Alternative Provision" (AP) Education offer and seek authority to progress plans to create additional specialist AP places to support the needs of children (some of whom also have Special Educational Needs and Disabilities) who require an alternative education offer.

Outcomes

In September 2022, the Panel agreed to receive updates on the improvement journey of the Transformation Plan and that officers in Children's Service would provide the Panel with details of partners involved in the Transformation Plan that they can meet with or visit as part of the Panel's scrutiny work. The Panel also agreed to receive further information on the increased number of pupils in Kirklees local authority schools and academies with an Education Health and Care Plan since January 2015 to January 2021.

In December 2022, the Panel noted the report to Cabinet and agreed that it was essential that officers captured whether children were happy and also that a long-term plan was put into place for assessing the outcomes.

Mental Health in Schools

In March 2023, In March 2023, the Panel considered a report describing currently commissioned emotional wellbeing and mental health services, including recent developments, and outlined challenges currently being faced.

Following the Covid pandemic there have been effects on Children's Emotional Health and Wellbeing. Early years provisions, education, schools, colleges and activities were disrupted, leaving them without their usual support networks and social contact. Some children thrived in the home learning environment, particularly where going to school contributed to anxiety, but many suffered from isolation and loneliness. The youngest children lived through the pandemic at a vital time in their development, missing out on important learning and social experiences, which for some have had a significant impact upon speech, language and communication skills, as well as socialisation and regulation. Schools and early years settings are reporting that some children are less well prepared for school than in previous years. In common with other areas, in Kirklees there has been rising demand for all mental health, learning disability and autism services. This demand is extremely challenging to address, due to the current financial situation and workforce availability. The report introduced proposed developments for services and gave the current waiting list figures for each service area.

The Panel fed back on their visit to the Mental Health in School's Team and had witnessed some really good partnership working between South West Yorkshire Partnership NHS Foundation Trust, Kirklees Council Educational Psychology and Northorpe Hall Trust. The Panel also visited Hillside Primary School and had found it interesting to hear some of the anxieties from year 6 children about their transition to year 7 at secondary school.

Outcomes

The Panel agreed to receive future information regarding the fluctuation in the waiting times and trends for children's emotional health and wellbeing.

Partnership arrangements and visits by the Panel

The Panel visited both internal teams and external partners during the 2022/23 municipal year. The following information gives a summary on some of the visits that took place.

During July to September 2022, the Panel visited:

SEND Transformation and Commissioning Team

The Panel attended the SEND Transformation and Commissioning Team meeting on the 8th September 2022 as part of the work programme to enable the Panel to be involved in the discussion on the SEND written statement of action following the recent inspection. The main points considered at the meeting were the SEND Inspection and action plan and outcomes of the Inspection.

Parents of children with additional needs (PCAN)

Some members of the Panel attended PCAN Social meetings in September at The Zone in Huddersfield and Thornhill Lees Community Centre. Panel members met with parents to seek feedback on their experiences of accessing and engaging with the service and to ask what their experience had been like since the Ad-hoc Panel report on SENDACT, which had been approved by Cabinet in February 2019 and whether parents felt that anything had improved. Most of the PCAN parents involved in the consultation with the Ad-hoc Panel in 2018 were no longer attending the group, so the Panel spoke to parents about their experiences and whether the SEND Transformation Plan was making a difference.

The main findings from the visits to the PCAN Social meetings were:

- Lack of specialist resources both in the SEND Teams but also schools.
- SENDACT do not follow up with schools after an EHCP has been issued.
- Long waiting times to get a diagnosis or support.
- No single point of contact for parents to get access to all the support and information they need.
- Parents and children are not asked for their feedback.
- Parent's were not aware of the SEND Transformation Plan or how to access it.

Panel Members agreed to talk to officers about how parents could influence the transformation, how they would engage with parents and measure success of the plan and whether a comprehensive single point of contact and/or guide could be provided for parents of children with SEND. Councillor Marchington agreed to drop-in to future PCAN Social meetings and would arrange a more formal visit with PCAN in December 2022 and invite other Panel Members and the Head of Inclusion and Educational Safeguarding to attend the session. To raise awareness amongst parents, the report on the SEND Inspection and Outcomes considered by the Panel in September 2022 was shared with PCAN following the visits and included a copy of the Transformation Plan. PCAN shared this information with parents on their Facebook pages.

Some quotes from parents were:

"You can't force children to be square pegs when they are round."

"The distance between getting a diagnosis and receiving medication is how many temporary and permanent exclusions your child will have from school."

"The professionals don't know about the things that can help parents and they should make it their job to do so."

“They said – no decision about you, without you.”

In October to December 2022, the Panel visited:

Children’s Social Care Team (Dewsbury)

The Panel attended the Social Care Team in Dewsbury on 14th October 2022 as part of the work programme to meet in-person and speak to front line staff and Team Managers. The Panel asked questions relating to management of data collection and performance, working with partners, the voice of the child and how this was taken into account, good practice, and delivery of quality service. The team expressed that although there were vacancies in their team, they felt well supported by their managers and from other teams.



Parents of children with additional needs (PCAN)

Following the visit to PCAN in September, some members of the Panel attended PCAN social meetings in November and December 2022 to engage with parents /carers of children with SEND. A range of professionals attended the social meeting in December 2022, with a representative from the Local Offer Team requesting



feedback on their new booklet that had been produced. A selection of leaflets advertising support and services was made available for parents on the day.

Children with Disabilities Team

The Panel attended the Children with Disabilities team on 13th December 2022 as part of the work programme to meet staff in-person and speak to managers. The main points considered at the meeting were around data collection, partnership working, the voice of the child, good practice and delivery of quality service. The Panel also spoke to Team Managers about future development and supervision of staff.

Children’s Social Care Team (The Valleys – Slaithwaite)

The Panel attended the Social Care Team in Slaithwaite on 13th December 2022 to meet in-person and speak to managers and asked questions around data collection and performance, partnership working, the voice of the child and examples of where this was put into practice and delivery of quality service. The Connected Persons Team had transferred to the Valleys in July 2022 which included special guardianship or foster carers who wanted to become special guardians. Approximately 500 children were not in care as a result of special guardianship orders.

During January to March 2023, the Panel visited:

Child Protection Team



On the 23rd February 2023, the Panel visited the Child Protection Team at Civic Centre 3, Huddersfield and met with staff and Team Managers and asked questions around caseloads and recruitment, data collection, partnership working, voice of the young person, delivery of quality services and good practice and learning points. The Panel agreed to investigate the following actions:

- Lack of rooms and meeting space in Civic 3 to hold staff meetings and places to assess and meet with families;
- Special guardianships which have ended because they can no longer look after the child and unsuccessful adoptions which has meant more children coming back into care. The Panel agreed to raise at Corporate Parenting Board.
- Working relationship barriers between Child Protection and Safer Kirklees and how these could be strengthened.
- The relationship between Child Protection and the police and use of police powers which could sometimes conflict against the processes of the child protection team and impact significantly on the child when decisions were made

by the police which the social care team do not agree with and which do not meet the social care threshold.



Mental Health in School's Team

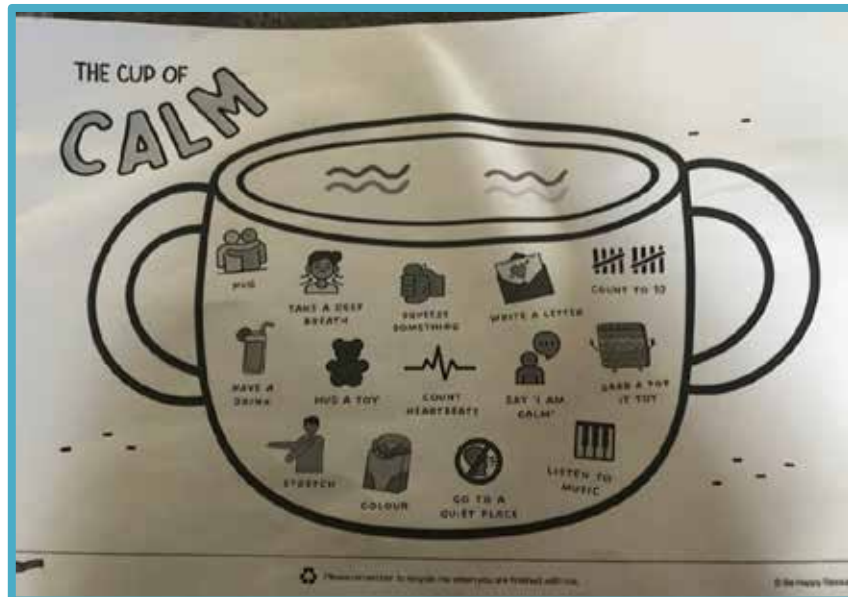


On the 21st February 2023, the Panel visited the Mental Health in School's Team (MHST) at Lowerhouses Children's Centre and met with staff and Team Managers from the three key partners which were South West Yorkshire Partnership NHS Foundation Trust, Kirklees Council Educational Psychology and Northorpe Hall Trust. The Panel were given a presentation and taken through a resume of the work

undertaken by the key partners and handed an information pack. The MHST service has 3 core functions:

- To deliver evidence based interventions for children and young people with mid to moderate mental health problems;
- Supporting the senior mental health lead in each school or college to introduce or develop their whole school or college approach;
- Offering timely advice to school and college staff and liaise with external specialist services to help children and young people to get the right support and stay in education.

The Panel also visited the Hillside Primary School at Newsome and observed an emotional wellbeing session run by a colleague from the MHST service for a group of year 6 children. The Theme of the session was around “do you worry?”. The children were asked to fill in a ‘cup of calm’ poster at the end of the session to describe their feelings.



Weekly Referral and Review meeting (Child Protection)

The Panel visited and observed the meeting held on the 27th March 2023 where officers from Children’s Service, Health and Education looked in detail at a number of individual cases to review the history, key elements of the case and the decisions taken. In some cases further action was agreed to follow up on individual cases.

Looking forward to 2023/24

The panel agreed that as well as considering reports on important issues relating to children and young people, they would continue to visit teams and partners, to include the Children's Social Care Teams, Children's Residential Homes and functions and the new YPAT premises in Ravensthorpe.

There are a number of areas where the panel will continue to scrutinise progress, including the Review of the Improvement Journey for Children's Services and the ILACs Inspection, Educational and Learning Outcomes, Sufficiency for Children's Service and the Special Educational Needs and High Needs which will include the increase in special school places, SEND Transformation Plan, role of voluntary sector partnerships and new provision and Mental Health in Schools and the fluctuation in the waiting times and trends for children's emotional health.

The Panel also agreed new areas of scrutiny in the following areas - the Review of the Children's Residential Homes and Functions, Quality Assurance and the impact of auditing the Children's Service, the support given to Special Guardianship Orders and wellbeing and the transition of young people to adults.

Comments

Councillor Andrew Marchington - Lead Member

"It has been a privilege to have chaired the Children and Young People's Scrutiny Panel for the last four years and to share in the improvement journey of the services delivered for and on behalf of children, families and young people in Kirklees.

I would like to express my thanks to everyone who has taken the time to talk to the panel and share with us the stories of their lives and work.

The report shows the variety of work that the panel has undertaken and in particular the people and places we have visited. We have tried hard not to replicate the scrutiny that already takes place in Children's Services, where on a daily and weekly

basis people are already putting their professional judgements on the line, with colleagues and with partners.

I wish everyone well as the journey continues, take care."

Toni Bromley – Scrutiny Co-optee

"I have immensely enjoyed being part of the scrutiny panel in the last municipal year. I feel the work is vitally important for the young people of Kirklees, ensuring they are safe in the community and in education and that goals are being met. As an ex-teacher, I have enjoyed ensuring that young people in Kirklees can thrive and seeing the constant work to provide the best education for them and set them up for successful futures. I am proud to be a resident of Kirklees and have been very proud to be part of the scrutiny panel looking out for the needs of the young people who live all around me."

Jo-Anne Sanders - Service Director for Learning and Early Support

"The approach that has been taken by Scrutiny has been valued and has supported us to develop our services. By engaging with teams, and observing practise, has meant that there is a deeper understanding of the way our services operate and the partnerships we participate in and lead to secure the best outcomes for children and their families. Being able to seek feedback from Scrutiny on reports to Cabinet has supported a robust, transparent approach to decision making. We have appreciated being able to agree with our Portfolio Holders the priorities for the Panel's workplan. This way of working leads to trusted and professional working relationships."

Ad-Hoc Regeneration Scrutiny Panel

Panel Membership
Councillor Elizabeth Smaje (Lead Member)
Councillor Yusra Hussain
Councillor Andrew Cooper
Councillor John Lawson

At the Meeting of the Overview and Scrutiny Management Committee held on 19th April 2022, a report setting out the proposal to establish an Ad-hoc scrutiny Panel to carry out a focussed piece of work in respect of the major regeneration projects in Kirklees's town centres was considered. The establishment of the Ad-Hoc Regeneration Scrutiny Panel was formerly confirmed at Annual Council 25th May 2022.

Terms of Reference

The Ad Hoc Regeneration Scrutiny Panel was established to scrutinise ongoing major regeneration projects within Kirklees and to hear from all relevant stakeholders, including Cabinet Members, Senior Officers, and Consultants with a view to providing input, through recommendations, as the projects developed and moved towards full delivery.

The Panel had in view the following Core Projects:

- Huddersfield Blueprint
- Cultural Heart
- Dewsbury Blueprint
- Local Centres Program

Work Undertaken

The Panel used a range of methods to gather the evidence that has been used to inform this report. The Panel held 5 public meetings and 2 informal meetings between July 2022 and March 2023.

As a part of the initial scoping, at the first public meeting of the Panel held on 28th July 2022 the Panel received an overview of the 4 core projects and a timeline of key milestones for delivery.

The Panel identified the following key themes for consideration throughout the scrutiny process ('golden threads'):

- Achieving net zero ambitions, through a focus on of climate change and environmental issues.
- Ensuring effective and meaningful engagement with key stakeholders through a focus on the Communications Strategies for each project.

The Panel then considered its meeting schedule for the 2022-23 municipal year in relation to the key dates, stages of development and milestones for each Regeneration project presented by officers, to inform its work programme and ensure scrutiny at meaningful stages. In relation to the way that meetings were held the Panel also identified that:

- That updates be presented by area, and that meetings would be held in a place-based way to enable stakeholder engagement with the scrutiny process.
- With each update it was important for the Panel to receive information in relation to the wider overarching projects and the Communications Strategy to maintain oversight of all developments throughout the process.
- Meetings should be held in good time prior to Cabinet decisions to enable the recommendations of the Panel to be taken on Board.

Panel Site Visits

As part of enhancing the Panel's understanding of the scale of the planned regeneration work, walking tours of each area to be discussed were organised prior to an update being presented to Scrutiny and were led by the officer presenting the report. During the period from July 2022 to March 2023, the Panel visited:

- **Huddersfield Station Gateway Area and St Georges Square** in respect of the Huddersfield Station Gateway, St Georges Hotel, and Estate / Somerset Buildings and Residential Development in Huddersfield Town Centre.
- **Huddersfield Town Centre and Queensgate Plaza** in respect of the Cultural Heart.
- **Dewsbury Town Centre** in respect of the Dewsbury Town Investment Plan. This visit was followed by a meeting with the Chair of the Ad hoc Scrutiny Panel and the Chair of the Dewsbury Town Board. The Panel were invited to observe a meeting of the Town Board thereafter.
- **Cleckheaton Town Centre** in respect of the Local Centres Programme.

Huddersfield Blueprint, the Cultural Heart and other projects surrounding the Cultural Heart

The Huddersfield Blueprint is a ten-year vision to create a thriving, modern-day town centre that was fit for the future, family friendly, inclusive, safe and a good place to invest to enable the existing private sector to flourish as well attracting new businesses. There were several other key projects at various stages of development and delivery surrounding the Cultural Heart which would help realise the vision for Huddersfield Town centre which the Panel also considered as part of its programme of work.

Update on the Cultural Heart, part of the Huddersfield Blueprint

At the meeting of the Panel held on 6th March 2023, the Panel considered an update on the Cultural Heart, part of the Huddersfield Blueprint.

As one of six key elements of the Huddersfield Blueprint, the Cultural Heart focused on the Queensgate Market area and included regenerating iconic and historic local buildings such as the library/gallery and the market hall.



At the time of the meeting, the Panel were informed that the Stage 3 design was complete, and planning had been granted for the full masterplan. The Gateway 3 final design was planned to be presented to Cabinet in June 2023.

In the discussion to follow the Panel asked questions around the following themes and issues:

- Clarity on the phasing of the projects
- Financials, in respect of inflation.
- Transport and climate issues
- Consultation and Engagement
- Decision Making
- Accessibility
- Lighting and safety

Outcomes

The Panel noted that one of the major aspects of the scheme, preparing and informing the design, was the Consultation. Various methods of Consultation had taken place since 2019, including with disabled groups to inform the design. External advice had been sought from a disability and inclusivity consultant to advise on going beyond the current best practice, along with other colleagues in Kirklees. In response, the Panel recommended that; (i) scrutiny be informed of the outcomes of consultations around accessibility initiatives as the work progressed, and (ii) British sign language signs be incorporated into the designs.

The Panel also highlighted the importance of delivery phasing noting that the Library, Foodhall and Events Square was mentioned in the timeline, but requested that a further update with respect to the delivery phasing for the wider elements of the Plan be provided to scrutiny at the appropriate time.

Arising from the Panel's question related to how the public transport and parking infrastructure would accommodate increased footfall, the Panel found that a vehicle movement strategy aimed to improve transport and movement around the town centre. Active travel was being encouraged and other options such as the free town bus, taxi pickups/drop offs, and the expansion of the parking offer at Kingsgate shopping centre were also being explored. In response, the Panel recommended that the Vehicle Movement Strategies be provided to scrutiny going forwards.

Huddersfield Station Gateway

At the meeting held 22nd September 2022, the Panel considered an update on the Huddersfield Station Gateway. The Panel were informed that the TransPennine Route Upgrade provided the opportunities to improve the train stations facilities and develop the Station Gateway. This included connecting St. George's Warehouse with the rest of the town centre as well as development of the Southgate site; predominantly how the Station and Stadium corridor could operate in terms as a focal point for high quality employment opportunities.

Outcomes

The Panel found that connectivity between buses and trains was noted as key to reducing maximum journey times and suggested that the Combined Authority should be involved to ensure oversight across both services when master planning. It was also requested that the passenger number forecasts and options for reducing congestion be provided to scrutiny going forwards.

The Panel explored the scope for achieving climate change, clear air and green targets and recommended that any new car parking provision should include electric vehicle charging facilities and that a bold approach should be taken to pedestrianisation highlighting where this had been successful in other towns and cities.

The Panel also noted the Masterplans in development at the time of the meeting and requested that these be provided to a future meeting of the Panel as well as the Winter 2022 Consultation Plans.

Station to Stadium Enterprise Corridor Masterplan

Arising from the recommendations made by the Panel at the meeting held 22nd September 2022, at the meeting of the Panel held on 26th January 2023 an update in respect of the Station to Stadium Enterprise Corridor Masterplan was presented. The report set out the long term vision of the plan, to create an environment that stimulated private sector investment as well as the next steps including public consultation in early 2023.

Outcomes

In response, the Panel requested that, the Communications Plan for the Spring Engagement and any updates to the Master Plans should be provided to scrutiny prior to publication. The Panel also explored several environmental issues during the discussion and found that:

- (i) In relation to redevelopment, the Panel noted that there was potential for a large amount of carbon release to be generated from the destruction of buildings and it was recommended that opportunities for reclamation, retrofitting and repurposing should be key considerations moving forwards.
- (ii) In relation to flood risk, the Panel requested that the proposed works should plan to mitigate the risk of flooding in the area.
- (iii) In relation to air quality, the Panel highlighted that learning should be taken from similar developments as examples to understand how to achieve the correct balance between residential, business, and commercial traffic in the town centre.

Estate / Somerset Buildings and Residential Development in Huddersfield Town Centre

At the meeting held 22nd September 2022, the Panel considered an update on the approach to residential development in Huddersfield Town Centre including the delivery of Estate Buildings and Somerset Buildings.



The Panel were informed that, the scale of investment of the Huddersfield Blueprint would in turn improve the attractiveness of the town centre as a place to live, provide new opportunities for residential development and attract new residents.

Outcomes

In the Panels exploration they asked about the demographic of the residents that the Council hoped to appeal to through the delivery of the projects and found that the aim was to attract young professionals to increase the opportunities for recruitment to local businesses in this area. In response the Panel recommended that when developing the type of residential offer alongside the Cultural Heart, it was important to consider the needs of those residents to ensure that the new town centre offer met those requirements through the right mix of services and retail/leisure opportunities. Under the theme of climate impact, the Panel highlighted the impact the ring road had on air quality in this location. In relation to the cost-of living crisis, the Panel asked about the financial review process noting the potential impact of inflation rates and it was agreed for the financial appraisal and the affordability review to be provided to scrutiny going forwards.

Local Centres Programme (focus on Cleckheaton)

At the meeting of the Panel held on 17th November 2023 at Cleckheaton Town Hall, the Panel received an update on the Local Centres Programme, with an additional focus on Cleckheaton.

The Panel were informed that in March 2021, the Cabinet considered a report which proposed investing in town and village centres outside of Huddersfield and Dewsbury. The Initial Cabinet report (considered 16th March 2021) proposed that 4 key centres – Batley, Cleckheaton, Heckmondwike and Holmfirth for the focus for the initial round of investment of £1.5m each. Of all 4 centres, Cleckheaton had progressed the most including having undergone public consultation on the planned masterplan.

Outcomes

A key theme of the Panel's discussion was the approach to consultation and engagement and several recommendations were made as follows.

In respect of response rates to questionnaires, the Panel noted that there was good participation demonstrated from drop-in sessions and over 2000 hits had been received online, but this had only resulted in 45 completed questionnaires. The Panel wanted to know how this could be adapted to improve outcomes and it was recommended that a quick tick box exercise such as an online poll, with only one YES/NO response option, be used more to increase responses from residents.

The Panel highlighted the importance of ensuring key stakeholder engagement prior to the development of the plan and wanted to know how officers planned to improve the dialogue with ward councillors and other stakeholders to increase participation with engagement exercises. The Panel noted examples of where strong visual stimulus had been used to increase engagement and raise awareness of projects in Huddersfield such as the George Hotel hangings and that the planters on New Street, which demonstrated a timeline picture graph, showing the envisaged outcome and how long it would take to complete. The Panel noted this as a positive approach and it was recommended that (i) visuals, such as static Boards and bold posters, be placed in public locations in Cleckheaton to engage the public in designs and the timelines and (ii) information detailing the designs (i.e.- leaflets/posters) be displayed in local shops and businesses in Cleckheaton to help engage the public. Officers also agreed to liaise with the Communications Team and Ward Councillors to feed staged information to the public.

The Panel also recommended that the Consultation be extended to local schools noting the importance in their representation and that Stakeholder engagement sessions be promoted more and linked to local events.

The way in which softer data, such as verbal responses to resident engagement, was captured was also noted by the Panel as a challenge when obtaining demonstrable

figures to apply for funding, and it was recommended that; (i) consideration be given to the approach to recording responses and (ii) the Council will ensure that a business case is ready (to present when opportunities arise to apply for grant funding) with demonstratable numbers from engagement exercises.

The Dewsbury Blueprint

The Dewsbury Blueprint was launched early in 2020. It set out a vision for the town centre and identified a series of key interventions for delivery over a 10-year period. The Plan aimed to bring more activity into the town centre, make it more attractive and improve accessibility. The final Dewsbury Town Investment plan was given approval in February 2023, the key projects were:

- Dewsbury Market –To create a model market for the 21st century.
- Dewsbury Arcade – To deliver a mix of retail and business spaces.
- Dewsbury Town Park - To create an exemplary piece of new public space with the aim of improving the attractiveness of the town centre.
- Fieldhouse and Daisy Hill (Residential opportunities) – To create a new neighbourhood at the heart of Dewsbury to support town centre vibrancy.
- Creative Culture Programme – There were 2 projects within the programme. Dewsbury would take a central role within the major initiatives of WOVEN in Kirklees, Year of Music 2023, Temporary Contemporary and The Festival of Conversations.
- Dewsbury Revival Grant Scheme - The Building Revival scheme was aimed at providing support for the conversion of buildings to both residential and commercial space as well as improving shop fronts to a Conservation Area Standard.
- Dewsbury Bus Station - Whilst not part of the Town Investment Plan package, a new bus station in Dewsbury was proposed and was a West Yorkshire Combined Authority led scheme.

The Panel noted that the Council were working closely with the Dewsbury Town Board as key stakeholders in respect of the regeneration work and explored several key themes including: acquisitions, bidding and the approach to finances given increased inflation, the plans to increase footfall and the target Market, the marketing strategy and how this related to the wider district, the scope for smaller towns outside of Dewsbury to be included, the scope of the Town Park and how decisions would be made as the projects progressed.

Outcomes

The Panel also held a key discussion around achieving outcomes and increasing footfall in the town centre and as a part of this wanted to understand more about the Town Market and how people be encouraged to visit, and what age demographic was the target market noting the importance of enabling younger residents to benefit from the offer. The Panel found that the mix of offer for the new market had a higher balance for food and beverage, which would create an atmosphere and increase dwell time. The proposal would encourage young people to spend more time in the town centre alongside creating a family friendly early evening offer to prevent people travelling elsewhere. The Panel further recommended that an update on the Market Strategy Mix be provided to scrutiny.

In respect of Acquisitions, the Panel wanted to understand Acquisitions; what mix was being looked at with regards to the acquired building and flats? It was found that the Council would acquire several buildings for various strategic reasons and Daisy Hill was a long-term project that was not anticipated to be finished by March 2026. In response the Panel requested that additional information regarding the regeneration and strategic acquisition of property in the Daisy Hill Area be provided to Scrutiny including a map of the area along with reasons for demolition or regeneration.

The Panel also recommended that (i) the Town Centre Living Plan be provided to scrutiny and (ii) in respect of concerns around inflation, scrutiny be provided with an update following re-evaluation.

Looking ahead 2023/24

In recognising the length and complexity of the regeneration work, at the meeting of the Annual Council held 24th May 2023 it was agreed that that a Growth and Regeneration Scrutiny Panel be established to continue scrutiny of major regeneration works in Kirklees's towns in greater depth in the long term.

Comments

David Glover - Senior Responsible Officer for Economy and Skills

'Over the two-year period since the inception of Our Cultural Heart in June 2021 the programme has been presented to scrutiny on four separate occasions. The sessions have included formal papers and presentations from council officers and the programme architects that have given the scrutiny panel the opportunity to delve into the detail. Comments, discussion, observations, and suggestions from the panel have been insightful and constructive providing the necessary checks and balances'.

West Yorkshire Combined Authority Scrutiny 2022/23

Prior to the election of the first mayor, the Combined Authority had a generalist single overview and scrutiny committee. Following the agreement of the devolution deal, and during the formation of the constitution, it was agreed to adopt a multiple thematic committee structure to expand the number of scrutiny members from 18 to 48.

The Combined Authority currently has three scrutiny committees:

1. **Corporate Scrutiny Committee** (chaired by Cllr Peter Harrand, Leeds, for the first part of the year and Cllr Geoff Winnard, Bradford, for the remainder of the year): this committee oversees the organisation's '**corporate assets**', resources, plans, policies and projects – such as finances, audit, human resources, technology and systems, governance, procurement, property assets, assurance, and overall strategy and performance.
2. **Economy Scrutiny Committee** (*chaired by Cllr Richard Smith, Kirklees*): this committee oversees the region's '**economic assets**', resources, policies, plans and projects – such as the economy, international trade, inward investment, businesses, employment sites and enterprise zones, people and skills, colleges, universities, culture, media and sport.
3. **Transport & Infrastructure Scrutiny Committee** (*chaired by Cllr Amanda Parsons-Hulse, Calderdale*): this committee oversees the region's '**physical assets**', resources, plans, policies and projects – such as transport network and infrastructure (bus, rail, roads, bikes, active travel), infrastructure projects, place (planning, housing and communities), and the natural environment and resources (including the waterways, climate, forests, green land).

Each committee has 16 members – 3 from each of the 5 WY districts, and 1 non-voting York member – and is politically balanced.

During the municipal year of 2022/23, significant time was dedicated to financial matters, particularly receiving detailed updates on budget and business planning, project / programme management and Assurance Framework processes amidst the inflation crisis. We were also presented with update reports on the new Integrated Corporate System and Cyber Security processes in this ever-changing digital world. There was a focus on real time information, decarbonisation and looked at transport in planning in detail and looked at the Adult Education Budget, Business Enterprise Zones and the cost-of-living crisis's effect on workers and businesses in the region. In addition to formal meetings Panel's each held successful Mayor's Question Times to question the Mayor on her decisions, policies and plans as they pertained to each of the individual committee remits.

The 2021/22 municipal year saw the implementation of a new expanded Scrutiny Function. During 2021/22, time was dedicated to financial matters, particularly receiving detailed updates on budget and business planning. Workshops were held on budget planning and inward investment (including Channel 4) with focus on behaviour change relating to the usage and service provision of public transport. Three Mayor's Question Times were held in which Members questioned the Mayor on her direct and soft powers relating to each of the Committees' pre-agreed topics.

Team contact details

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Name of meeting: Council

Date: Wednesday 13 September 2023

Title of report: Appointment of Committee and Panel Chairs

Purpose of report: To seek the appointment of Chairpersons for Appeals Panel, Environment and Climate Change Scrutiny Panel, Growth and Regeneration Scrutiny Panel, Health and Wellbeing Board, Personnel Committee, Planning Sub Committee (Heavy Woollen Area) and Standards Committee.

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?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall 1.9.23
Is it also signed off by the Service Director for Finance?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 1.9.23
Cabinet member <u>portfolio</u>	Not applicable

Electoral wards affected: Not applicable

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered?

Yes – no individuals have been identified in this report

1. Summary

To appoint the Chairs of the following committees, consequential to recent changes to Committee and Panel membership and the resignation of the Chairs of;

- (i) Appeals Panel
- (ii) Environment and Climate Change Scrutiny Panel
- (iii) Growth and Regeneration Scrutiny Panel
- (iv) Health and Wellbeing Board
- (v) Personnel Committee
- (vi) Planning Sub Committee (Heavy Woollen Area)
- (vii) Standards Committee

2. Information required to take a decision

Pursuant to the above resignations, Council is asked to appoint a Chair of (i) Appeals Panel (ii) Environment and Climate Change Scrutiny Panel (iii) Growth and Regeneration Scrutiny Panel (iv) Health and Wellbeing Board (v) Personnel Committee (vi) Planning Sub Committee (Heavy Woollen Area) and (vii) Standards Committee for the remainder of the 2023/2024 municipal year.

The Labour Group have submitted the following nominations;

Appeals Panel – Councillor H Zaman
Environment and Climate Change Scrutiny Panel – Councillor Pattison
Growth and Regeneration Scrutiny Panel – Councillor Crook
Health and Wellbeing Board – Councillor Ramsay
Personnel Committee – Councillor Scott
Planning Sub Committee (Heavy Woollen Area) – Councillor E Firth
Standards Committee – Councillor J D Lawson

3. Implications for the Council

3.1 Working with People

Not applicable.

3.2 Working with Partners

Not applicable.

3.3 Place Based Working

Not applicable.

3.4 Climate Change and Air Quality

Not applicable

3.5 Improving outcomes for children

Not applicable

3.6 Financial implications for people living/working in Kirklees

Not applicable

3.7 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

Not applicable.

4. Next steps and timelines

Subject to approval, all appointments will take place with immediate effect.

5. Officer recommendations

That Council consider appointments to the positions as set out at paragraph 2.

6. Cabinet Portfolio Holder's recommendations

Not applicable

7. Contact officer

Julie Muscroft – Legal, Governance and Commissioning

8. Background Papers and History of Decisions

Not applicable

9. Service Director responsible

Julie Muscroft – Legal, Governance and Commissioning

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