



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

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Governance and Commissioning

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## Decision Summary

**Committee:**

**Date:**

**Committee Clerk:**

**TEL:**

**CABINET**

**TUESDAY 9 JULY 2024**

**Yolande Myers**

**01484 221000**

### **Chair**

Councillor Cathy Scott

### **Councillors Attended**

Councillor Masood Ahmed

Councillor Yusra Hussain

Councillor Habiban Zaman

### **Observers**

Councillor Moses Crook

Councillor David Hall

Councillor Zahid Kahut

Councillor Viv Kendrick

Councillor Jo Lawson

Councillor Alison Munro

Councillor Carole Pattison

Councillor Mohan Sokhal

Councillor Graham Turner

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### **1: Membership of Cabinet**

To receive apologies for absence from Cabinet Members who are unable to attend this meeting.

Councillor A Zaman was absent from the meeting.

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### **2: Minutes of Previous Meeting**

To approve the Minutes of the Meeting of the Cabinet held on 9 April 2024.

Approved as a correct record.

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### **3: Declaration of Interests**

Members will be asked to say if there are any items on the Agenda in which they have any disclosable pecuniary interests or any other interests, which may prevent them from participating in any discussion of the items or participating in any vote upon the items.

No Interests were declared.

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### **4: Admission of the Public**

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Committee.

Cabinet noted exempt information was provided under items 9 and 11.

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### **5: Deputations/Petitions**

The Cabinet 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.

There were no deputations or petitions.

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### **6: Questions by Members of the Public**

To receive any public questions.

In accordance with Council Procedure Rule 11, a maximum of fifteen minutes will be allocated to Public Question Time.

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

No questions were asked.

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## **7: Questions by Elected Members (Oral Questions)**

Cabinet will receive any questions from Elected Members.

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

Cabinet received oral questions under Executive Procedure Rule 2.3

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## **9: Special Educational Needs and Disabilities (SEND) - Capital investment in the rebuild of two special schools**

To consider the Capital Fund drawn down for the rebuild of two special schools.

Wards Affected: All

Contact: David Martin – Head of Service for Corporate Landlord and Capital

Consideration must be given to whether the public and press should be excluded from the meeting prior to the determination of the matter to enable the exempt information to be discussed by passing the following resolution: -

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act

### **RESOLVED –**

- 1) That approval be given for the draw down of capital funds as outlined in Appendix 4 of the considered report to enable the appointment of a building contractor to construct a new build 132 place SEMH school on the former Deighton centre site, Deighton Road, Huddersfield.
- 2) That approval be given to the draw down of capital funds as outlined in Appendix 4 to enable the appointment of a specialist contractor to undertake the site clearance of all buildings on the former high school site on Fernside Avenue, Almondbury, Huddersfield.
- 3) That approval be given to the draw down of capital funds to facilitate the settlement of the exit of the former school site on Fernside Avenue from the PPP1 contract as detailed in Appendix 4.
- 4) That the allocation of government grant for High Needs Provision from the Department for Education (DfE) of £7,056m for Financial Year 2024/25, and which may be used as a contribution towards the budget for the two new build schools, be noted.
- 5) That to enable the delivery of the schemes without returning to Cabinet, the delegated powers contained in the Council's Financial Procedure Rules (FPRs) 3.9-3.12, dated June 2024, may be used to:

- (i) Transfer resources within a programme area without restrictions.
  - (ii) Transfer resources between any project or programme area up to a maximum of £2m in any financial year.
  - (iii) Transfer resources within programme areas between any year within the approved capital plan, subject to compliance with FPRs 3.9 - 3.12 and notification to the relevant Cabinet Member and appropriate Ward Members.
- 6) That it be noted, approval to tender and award a contract for the new build school will be sought in late 2024 once detailed design of the new Woodley School and College had occurred, and a pre-tender estimate had been calculated.

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## **10: Special Educational Needs and Disabilities Inclusion Fund Policy Update**

To consider the revised Special Educational Needs and Disabilities Inclusion Fund Policy.

Wards affected: All

Contact: Jo-Anne Sanders, Service Director - Learning and Early Support

### **RESOLVED –**

- 1) That approval be given to the revised policy for the Special Educational Needs and Disabilities Inclusion Fund (SENDIF).
- 2) That authority be delegated to Service Director Learning & Early Support to:
  - (i) Align SENDIF to reflect the Council's expanded duties under the government's expansion of free childcare hours for eligible children aged from 9 months to 4 years old.
  - (ii) Ensure children in early years education can continue to benefit from additional support funded by SENDIF and that the eligibility criteria and allocation process remain fair.
  - (iii) Ensure the budget for SENDIF operates within its financial envelope and note if a decision was taken to continue with SENDIF+ (Kirklees voluntary provision), there was no identified budget.
  - (iv) Reflect Cabinet's decision in January to approve changes to process, after January 2024's consultation, for the allocation of funding and remove the old process from the policy.

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## **11: Special Educational Needs and Disabilities (SEND) - Mainstream High Needs Funding**

To consider mainstream cluster funding model for children and young people

with additional needs.

Wards Affected: All

Contact: Jo-Anne Sanders, Service Director – Learning and Early Support

Exempt information is detailed in an appendix to the attached report.

Consideration must be given to whether the public and press should be excluded from the meeting prior to the determination of the matter to enable the exempt information to be discussed by passing the following resolution: -

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

**RESOLVED –**

- 1) That the new funding model to support children with special educational needs and disabilities (SEND) in mainstream schools be approved.
- 2) That it be noted, the new model would devolve high needs funding to schools at a cluster and area level to meet the needs of children at the earliest opportunity and that multiagency support would ensure the right support was offered in the right place at the right time.
- 3) That it be noted, the new model would allow clusters and areas to use the funding more flexibly to support children with SEND, no longer tying funding only to those children with an Education Health and Care (EHC) plan.
- 4) That authority be delegated to the Service Director for Learning and Early Support to implement the new model from September 2024.

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**12: Kirklees Environment Strategy: Everyday Life (Reference to Council)**

To consider and recommend to Council the Environment Strategy: Everyday Life.

Wards Affected: All

Contact: Robert Green – Senior Climate Change Officer

**RESOLVED –**

- 1) That the 'Environment Strategy: Everyday, Life,' be recommended to 17 July 2024 Council meeting for adoption.
- 2) That should Council approve the Environment Strategy, authority be delegated to the Strategic Director for Corporate Strategy, Commissioning & Public Health, in consultation with the Portfolio Holder for Culture and Greener Kirklees to:

- (i) Establish the Partnership Pledge and associated monitoring and evaluation process via the Environment Strategy Partnership Group.
  - (ii) Establish the governance structure, associated board and necessary policies and procedures to effectively govern the implementation of the strategy within the Council.
  - (iii) To deliver any future minor alternations for the strategy.
  - (iv) To meet the ambition (targets and objectives) outlined within the 'Environment Strategy, Everyday life.'
  - (v) To apply for and accept external funding for the implementation of the partnership pledge process and any actions associated with achieving the strategies targets.
  - (vi) To collect and analyse data for the monitoring and evaluation of the strategy, with the support of necessary service areas which hold, or have responsibility for collecting this information.
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### **13: Food Safety Service Delivery Plan 2024**

To consider the Food Safety Service Plan for 2024.

Wards Affected: All

Contact: Leanne Perry, Environmental Health Group Leader, Public Protection

**RESOLVED** – That approval be given to the Food Safety Service Plan 2024 and direct officers to publish the plan on the Council's Website.

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### **14: Statutory Health & Safety Service Plan 24-25**

To consider Health & Safety Service Plan 24-25.

Wards affected: All

Contact: James Kaye, Environmental Health Group Leader

**RESOLVED** – That approval be given to the Health & Safety Service Plan 24-25.

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### **15: Highways 2 year detailed Capital Plan allocation 2024/25 and 2025/26**

To consider the Highways 2 year Capital Plan allocation 2024/25 and 2025/26.

Wards Affected: All

Contact: Yvonne Atkinson - Highways Capital Programme Manager

**RESOLVED** –

- 1) That approval be given to the budget and programme / scheme allocations within the detailed 2-year Highways Capital Plan to the sum of £24,265,806 and £17,174,575 for 2024/25 and 2025/26, respectively.
  - 2) That authority be delegated to the Strategic Director Growth & Regeneration or Service Director for Highways & Streetscene and in consultation with the Leader of the Council, to manage the implementation of the programme and to enable any amendments to identified schemes, the addition of future schemes, and to award funding (within the £24,265,806) for those schemes.
  - 3) That approval be given, where necessary, to accelerate spend of the City Regional Sustainable Transport Settlement (CRSTS) and accelerate the two year forward programme.
  - 4) That authority be delegated to Service Director for Highways and Streetscene, in consultation with the Service Director for Legal, Governance and Commissioning, to negotiate, agree, and enter into the terms of any applicable funding agreements (and associated documentation) to enable individual projects and schemes to proceed.
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**16: 2024/25 - 2025/26 Corporate Landlord Capital Plans - Proposed allocation of capital funding**

To consider potential projects to be funded from the 2024/25 - 2025/26 Corporate Landlord baseline programmes.

Wards Affected: All

Contact: David Martin - Head of Service for Corporate Landlord and Capital

**RESOLVED –**

- 1) That the themes of work for 2024/25 – 2025/26 as detailed in Appendix A of the considered report be approved.
- 2) That authority be delegated to Service Director - Development to:
  - (i) Add or delete projects from the programmes without prior approval provided that the total cost of the programmes remains within the approved capital allocations set by Council.
  - (ii) Transfer resources between the Corporate Landlord programmes without restrictions to enable efficient delivery of projects.
  - (iii) Slip, delete or reallocate budget between projects during the two financial years providing that the total cost of the programmes remains within the approved capital allocations set by Council to enable the effective management of the programmes concerned over the two-year period.
- 3) That the virement of £68K in capital funding from the Children's and Families Strategic Priorities Woodley Special School new build to the Corporate Landlord budget be approved.
- 4) That authority be delegated to officers of the Council to identify, design, tender and implement the delivery of projects aligned with the work

themes identified.

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**17: Financial Outturn Report 2023/2024, to include the Revenue, Capital and Housing Revenue Account Outturn Position and Annual Report on Treasury Management**

To give consideration to the Financial Outturn and Rollover Report 2023/24

Wards Affected: All

Contact: James Anderson – Head of Accountancy

**RESOLVED –**

- 1) That in relation to the General Fund, the revenue outturn position of +£7.3m overspend for 2023/24 be noted.
- 2) That the year-end position on reserves and balances of £61.2m (excluding Statutory Reserves), particularly that the level of general reserve at £25m is the desirable level on a risk-based approach as presented to Members in the 2024/25 budget report be noted.
- 3) That the application of the Councils flexible capital receipts strategy to the value of £3.3m applied against eligible transformation costs in 2023/24 be noted.
- 4) That the regular monitoring and review of corporate reserves in 2024/25 to be reported to Cabinet as part of the Quarterly financial monitoring cycle be noted.
- 5) That the year-end deficit position on the Collection Fund of £8m, along with the position on the DSG as part of the Council's Safety Valve agreement be noted.
- 6) That in relation to the Housing Revenue Account, the HRA revenue outturn position of +£1m deficit for 2023/24 and the year-end reserves balance of £33.9m be noted.
- 7) That in relation to Capital, the Council capital outturn position at £148.2m for 2023/24 be noted.
- 8) That the £22.3m capital slippage from 2023/24 to 2024/25 (as outlined at paragraph 3.6.13) of the considered report be noted.
- 9) That the revised capital plan for the period 2024/25 onwards, after taking into account the re-phasing of schemes and additional grant funding assumptions, be noted.
- 10) That it be recommended to 17 July 2024 Council meeting for the £0.75m additional borrowing for the in-house fleet for home to school transport pilot.
- 11) That the extension of the existing Property Investment Fund loan facility for Kingsgate shopping centre for a further 9 months, at the prevailing interest rate (cost neutral for the Council) be recommended for approval to 17 July 2024 Council meeting.
- 12) That the use of £0.14m Libraries Improvement Grant Fund towards spend on the Kirklees Open Access pilot project be recommended for approval to 17 July 2024 Council meeting.



13) That the Review of Treasury Management activity for 2023/24 be noted.

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**18: Annual Complaints Performance and Service Improvement Report 2023/24**

To consider the Annual Complaints Performance and Improvement Report and Self-Assessment 2023/24.

Wards Affected: All

Contact: Michelle Anderson-Dore, Head of Housing Management and Partnerships

**RESOLVED –**

- 1) That it be noted the draft Annual Complaints Performance and Service Improvement Report 2023/24, and self-assessment was submitted by 30th June 2024.
  - 2) That the draft Annual Complaints Performance and Service Improvement Report 2023/24, which includes the self-assessment against the Code, be noted.
  - 3) That the self-assessment against the Code was an accurate reflection of the Council's position and that the areas in which the Council had fallen short, namely 'reasonable adjustments under the Equality Act 2010' was noted and, that plans to rectify this were in place and being progressed.
  - 4) That approval be given to publish the final report including Cabinet's response and the self-assessment, on the Council's website, post submission.
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