

Public Document Pack



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

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Monday 30 September 2024

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber, Huddersfield Town Hall** at **1.30 pm** on **Tuesday 8 October 2024**.

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

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

A handwritten signature in cursive script, appearing to read "S Lawton".

Samantha Lawton

Service Director – Legal, Governance and Commissioning

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

The Cabinet members are:-

Member	Responsible For:
Councillor Carole Pattison	Leader of the Council
Councillor Moses Crook	Deputy Leader of the Council, Cabinet Member - Transport and Housing
Councillor Beverley Addy	Cabinet Member - Adult Social Care and Health
Councillor Munir Ahmed	Cabinet Member - Environment and Highways
Councillor Tyler Hawkins	Cabinet Member - Corporate
Councillor Viv Kendrick	Cabinet Member - Children' Services (Statutory Responsibility for Children)
Councillor Amanda Pinnock	Cabinet Member - Education and Communities
Councillor Graham Turner	Cabinet Member - Finance and Regeneration

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

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

2: 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.

3: Declaration of Interests

1 - 2

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.

4: 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.

5: Questions by Members of the Public

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.

6: Questions by Elected Members (Oral Questions)

Cabinet will receive any questions from Elected Members.

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

7: Future of Dementia Care Home Provision

3 - 10

To consider the progress of identifying potential new operators.

Wards affected: all

Contact: Michelle Cross, Service Director for Mental Health, Learning Disabilities & Provider Services

8: Councillor's Devolved Ward Budgets - Updated Criteria and Decision-Making Process

11 - 18

To consider a revised set of criteria and decision-making process for Councillor's Devolved Ward Budgets.

Wards affected: all

Contact: Vina Randhawa, Democracy Manager

9: Fleet Replacement and Investment

19 - 34

To consider fleet replacement and investment.

Wards affected: all

Contact: Nick Clegg-Brearton, Fleet and Transport Manager
Robert Jowitt, Highways Programme Manager

10: Household Waste Recycling Centre Efficiency Savings 35 - 48

To consider operational changes to the Household Waste Recycling Centres service, including closures and amendments to opening hours.

Wards affected: Birstall & Birkenshaw, Gomersal & Liversedge, Cleckheaton, Denby Dale and Holme Valley North.

Contact: Will Acornley, Head of Operational Services

11: Car Parking charges and restrictions for Resident Parking Permits and currently free off-street car parks 49 - 72

To consider charges and restrictions for resident parking permits and currently free off-street car parks.

Wards affected: all

Contact: Sarah Durdin, Operational Manager, Highways & Streetscene

11.1 Supplementary - Appendix 2 - Amended 73 - 74

12: Community Asset Transfer of Honley Village Hall and adjoining open space land 75 - 102

To consider the grant of a 125 year lease to Honley Village Community Trust.

Wards affected: Holme Valley North

Contact: Mark Varley, Asset Strategy Officer

13: Update Regarding Progress with the Regulatory Notice 103 - 116

To receive an update on the service Improvement plan.

Wards affected: all

Contact: Naz Parkar, Service Director for Homes and
Neighbourhoods

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

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

REPORT TITLE:

Meeting:	Future of Dementia Care Home Provision
Date:	8 th October 2024
Cabinet Member (if applicable)	Cllr Beverley Addy
Key Decision Eligible for Call In	Yes Yes
<p>Purpose of Report</p> <p>To advise on the progress of identifying potential new operators for two homes for older persons and to consider how to progress further.</p>	
<p>Recommendations</p> <p>That authority is sought from Cabinet to:</p> <ul style="list-style-type: none"> • note update on progress; • agree that we undertake an adequate consultation for 6 weeks with staff and families about this proposal to transfer one or both homes to a private sector operator; • agree that we can progress negotiations to the point of being able to enter into a contract with an alternative provider subject to final agreement by Cabinet; • approve the carrying out of consultation on the principles of the proposal and delegate authority to the Service Director for Mental Health, Learning Disabilities & Provider Services to agree the nature and scope of such consultation. 	
<p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • The homes continue to lose more than £1¼ m per annum and require capital investment. • The Council's financial position remains severely challenged, more so than at the time when the decision was taken not to progress the closure option. • Cabinet asked us to explore the interest shown by other providers in a transfer. • We have explored it further and it appears that there is interest - three operators are showing interest in pursuing this option further. • Targeted consultation with staff, individuals and their families on a one to one basis on the proposed transfer of the care homes to a private operator will ensure their needs and concerns are addressed before any final decision is made. • To note and consider the Integrated Impact Assessment. • To agree a further report will be brought back to Cabinet to consider the outcome of the consultation and decide next steps. 	
<p>Resource Implications:</p> <ul style="list-style-type: none"> • Pursuing the option will involve substantial officer time, both relating to adult social care, finance, legal, HR, Corporate Landlord and communications, with the possible use of outside providers (e.g. for legal work, property surveys) • Disposal of the care homes will allow the Council to focus resource on specialist activity where there are market gaps or where only the Council can play a facilitating role (e.g. Knowl Park House new dementia facility) 	

<p>Date signed off by <u>Executive Director</u> & name</p>	<p>Give name and date for Cabinet / Scrutiny reports Richard Parry – Executive Director Adults and Health – 23/09/24</p>
<p>Is it also signed off by the Service Director for Finance?</p>	<p>Give name and date for Cabinet reports Kevin Mulvaney – Service Director, Finance – 23/09/24</p>
<p>Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?</p>	<p>Give name and date for Cabinet reports Samantha Lawton – Service Director, Legal and Commissioning – 23/09/24</p>

Electoral wards affected: All/ Newsome & Heckmondwike

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Executive Summary

A 2024/25 budget proposal was to close two care homes for older people: Claremont House at Heckmondwike and Castle Grange at Newsome. Following a public consultation exercise a decision was taken not to pursue closure, but options for transfer of the homes on a going concern basis were retained. Since that decision, officers have explored with potential operators’ options for business transfer. This report updates the position with a view to identifying what actions to pursue further.

2. Information required to take a decision

- 2.1 A 2024/25 budget proposal was to close two care homes for older people: Claremont House at Heckmondwike and Castle Grange at Newsome. These homes were not fully occupied, for several reasons related to use as alternative provision, repairs, used for respite, and uncertainty about the future. Staffing levels in part reflected underutilisation, but there was also dependence on more agency staff than normal (adding to cost).
- 2.2 Since the decision not to close, there has been some additional recruitment of permanent residents, and substantive staff.
- 2.3 In the circumstances described above it is difficult to calculate a clear financial position. However, with each home operated at full capacity, with permanent residents, it is likely that if the homes were receiving the standard fee for those entitled to full local authority support each home and the actual fee charged for those who are self-funding the loss is somewhere between £1.25m and £2m per annum. These charges do not include depreciation/ capital charges, so a full economic loss is considerably higher.
- 2.4 Inspection of the properties suggest that if they remain in council control there will be a significant requirement for capital investment, as the buildings, now circa 25 years old need typical refurbishment elements at this stage in their life time such as roofing works, mechanical and electrical plant (e.g. lifts). These items are not captured in any analysis but could amount to a further £1.4 million over the next 5 years.
- 2.5 The Council’s financial position overall remains very difficult. Not all the savings required in 2024/25 have been identified, or achieved, and some of those previously identified may no longer be feasible or may not generate the anticipated level of saving.

- 2.6 Approximately 7 years ago, the Council initially explored the disposal of these two homes. Although there was some interest, and the disposal was progressed to a “best and final offers” stage, no viable bids were ultimately proceeded with.
- 2.7 Since that time the market might be considered to have moved on; the national minimum wage has substantially closed the pay-rate gap between council and private sector homes. However, the terms and conditions of council employment remain more expensive than those typical in the private sector, and whilst the obligation to provide a private pension has increased costs for private operators, the Local Government Pension Scheme pension still adds about 10% more to council payroll costs than a typical private operator would face. A number of operators have started to specialise in taking over unviable homes. These are, more typically from the private sector, rather than from local authorities, where the more usual solution is closure, sale and reopening under a new management regime.
- 2.8 Several operators expressed an interest during the closure consultation in taking forward alternative solutions. In some cases, this was business transfer; in other cases, it was through an intention following closure to reopen the facilities for the same purpose, or a different care sector (e.g. adults with learning difficulties).
- 2.9 In the last few months there has been more active engagement with those expressing an interest in taking the homes on “as a going concern” with the homes remaining open and staff and residents transferring. Additional employee, payroll and pension, financial and client/customer information has been provided to those organisations to allow them to better consider their position.
- 2.10 The Council provided an indicative basis on which it would look to transfer the homes as going concerns. These were.
- a) This is a business transfer
 - b) The homes would transfer with existing residents
 - c) The existing site staff, but no others, would transfer under TUPE
 - d) There would be no short-, medium- or long-term care contracts, other than the standard right of persons to select a care home of their choice, and the local authority to pay the standard weekly fee where applicable.
 - e) Operators have been made aware of the weekly fee currently charged to self-funding residents but have not been required to agree to maintain these charges.
 - f) Because there are no transferring local authority contracts, this is not a Best Value contract, so accordingly employment rights are protected as is normal under TUPE transfers, but there is only the minimum standard TUPE pension protection to existing employees (they do not retain the right to retain a LGPS or broadly comparable pension in perpetuity).
 - g) The Council would sell the freehold of the premises at the time of the business transfer, or the transferee could make proposals as to a point at which the freehold or a long-term lease would transfer to them. Under any of these options full repairing liabilities would transfer to the operator from the commencement of the contract.
 - h) The Council would expect to receive a payment for the business reflective of the potential opportunities and liabilities and risk that they were acquiring
- 2.11 In recognition of 2.10 (h), this may be less than the value of the freehold premises alone.
- 2.12 As a part of the process potential operators have been made aware of the likely challenges and issues that may face them if they pursue the options for sale including the possible need for some form of public consultation process and the need to manage the workforce implications of a transfer.
- 2.13 There were seven operators who initially got in touch.
- 2.14 The three operators who remain interested have not yet visited the premises, although they have been shown a video presentation. They have also not had the opportunity to undertake any further due diligence checking- for example as to the state of the premises, which would require professional surveying assessments, and undoubtedly, some degree of negotiation.

- 2.15 Before any further work is undertaken, by either the Council's officers, or the prospective purchasers, it is necessary to determine the position.
- 1). Is the Council willing to explore the sale of these Care Homes further?
 - 2). Is it willing to do so on the basis set out at 2.10 (or if not, how does it wish to adjust this?)
- 2.16 We intend to continue discussions with the 3 current proposers, and any other operator who officers believe will be likely to make a legitimate proposal.
- 2.17 Costs are likely to be incurred by all parties in progressing any negotiations further. At the present time we do appear to hold one strong bid and may be successful in gaining a second, notwithstanding that due diligence and site visits have yet to be carried out. The current bidder has carried out this type of process before, and is aware of the likely issues, and rewards.
- 2.18 There is no certainty, though, that following negotiations any bidder will get to a stage where they can progress to full completion and transfer. This may reflect difficulties not wholly related to the merits of the proposal (e.g. availability of bank finance) or be down to personal perceptions from the bidders and their team about the likely risks and rewards.
- 2.19 From the Council perspective, though, this facilitates an ability to save revenue costs more than £1m (and probably in reality >£1.5m) each year and avoid further capital costs.
- 2.20 The sale of the business will also potentially generate capital receipts (albeit the Council will have two fewer assets), and the proceeds may not exceed the book debt related to the properties.

3. Implications for the Council

Disposal of care homes is a typical action by local authorities in financial difficulties, or those which wish to transfer resources for other priorities. The Council would retain a role in providing more specialist services for both older people living with dementia and for people with a learning disability as well as working jointly with the healthcare system to provide residential step down beds that support discharge.

3.1 Council Plan

This proposal relates to the priorities outlined in the 24/25 Council Plan as per the above (3) and supports the Council's aim to transform services to become more efficient, effective and modern working towards a new operating model for Adult Social Care Services.

3.2 Financial Implications

Will generate substantial ongoing savings for both revenue and capital requirements, if achieved.

3.2.1 From the Council perspective, though, this facilitates an ability to save revenue costs more than £1m (and probably in reality >£1.5m) each year and avoid further capital costs.

3.2.2 At year end (2023-24), the total direct cost for Castle Grange was £2.38m and for Claremont House was £1.95m. At full occupancy this equates to a unit cost per bed per week of £1,145 for Castle Grange, and £937 for Claremont House. Note that this is for direct costs and does not include other internal Council support costs that could be attributed to the sites also. Including an estimate of the latter (c£519k per site) takes the total gross costs to £2.9m for Castle Grange, and £2.47m for Claremont House, giving unit bed costs of £1,394 and £1,186 respectively. At the same full occupancy level but paying for the provision of beds externally (at an estimated market rate of £853 per bed per week) the cost of alternate provision would be £1.78m for Castle Grange, and the same (£1.78m) for Claremont House.

3.2.3 At a 95% occupancy level (38 beds per site), the unit costs are £1,467 per bed per week for Castle Grange (total cost as above, of £2.9m), and £1,248 per bed per week for Claremont House (£2.47m as per above). At this occupancy level, the alternative external provision would cost £1.69m for each site.

- 3.2.4 For further context the current net budgets in the MTFP for 2024-25 (*including income*) for the sites are £1.53m for Castle Grange, and £1.48m for Claremont House. This does not include coverage of internal Council support costs.
- 3.2.5 The sale of the business will also potentially generate capital receipts (albeit the Council will have two fewer assets), and the proceeds may not exceed the book debt related to the properties.

3.3 Legal Implications

- 3.3.1 The Council has a duty to meet needs for care and support (Section 18 of the Care Act 2014). The Care Act 2014 does not specify separate duties for the provision of residential and non-residential care. Section 8 of the Care Act 2014 gives examples of the different ways that a local authority may meet needs under section 18, and the list includes “accommodation in a care home or premises of some other type” (s.8(1) (a).
- 3.3.2 The Council has a market shaping duty under section 5 of the Care Act 2014 and must exercise its duties in accordance with the Department of Health ‘s statutory Care and Support Guidance (updated June 2023).
- 3.3.3 The Council is required to carry out non-statutory consultation process regarding proposals to reconfigure services and to carefully consider responses before reaching any decision. A lawful consultation should be in line with the Gunning Principles. A fair consultation is one undertaken when the proposals are at a formative stage; sufficient reasons are given for the proposals to allow intelligent consideration by consultees together with criteria which will be applied when considering proposals and which factors will be considered decisive or of substantial importance; adequate time must be given for responses; and the product of consultation must be conscientiously considered before any final decision is taken. Members should carefully consider the outcomes of the consultation when considering the recommendations of officers including the Integrated Impact Assessment and all other relevant matters.
- 3.3.4 While some consultation has been previously carried out, this was in relation to a closure option and so further consultation is required in relation to the transfer of a going concern.
- 3.3.5 The Council has a duty of Best Value under section 3 of the Local Government Act 1999 to secure continuous improvement in the way functions are carried out having regard to a combination of economy, efficiency and effectiveness. The Council has a fiduciary duty to taxpayers when carrying out its functions.
- 3.3.6 Any Council staff transferring to another care home operator will benefit from protection under the Transfer of Undertakings (Protection of Employment) Regulations 2006 on the basis that it would constitute the transfer of a business as a going concern. This means their contractual terms and conditions of employment and continuity of service will transfer. In the absence of economic, technical or organisation reasons entailing changes in the workforce, there are restrictions on the ability of the transferee employer to change terms and conditions if they relate to the transfer itself. Minimum pension rights/benefits must be protected under the Pensions Act 2004 and the Transfer of Employment (Pension Protection) Regulations 2005. It would be open to potential care home operators to explore with WYPF whether it was possible to join LGPS Affected staff and Trade Unions will be consulted as part of the decision-making process at the appropriate time. The transferee employer will need to inform the transferor Council of any “measures” that it proposes regarding transferring employees following the transfer.
- 3.3.7 Article 8 of the European Convention on Human Rights (ECHR) is a relevant consideration which requires the Council to respect the private and family life of persons resident in the Council’s care homes. Article 8 is only engaged if the proposals interfere with service user rights, and if so, may nonetheless be permissible if justified and proportionate. Provided the Council complies with its statutory duties its actions should be compliant with its obligations under the ECHR. Subject to the outcome of the consultation, the Council will

need to ensure the needs of residents have been properly assessed in line with the Care Act 2014.

3.3.8 The Council has a duty under Section 123 Local Government Act 1972 when selling land to obtain the best consideration reasonably obtainable. Land can be sold at an undervalue of up to £2M under the General Disposal Consent 2003 if the purpose of the disposal is to promote or improve economic, social or environmental wellbeing of the area. If the consent did not apply the matter would need to be referred to the Secretary of State. To avoid Subsidy Control Act 2023 complications, the Council should commission independent valuations of each care home site once the details of the Heads of Terms for the disposal are known.

3.3.9 The Council must comply with the Public Sector Equality Duty under Section 149 Equality Act 2010. An Integrated Impact Assessment will be required on the proposed sale of Council care homes and members must consider its findings before taking any decision. The Council when exercising its functions must have “due regard to the need to” - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

a) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

b) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.3.10 Section 149 (7) sets out 7 protected characteristics namely: age, disability, gender reassignment; pregnancy and maternity, race, religion or belief, sex or sexual orientation .it follows that age and disability, amongst others, will be relevant in taking decisions about the future of the Council’s care homes. The Integrated Impact Assessment will need to be updated during and following any consultation.

3.3.11 The Council has the power to enter any necessary contractual or other arrangements relying on Section 1 of the Localism Act 2011 and all other enabling powers. Section 1 introduced a general power of competence, subject to certain restrictions and prohibitions in other legislation, under which local authorities may do anything that an individual could do. All legal powers must be exercised reasonably in public law terms

3.4 **Other (eg Risk, Integrated Impact Assessment or Human Resources)**

There are likely to be both communications and reputational challenges, and from the affected workforce. Other risks are potential Judicial Review in relation to the consultation process; failure to comply with TUPE regs with financial implications; the risk that the care homes do not transfer with continuing financial implications.

4. **Consultation**

There has previously been a consultation on a proposed closure of these homes which resulted in a Cabinet decision to explore alternatives including transfer to the independent sector.

5. **Engagement**

As 6.

6. **Options**

These are.

a) Do nothing, and continue as is, recognising that the homes cost significantly more to operate than they generate in income through fees charged.

b) Pursue the transfer of the 2 long stay homes as a going concern business. The preferred option here, and one which brings savings with minimal disruption to residents and their families and a transfer of employment arrangements for staff.

- c) Close the homes (a previously rejected option, though financial position of Council has since worsened)

6.1 Options considered

As identified in previous Future arrangements for the council-run long stay dementia care homes Cabinet Report – March 2024.

6.2 Reasons for recommended option

As identified in previous Future arrangements for the council-run long stay dementia care homes Cabinet Report – March 2024.

7. Next steps and timelines

If approved, pursue further consultation with interested parties including residents and their families.

8. Contact officer

Michelle Cross, Service Director for Mental Health, Learning Disabilities & Provider Services
Martin Dearnley, Head of Audit & Risk.

9. Background Papers and History of Decisions

Cabinet Mtg 26 Sept 23:

Proposed Closure of Castle Grange and Claremont House residential care homes PDF 404 KB

- [View the background to item 11:](#)
- [View the decision for item 11:](#)

Scrutiny Panel 22 Nov 2023:

Castle Grange and Claremont House Care Homes Consultation PDF 375 KB

Cabinet Mtg 12 March 2024:

Future Arrangements for the Council-Run Long Stay Dementia Care Homes PDF 902 KB

- [View the background to item 8:](#)
- [View the decision for item 8:](#)

10. Appendices

None

11. Service Director responsible

Michelle Cross Service Director for Mental Health, Learning Disabilities & Provider Services
Samantha Lawton, Service Director for Legal Governance & Commissioning
Kevin Mulvaney, Service Director for Finance

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Report title: Councillor’s Devolved Ward Budgets – Updated Criteria and Decision-Making Process

Meeting	Cabinet
Date	8 October 2024
Cabinet Member (if applicable)	Cllr Graham Turner
Key Decision Eligible for Call In	Yes – Affects all wards Yes
<p>Purpose of Report</p> <ul style="list-style-type: none"> The report seeks a decision on a revised set of criteria and decision-making process for Councillor’s Devolved Ward Budgets. 	
<p>Recommendations Members are asked to:</p> <ul style="list-style-type: none"> Consider and approve the Councillors (Cllrs) Devolved Ward Budgets criteria and decision-making process set out at Appendix A Delegate future changes to the criteria and decision-making process for Cllrs Devolved Ward Budgets to the Deputy Chief Executive and Executive Director for Public Health and Corporate Resources in consultation with the relevant Cabinet Portfolio Holder. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> At Budget Council meeting in March 2024 the ward budget was reduced from £20k to £10k per ward to deliver budget savings of £230k. The revised criteria will enable Cllrs to ensure their ward budget is used effectively, delivers value for money, responds to local priorities, maximises resources through external grants and donations and that decision making is transparent. 	
<p>Resource Implication:</p> <p>Staff resources are already in place to support Cllrs and delivery of the £230k budgeted saving.</p>	
<p>Date signed off by <u>Strategic Director</u> & name</p>	<p>Rachel Spencer-Henshall, Deputy Chief Executive and Executive Director for Public Health and Corporate Resources 18.09.24</p>
<p>Is it also signed off by the Service Director for Finance?</p>	<p>Kevin Mulvaney, Service Director Finance (S151 Officer) 17.09.24</p>
<p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>Samantha Lawton, Service Director Legal & Commissioning (Monitoring Officer) 17.09.24</p>

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes, no personal data involved.

1. Executive Summary

A Council meeting held on 6 March 2024 approved a total budget of £230,000 per year (£10,000 per ward) for the Cllrs Devolved Ward Budget (ward budget)

The Cllrs Devolved Ward Budget was first established by Cabinet in 2017 and provides Cllrs with a dedicated ward budget so they can respond to ward priorities.

The aim of the ward budget is to: -

- increase ward Cllr responsibility in terms of devolved resources.
- recognise the role of ward Cllrs, with their local knowledge and insight being increasingly vital in maximising the use of local community skills, assets and resources so that people can do something positive to improve lives and make their community thrive.
- raise the profile of the ward Cllr in a positive way with local citizens, which aligns with the Council Plan which recognises the importance of promoting the Cllr role.

Given the financial challenges faced by the Council it is timely to update the criteria for spend to ensure the ward budget is used effectively, delivers greater value for money and decision making is transparent.

The ward budgets will ensure Cllrs continue to: -

- play a vital role in their communities by encouraging greater collaboration with partners, voluntary organisations, residents and businesses to maximise all resources and assets in a place to achieve our ambitions.
- empower local people to develop and deliver projects that are shaped by local people.
- encourage groups to maximise ward budgets by raising other funding for example through external grants and donations.

To proposed criteria and decision-making process in respect of the Cllrs Devolved Ward Budgets is set out at **Appendix A**.

2. Information required to take a decision

2.1 A Council meeting held on 6 March 2024 approved a total budget of £230,000 per year for the Members Devolved Ward Budget (ward budget), with each ward allocated £10,000.

2.2 The proposed criteria and decision-making process is attached at **Appendix A**.

3. Implications for the Council

3.1 Council Plan

3.1.1 Working with People

Cllrs regularly engage with local people to build strong relationships based on trust, work together to problem solve and listen to community priorities and ideas to improve local places and lives. This helps inform how the ward budget is spent.

3.1.2 Working with Partners

Cllrs bring citizens, partners and third sector organisations together, for example through ward-based partnership meetings, forums and themed meetings, to share information and coordinate how they can make use of all resources to help improve the quality of life of citizens and make local places better.

3.1.3 Place Based Working

A fundamental role of a Cllr is to work with and alongside communities to build community capacity within their wards and with the council and partners to coordinate how resources are used to deliver place-based priorities. The ward budget helps to ensure that solutions are not 'one size fits all' but tailored to meet local requirements and developed through working with and alongside our citizens.

3.1.4 Shared Outcomes

Cllrs ward budgets are invested in a range of projects and initiatives that deliver against our shared outcomes. Based on total spend across all wards in 2023-24, Cllrs ward budgets helped to deliver against our shared outcomes as follows: -

Shared Outcomes	Amount Awarded
Best Start	£318,998.50
Shaped by People	£197,715.21
Safe & Cohesive	£161,776.41
Clean & Green	£104,839.79
Sustainable Economy	£100,175.15
Well	£56,106.65
Independent	£49,996.96
Total Spend	£989,608.67

3.2 Financial Implications

A total budget of £230,000 was approved by Council in March 2024 for the Members Devolved Ward Budget, with each ward allocated £10,000. This is a permanent reduction of £230,000 from the previous approved budget.

3.3 Legal Implications

None.

3.4 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

3.4.1 Integrated Impact Assessment (IIA)

An integrated impact assessment has been carried out in relation to elected members devolved budgets and can be viewed [here](#).

4. Consultation

4.1 The Finance and Regeneration Portfolio Holder has been consulted and their views are reflected in the draft criteria and decision-making process attached at Appendix A.

5. Engagement

5.1 Cabinet Members have been consulted on the proposed criteria and decision-making process.

5.2 Engagement with ward Cllrs will take place on how they wish to allocate their ward budget.

6. Options

6.1 Options Considered

6.1.1 To make no changes to the current criteria and decision-making process.

6.1.2 To approve the revised criteria and decision-making process for Cllrs ward budgets at **Appendix A**.

6.1.3 To delegate future changes to the criteria and decision-making process for Cllrs ward budgets to the Deputy Chief Executive and Executive Director for Public Health and Corporate Resources in consultation with the relevant Cabinet Portfolio Holder.

6.2 Reasons for recommended Option

6.2.1 The revised criteria will enable Cllrs to ensure their ward budget is used effectively, delivers value for money, responds to local priorities, maximises resources through external grants and donations and that decision making is transparent.

7. Next steps and timelines

7.1 Subject to Cabinet approval the revised criteria and decision-making process they will be implemented with immediate effect. Ward Cllrs will be briefed on the changes and supported by the democracy and place-based working team.

8. Contact officer

Vina Randhawa
Democracy Manager
Vina.randhawa@kirklees.gov.uk

9. Background Papers and History of Decisions

[Ward Budgets 2017/18](#) Criteria approved by Cabinet 30 May 2017

10. Appendices

Appendix A - Members Ward Budgets Criteria and Decision-Making Process

11. Service Director responsible

Rachel Spencer-Henshall, Deputy Chief Executive and Executive Director for Public Health and Corporate Resources Rachel.spencer-henshall@kirklees.gov.uk

Samantha Lawton, Service Director Legal & Commissioning (Monitoring Officer)
Samantha.Lawton@Kirklees.gov.uk

Appendix A

Members Ward Budgets Criteria and Decision-Making Process

The Members Ward Fund has been allocated to provide Councillors (Cllrs) with a dedicated devolved budget to support ward activities.

The primary use of this funding will be to: -

- support projects which make our local places even better – things that are good for local people and help our communities to grow stronger.
- Support projects that contribute to one or more of the shared outcomes in [Our Council Plan](#)
- Provide seed funding to stimulate community led activity.
- Provide flexible and timely support and respond to place-based priorities.

Allocation of Ward Budget

- £10,000 per ward will be allocated each year to support ward activities.
- Ward budgets will be allocated on an individual basis per ward member i.e. one third of the total budget each. Cllrs can work together if they choose.
- Cllrs can contribute funding to multi ward projects that can demonstrate how their project will benefit the residents of each ward.

Funding and Scheduling

- Members Ward Fund will be open for requests each year, except during pre-election period.
- Money not committed by 31st March each year cannot be carried forward and will be surrendered to corporate funds.

Decision Making

- Decisions are made only by those Cllrs in the ward (or wards) contributing funding to the project.
- Cllrs have a responsibility to declare any interests they may have in any funding proposal. If that interest is a Disclosable Pecuniary Interest, then they cannot take part in any discussion or decision-making. Where the interest amounts to an Other Interest, it is for Cllrs to decide if it is reasonable for them to participate. [Section 5.1 Part 13 of the Code of Conduct](#) sets out when interests arise.
- Where an interest does arise that excludes the Cllr the decision will be (i) referred to the appropriate Cabinet Portfolio holder or (ii) advice will be sought from the Council's Monitoring Officer.
- Details of how the ward budget has been spent will be published on the Council and Democracy website, under the relevant ward Cllr.

General

- In addition to the criteria and guidance set out in Appendix A, all ward spending will be subject to the Council's Constitution, Standing Orders and Financial Procedure Rules.
- Regard should be given to value for money and two written quotes should be obtained for any item costing more than £1k, and three for anything costing more than £3k.
- Cllrs should discuss allocation of funding with the Democracy and Place Based Working team who will keep a record and audit trail of all decisions made.

How the ward budget can be spent

Cllrs can decide locally how to spend their ward budgets, and in doing so are encouraged to maximise their funding, for example through the following, or a combination of the following ways: -

- Civic Crowdfunding

Civic crowdfunding has huge potential for citizen participation and collaboration and can help maximise ward budgets by raising other funds through donations.

- Cllrs can allocate all or part of their budget to civic crowdfunding through [Growing Great Places](#) (GGP) the Council's civic crowdfunding programme (delivered in partnership with Spacehive)
- Criteria for spend and decision-making process will be developed in discussion with Cllrs.
- Distribution of ward funding through GGP will help bring more money through donations and contributions, reduce reliance solely on the ward fund and ensure ward funding goes further to help deliver community led, locally based projects in the ward.

- Leverage and Match Funding

- Cllrs can use their budget as leverage to encourage voluntary or community organisation to apply for match funding, other grants, sponsorship or donations.
- Cllrs can signpost voluntary or community organisation looking for funding to search our free funding web portal: <https://www.idoxopen4community.co.uk/kirkleescommunity/>

- Grant Funding

- Cllrs can use their ward budget to offer a community grants scheme to fund third sector groups.
- Local criteria and process can be developed with Cllrs if they want to award grants to third sector organisations.
- The maximum grant that a Cllr can award to a group per financial year is £1k; if all three ward Cllrs support the project the maximum award is £3k (i.e. £1k each). Unless in exceptional circumstances discussed and agreed by the Cabinet portfolio holder.
- Grants to multiple wards can be considered if the applicant can demonstrate to Cllrs how the project will benefit residents in their ward. If the applicant cannot demonstrate the benefits, they will be signposted to the third sector team for advice on alternative and more sustainable funding opportunities.
- Groups applying for grant funding will be required to
 - adhere to the [Kirklees Council Grant Aid Policy for investment in Voluntary and Community organisations](#).
 - register with the [Grants Access Point](#) if they wish to apply for over £1,000.
 - Submit an application form via email or online.
 - Provide monitoring and evaluation on the outcomes achieved before another grant application will be considered.

- Participatory Budgeting

- Cllrs can allocate some of their budget to participatory budgeting (PB)
- PB gives local people an opportunity to pitch their ideas and have a say in how funding is spent in their wards.
- Some wards already do this through You and Your Community, our local PB approach.
- Advice and support on PB can be provided by the Democracy and Place Based Working team.

- Commissioning Council services

- Cllrs can commission Council services, for example by topping up service budgets to enhance a project or scheme, or for a one-off activity that will not incur on-going costs to Council services.

- Commissioning external services

- Cllrs can commission goods, works or services from external providers to meet a particular need. The procurement process set out in the Council's contract procedure rules must be followed.

Feedback, Monitoring and Evaluation

- Groups receiving grant funding are required to provide evidence and feedback of how their grant was spent and the difference it made.
- Cllrs will be expected to hold at least one meeting in public annually e.g. through a Ward Forum, or other community meeting, to report how they have allocated their budgets and the outcomes they have achieved.

Support for Ward Members

The democracy and place-based working team will: -

- be responsible for making payments in accordance with Cllrs decisions, subject to available budget.
- deal with the administration of the ward members budget for example keep records of all decision made, payments, budget balances available, issue grant award agreements, request evaluation and monitoring information etc.
- provide Cllrs with information on local priorities and needs identified through citizen engagement, data and intelligence to support members to maximise the impact of their budgets.
- provide information on other local funding available and signpost organisations to the third sector team for advice on other funding where appropriate.
- support Cllrs to use their budget as match funding and where possible help to lever in other funding e.g. through partnership bids, external grants and civic crowd funding (Growing Great Places)
- brief Cllrs on the benefits of civic crowdfunding and opportunities to attract donations / raise funds for projects in the public domain or with a social common goal.
- support commissioning of larger projects and provide project management support.
- provided advice and support on establishing criteria, process and promotion of a community grant scheme.
- providing a summary of schemes funded in each year for Cllrs to report on their spend.
- support Cllrs annually to report how they have allocated their budgets and the outcomes they have achieved.
- ensure a summary of schemes funded and details of spend is published on the Councils website annually.
- signpost groups to the third sector team for support and guidance about registering with the [Grants Access Point](#).
- produce an annual report highlighting the impact of the Cllrs ward budgets.

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Report title: Fleet Replacement and Investment - Transport Services Capital Investment Vehicle Replacement Programme (VRP) - £21.7m, Invest to Save Waste and Recycling Fleet - £3.264m and Winter Service Review Bulk Gritters - £1.8m.

Please note – The above figures do not include interest on Capital borrowing.

Meeting	Cabinet
Date	08th Oct 2024
Cabinet Member (if applicable)	Cllr Ahmed
Key Decision Eligible for Call In	Yes Yes
<p>Purpose of Report</p> <p>The purpose of the report is to seek Cabinet approval to proceed with the expenditure of:</p> <ul style="list-style-type: none"> • £21.7m from the agreed Capital Plan for the VRP (years 2025/26 – 30/31), supporting critical fleet replacement and transformation models over the next 6-year forecast; an invest to save approach to managing fleet efficiencies. • £3.26m to replace Waste and Recycling hired fleet with Capital purchase, supporting the reduction of the Councils expensive fleet hire costs by generating a fleet whole-life cost saving model (offsetting hire costs Vs. Capital), removing reliance on unreliable hired fleet and providing frontline operational stability by Capitalising fleet requirements. • £1.8m to replace the current fleet of hired Bulk Gritting Vehicles (hired on an annual basis for the Winter Service gritting operation) with Capital purchase fleet, to achieve a financial saving from year 5 and add flexibility for the future in terms of how the service could be delivered. 	
<p>Recommendations</p> <p>Cabinet are asked to:-</p> <ul style="list-style-type: none"> • Approve the procurement and award purchase contracts for the replacement of critical fleet and hired fleet assets outlined within the 3 Capital scheme proposals - £26.76m over the next 6 years. • Approve officer delegation to Service Director Highways & Streetscene in consultation with portfolio holder, to commence procurement activity for the VRP, Waste and Recycling hired fleet and hired bulk gritters replacements in line with the UK procurement regulations and Council Contract Procedure Rules. 	
<p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • To mitigate the risks, both financial and operational, from operating fleet beyond their Useful Economic Life (UEL). • Reduce the Councils expensive fleet hire costs by generating a fleet whole-life cost saving model by offsetting hire costs Vs. Capital. • Provide frontline operational stability by Capitalising fleet requirements, removing reliance on unreliable and limited market availability hired fleet. • To support the Environment Strategy, strengthening our transition to a greener fleet by replacing all vehicles under this VRP with the latest EURO 6 variants, including the future 	

EURO 7 adaptation if commissioned, benefiting our local air quality through further reduction in pollutants. Also, potentially replace some of the van fleet with EV's following further feasibility studies.

- To support Vision Zero by including the latest safety features available on the market within our fleet specifications (technological advances).
- Procurement of critical fleet replacement only; an immediate, and post services' transformational change, requirement.
- To ensure that all planned vehicle expenditure can be authorised by the Service Director from now up until the next Cabinet report is raised for the next round of funding requests. The delegated powers would include the authority to ensure that unforeseen issues can be dealt with by exception to respond to timely and urgent fleet replacements.

Resource Implication: Implementing the recommendation is to reduce financial and operational effectiveness risk, of operating fleet beyond their optimal replacement timescales and operating hire vehicles by investing £26.76m in critical fleet over the next 6 years.

Date signed off by Executive Director & name

David Shepherd - Executive Director for Place
17th September 2024

Is it also signed off by the Service Director for Finance?

Kevin Mulvaney - Service Director Finance
17th September 2024

Is it also signed off by the Service Director for Legal Governance and Commissioning?

Samantha Lawton - Service Director – Legal, Governance and Commissioning (Monitoring Officer)
24th September 2024

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public.

Has GDPR been considered? No implications.

1. Executive Summary.

- This report represents the latest phase of development in our fleet. We have grown our green fleet and infrastructure, secured new technologies to trial within the district to understand deliverability, and have now developed from the ground up a vehicle replacement programme that will ensure we replace fleet at the right time, before it starts impacting on service delivery, cost, and environmental impact.

This phase of investment centres around the replacement of critical frontline fleet, bringing them up to the highest environmental standards possible, whilst recognising the current limits of green technology. It also continues to deliver on Vision Zero, ensuring we have the most up to date safety technology on our roads. We will continue to review it as we move forward to ensure we remain flexible to any changes in services and developments in technology.

- Transport Services is a Corporate enabling service that manages the Capital Investment Vehicle Replacement Programme (VRP); an investment of the Councils future fleet aligned with operational requirements, providing efficiencies and value for money for the people of Kirklees.
- The Councils fleet is essential to core service delivery, an enabler, supporting Kirklees' vision to be a district that combines a strong, sustainable economy with a great quality of life.
- Service transformation challenges will continue to reshape and model the VRP and service fleet operating models moving forwards, ensuring only essential fleet is

replaced; minimising risk to directorates' from a financial and operational effectiveness perspective.

- All virements, additions and deletions would be reported retrospectively to Cabinet in accordance with Financial Procedure Rules dated Jul 2024. Please see Appendix A for list of vehicles that were purchased from the previous Capital allocation.

2. Information required to take a decision.

2.1 Background

Vehicle Replacement Programme (VRP)

- The purpose of the VRP is to provide the capital fleet replacement programme with accurate figures as to when vehicles should optimally be replaced considering the maintenance history, condition, and depreciation value of fleet, calculating a vehicle's Useful Economic Life (UEL). The Councils own comprehensive fleet datasets are used to calculate the UEL of vehicle types to support the programme - Table 4 para 2.2.4.
- Currently the Council are operating 242 fleet vehicles (approximately 33% of the vehicle fleet) and 64 trailers beyond their UEL, causing significant financial and operational delivery pressures.
- Historically, the VRP baseline Capital allocation was in excess of £4m per year, but this was reduced. The baseline is now £1.25m per annum, but this is not linked to any lifecycle analysis. Due to the condition of the fleet, in 22/23, capital was drawn down from future years VRP capital allocation (23/24 – 25/26) for expenditure on 48 replacement priority vehicles. Also, earlier this year, authority was provided to enable spend of £2.5m on 35 critically required vehicles, again, a drawdown from future years allocation.
- This report identifies a profiled approach to replacing critical fleet over a 6-year forecast, it doesn't cover the replacement of all the Councils fleet in accordance with their UEL though. Placing vehicle orders as soon as practicable, is required to assist with mitigating financial and operational risks in operating fleet beyond their UEL.

Invest to Save Waste and Recycling Fleet

- Hiring fleet is a costly method of fleet management, compared to Capital purchase. Hired fleet have been embedded to complete new Waste workstreams (rounds), as a result of round optimisation and growth. Therefore, these hired vehicles are not replacing fleet that are in workshops being maintained or past fleet that have been identified as beyond economical repair and therefore scrapped before Capital replacements enter service.
- The Waste and Recycling services do not receive any additional capital or revenue to fund service growth. Over previous years, several thousand houses have been built and new services introduced and grown without baseline funding, e.g. garden waste service. Whilst there has been some additional income to offset some revenue costs, this has not covered the whole amount. In addition, in order to secure vehicles, these have had to be hired due to the lack of Capital.
- Moving forwards, we are reviewing the local plan and the incoming Labour government has already started to set out an aggressive housing growth agenda. This will start to see the gaps opening up again in future years, how we deal with this moving forward will need to be discussed.

- As detailed in the Councils budget savings paper (approved 6th March), the Highway Service was tasked to achieve a £555k saving within the Winter Service operations for 24/25 winter season.
- Winter Service activities include: precautionary gritting, snow clearance, night patrols, grit bin filling, DTN forecasting, salt procurement and management, grit route optimisation, and bulk gritter hire.
- A review of bulk gritting vehicle provision identified hiring fleet as a more costly method of fleet management, compared to fully Council owned winter operational fleet. The current fleet of bulk gritting vehicles (12) are hired in on an annual basis for the Winter Service gritting operation to take place. The current hire cost for the winter 23/24 season (27wk period) is £355,796

2.2 Cost breakdown and risks

- Replacing vehicles is an exercise in risk management and operating ageing vehicles leads to increased maintenance as a result of prolonged vehicle downtimes (more complex and timely repairs), directly contributing to frontline service disruptions. To try and mitigate and manage this risk, services request short term vehicle hires, a significantly costly approach to fleet management.

2.2.1 Proposed Expenditure.

- **Vehicle Replacement Programme**

Table 1 details the proposed £21.78m vehicle expenditure. All vehicles identified to be replaced are frontline critical operational vehicles across services, key enablers to services delivery models.

Table 1. Forecasted Proposed Capital Commitment 25/26 to 30/31.

Financial year – place vehicle orders	Forecasted required funding
25/26	£7.749m
26/27	£0.551m
27/28	£0.682m
28/29	£5.618m
29/30	£6.679m
30/31	£0.501m
Total	£21.782m

Please note:

- Avg. 15 months vehicle lead-times as per current market state. During the procurement exercises and individual tender submissions, manufacturers will advise on specific lead-times.
- These figures represent the current fleet profile and therefore maybe subject to change. This is if certain accounted for vehicles are permanently removed from the fleet or are assessed as being in a good condition and so can be deferred for replacement to a following year (and vice versa, vehicles from future replacement years maybe brought forward due to operational requirements). Also, global vehicle market prices may rise which would result in less vehicles being able to be purchased.
- Forecasted inflation included.

- **Invest to Save Waste and Recycling Fleet**

The number of unfunded Waste and Recycling fleet hire vehicles to be capitalised is detailed in Table 2:

Table 2. Waste and Recycling fleet hire vehicles to be capitalised.

Replacement Proposal - Frontline	#	Cost (£m)
Trade Lifts	4	0.104
RCV	6	1.200
RCV Narrow	7	1.400
RCV Very Narrow	1	0.200
Mech Sweeper	1	0.090
3.5t Tipper	6	0.240
3.5t Box Van	1	0.030
Total	26	3.264

[Please note - Does not include short-term hires covering maintenance downtime and costings only indicative, subject to change following procurement exercises.]

Also, **£104k** (as noted in Table 2) Capital required to replace x 4 domestic lifts with trade lifts on x 4 18 RCV's, so trade can utilise these vehicles for trade application and bulky waste avoiding current and imminent hire costs. This is following a review of rounds and internal fleet optimisation. These modifications will ease the current pressure on the trade service which generates c. £4.2m income per annum.

- **Winter Service Review - Bulk Gritters**

Table 3 details the invest to save hire vs purchase costs for bulk gritters and also details breakdown of costs over a 10-year period (including interest on the capital borrowing).

Table 3. Hire vs Purchase (borrowing)

Year	Econ - hire cost	Purchase Cost	Interest payments	Principal monies	Borrowing balance
2025/26	£372,766.97	£150,000 x 12	£90,000	£143,108	£1,656,892
2026/27	£388,957.33		£82,845	£150,264	£1,506,628
2027/28	£406,115.23		£75,331	£157,777	£1,348,851
2028/29	£424,359.36		£67,443	£165,666	£1,183,186
2029/30	£443,833.12	Breakeven	£59,159	£173,949	£1,009,237
2030/31	£464,710.68		£50,462	£182,646	£826,590
2031/32	£487,204.41		£41,330	£191,779	£634,812
2032/33	£511,574.20		£31,741	£201,368	£433,444
2033/34	£538,139.20		£21,672	£211,436	£222,008
2034/35	£567,292.30		£11,100	£222,008	£0
10yr Totals	£4,581,794.29	£1,800,000.00	£531,082		
Capital Total		£2,331,082			

2.2.2 Sustainability - Impact on key Environmental indicators.

- It is still our ambition to transition to a greener fleet and Transport Services are focused on leading the way regarding sustainable fleet options in support of the Councils vision of 'Net Zero and Climate Ready Kirklees by 2038'. Over the recent years, the Council has made

some significant improvements. This includes investing £1m in procuring 35 electric vans, bringing the total electric van fleet up to 7.5%, compared to only 1% in 2019. Also, we have recently taken delivery of an Electric Refuse Collection Vehicle, the authorities first fully electric HGV.

- To continue making green fleet improvements, the replacement vehicles under this VRP will be as a minimum EURO 6; which emit 55% less NOx when compared to EURO 5. The EURO 6 engine is a much greener engine variation, this will benefit local air quality through reduction in pollutants such as NOx, SOx, CO2 and PM10's.
- Also, recently, the European Council has adopted the new EURO 7 regulation, outlining rules on future emission limits for road vehicles and battery durability: for cars, vans and HGV's. Changes will include:
 - Cars and vans. Existing Euro 6 exhaust emission limits but stricter requirements for solid particles.
 - HGV's. More stringent limits for various pollutants, including some that have not recently been regulated until now, such as nitrous oxide (N2O).
- In addition, Euro 7 introduces stricter limits for particle emissions produced when braking, with specific limits for electric vehicles. Early indication is that EURO 7 will likely to be introduced in Summer 2025 for cars and vans and at a later stage for HGV's.
- We will also continue to review our transition to EV vans and look at supporting through this capital allocation where feasible.

2.2.3 Maintenance savings and service disruptions.

Ageing vehicles are prone to breakdowns leading to increased maintenance downtimes, this puts significant pressures on the Transport Services Workshops in terms of demands on staffing resources and the maintenance budget (for example, the most optimal time to replace an RCV is at the 8-year mark, before the annual maintenance costs raise by 59% between years 8 and 9). In turn, this directly affects the Councils services, whose operations are reliant on fleet and as a result, putting service delivery at risk and severely under pressure. This factor is currently at play.

2.2.4 Hire costs.

As previously stated, to counteract this position, services turn to hiring vehicles in-order to cover vehicles that are off-the-road to ensure operations aren't affected. This results in significant hire costs being incurred. As fleet vehicles go beyond their UEL, this problem is accelerated. The current hire costs to the Council across all services this financial year, as of early July, is £724k (155 vehicles over this period), with Waste and Recycling showing a 24/25 projection of £1m+, a mix of breakdown replacement vehicles and additional requested vehicles to meet increased operational demands. Failure to replace fleet will see these figures increase. The Waste and Recycling fleet hired to meet the additional operational demands is detailed in section 3.4.

- Table 4 below, details the optimal replacement timescales for all vehicle types using fleet datasets. No vehicle will be replaced though without having a review of its current condition and risk. Therefore, some vehicles serviceable life maybe extended beyond their recommended optimal replacement timescales and will only be replaced as/and when required. However, if a decision is made not to replace fleet as per the optimisation timescales after individual vehicle reviews deem replacements are required, then the vehicles due replacement will become unusable in time for services to continue to operate and maintain service delivery.

Category	Optimal Replacement Timeframes
RCV / HGV	8 Years
Small Vans	8 Years
Compact Sweepers	5 Years
Large Sweepers	8 Years
Tipper Vans	9 Years
Pickups	8 Years
Large Vans	7 Years
Minibus	9 Years
4x4's	9 years

2.2.5 Vehicle Optimisation and transformational change.

Transport Services are currently carrying out a robust council-wide review of how fleet and plant is being used by Services, highlighting the opportunity for optimisation, a catalyst to transformational change; reduced overall fleet, mileage and fuel. The aim is to ensure that as a Council, we have a fleet that is fit for purpose and utilised to its full potential; identifying financial savings through realigning assets, reducing vehicle hires and fleet reduction where feasible, supporting the Councils vision of 'Net Zero and Climate Ready Kirklees by 2038'. To assist with this focus of optimisation and change, moving forwards, a Transport Operations Assurance Board has been set up and commissioned. This is to provide corporate oversight and to support services with enabling change, a link to service transformation, adopting an invest to save approach model. The board will validate services' transformational changes, discuss new fleet replacement, and also challenge significant hire, operational damage and lease costs.

- Optimisation of fleet is key for efficiencies and the board will champion this approach, changing the way we operate to work smarter with our fleet assets, ultimately reducing the need for fleet by operating differently.

2.2.6 Immediate need.

The replacement of fleet is a constant rolling programme, meeting the demands of operational usage to ensure efficient service delivery. As previously outlined in this report, operating fleet beyond its UEL and operating hire vehicles assigned to core workstreams adds a degree of risk to the organisation. Delaying replacing fleet compounds the risks further, increasing considerable pressures for services to manage, in some instances nearly to a point of failure. Therefore, investing in a fleet managed and replaced as per optimal replacement timeframes, brings consistent levels of assurance for services; the correct number of fleet and age profiles to meet the operational asks.

2.2.7 Services & agencies involved.

All services operating fleet will be consulted on regarding vehicle utilisation, requirements and specifications. Services will be involved in the procurement evaluation phase of all tender submissions, including sign-off and acceptance of individual bids before any formal purchasing contracts are finalised.

- We also have our statutory obligations regarding the Operator's Licence; the Driver and Vehicle Standards Agency (DVSA) and the Office of the Traffic Commissioner. Please see section 3, point iii.

3. Implications for the Council

Road transport is a fundamental requirement of sustaining business needs. Healthy fleet management is a way for the Council to control costs, improve productivity, lower risk and maintain compliance in our vehicle fleet. Road transport is also key to improving business efficiency and growth, investing to grow. Maintaining an older vehicle

counterproductive and provides itself with an array of issues and different degrees of risks. Currently, the Council is operating with an ageing fleet of vehicles due to previous reductions in funding of the Capital Investment VRP.

- The key priorities of maintaining a healthy Capital VRP investment are as follows:
 - i. **To ensure that all the Council services have vehicles and plant fleets that are fit for purpose, therefore minimising valuable vehicle maintenance downtimes to avoid critical service delivery disruptions** – Achieved by replacing vehicles at the end of their serviceable lives and not stretching the assets beyond.
 - ii. **Climate Change and Air Quality** - Having a modern fleet benefits local air quality through reduction in pollutants such as NOx, SOx, CO² and PM10's, this also ensures fuel consumption is optimised.
 - iii. **Maintain and protect the Office of the Traffic Commissioners Operators Licence (O Licence)** – Operating vehicles past their recommended optimal replacement years adds a degree of risk to maintaining legal roadworthiness as older vehicles have a greater risk of component failure compared to their newer counterparts. Not complying to the undertakings of the O Licence, could result in a revocation, suspension or curtailment of our licence (removing or restricting the numbers of HGV's we can operate, be it owned, leased or hired assets). This could have catastrophic effects on the Councils statutory services.
 - iv. **Support Vision Zero** – Include the latest vehicle safety features within our future fleet specifications.
 - v. **Ensure that our Workshops can focus their priorities on keeping vehicles that are within their optimal lifespan roadworthy** – Not having to undertake expensive and complex repairs on a regular basis on vehicles which have past their optimal timespan, is critically important in maintaining operational effectiveness (therefore minimising frontline service disruptions).
 - vi. **Maintain duty of care over employees and authorised passengers (HSE requirements)** – A HSE requirement, is to ensure that vehicles are maintained in a safe and fit condition. Vehicle development and improvements in both construction and technology ensure that driver safety is constantly being advanced through the introduction of safety features such as, automatic braking etc. Also, in the event of a vehicle being involved in a major impact, technological advances through the redesigns of crash protection and crumple zones, result in greater vehicle occupancy and third-party protection. Therefore, this can reduce the likelihood of fatal or serious injuries, in line with Vision Zero's aim.
 - vii. **Save maintenance costs on expensive vehicle end-of-life repairs** – Repairing vehicles which have surpassed their optimal replacement timescale is not cost effective.
 - viii. **Maintain a positive Councils Image** – Ageing vehicles suffer from rust and chassis corrosion. This could affect how the public portray the professionalism of the Council and should be something which we are trying to avoid. It is also extremely costly and time consuming to repair bodywork or a chassis.

3.1 Working with Partners

Transport Services will continue to work with services to understand their current and future needs, by using more controlled methods of fleet replacement and adopting a strategic approach to vehicle replacement for critical service delivery (this involves a support and challenge approach and ongoing market research to understand all options of fleet availability). The Transport Operations Assurance Board will provide the link to service transformation, ensuring services are supported and review their operational delivery models to identify current and future fleet needs.

3.2 Place Based Working

The vehicles listed within this report to be replaced have been tailored to the needs of the services which serve all areas of Kirklees. The vehicle specifications will be written using intelligence from the services, ensuring that all vehicles are designed to meet the needs of the areas and communities that they will be operating in.

3.3 Climate Change and Air Quality

Please see *Sustainability - Impact on key Environmental indicators*.

3.3 Improving outcomes for children

There will be no impact.

3.4 Financial Implications

Vehicle Replacement Programme

- A cost analysis has been completed to compare Capital vs Lease option. Please see Table 5 below:

Table 5. Capital vs lease option.

Year	Capital Forecasted Cost	Lease Forecasted Cost
2025/26	£7,749,000	£10,534,000
2026/27	£551,000	£755,000
2027/28	£682,000	£934,000
2028/29	£5,619,000	£7,698,000
2029/30	£6,679,000	£9,085,000
2030/31	£501,000	£601,000
Total	£21,781,000	£29,607,000

Please note – The above figures do not include Capital borrowing costs and represent the current fleet profile and therefore maybe subject to change. Forecasted inflation included.

- Leasing would be the more costly option, approx. £7.8m extra funding required over the recommended lifespan of the vehicles.
- Please see Table 1 for the recommended Capital purchase option. The forecasted £21.7m is based on the latest financial and operational modelling. As we move to procurement, we will continue to assess need and value for money, which may create some variance. Prices are also subject to competitive tendering. Identification, procurement, and delivery will be overseen by the Transport Operations Assurance Board.

Invest to Save Waste and Recycling Fleet

- 3 options have been considered:
- **Option 1 - Continue with hire fleet model**

Pros

- Short lead-times (within 2 weeks), providing right specification vehicle available on the market

Cons

- Most expensive option. Current weekly hire cost of a 26t RCV is £239 per day, £4.8k - 4 weeks

- Some of the hired RCV fleet is older than our Capital fleet
- Uncontrollable inflation and price escalations
- Unreliable and have to wait for hire companies to rectify faults (increasing fleet downtimes)
- Not always available, specifically 18t RCV's or more specialist units
- Outsourced maintenance (risk to the Operator's Licence – loss of degree of control)
- Administration resource demanding (invoicing, recharging and corresponding with hire companies)
- No partial cost recuperation upon end of life, asset not owned

- **Option 2 - Leasing model**

Pros

- No initial large Capital outlay

Cons

- More expensive than Capital purchase. A 26t RCV on lease costs £36k per year, £288k over an 8-year useful economic life period. This is £78k more than a Capital purchase RCV over the same 8-year period
- Same lead-times as Capital purchase, up to 18 months from point of order
- No cost recuperation, don't own asset
- Additional cost on return conditions
- Costly maintenance package (outsourced, risk to the Operator's Licence – loss of degree of control)
- More resource intensive (invoices, arranging agreed repairs etc.)
- Leasing now classed as prudential borrowing

- **Option 3 - Capital purchase model**

Pros

- Most value for money model, saving an avg. £78k per RCV over 8-year period vs hire cost
- Fleet owned outright, more flexibility for future specification modifications (such as replacing on-board weighers and installing new telematics etc.)
- In-house maintained (lower risk to Operators Licence)
- Return on end-of-life asset upon point of sale

Cons

- Initial outlay

3.5 Legal Implications

Procurement of new vehicles will comply with the Council's Contract Procedure Rules 2024 and the UK procurement regulations. The Council has a duty to obtain Best Value under the Local Government Act 1999.

3.6 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

Health and Safety Oversight Risk Matrix. Operating vehicles beyond their UEL is a risk to the organisations Operators Licence, regarding the following undertaking:

- *'Motor vehicles and trailers, including hired vehicles and trailers, are kept fit and serviceable;'*

- This risk is reiterated in the DVSA's Guide to Maintaining Roadworthiness, the regulators legal document:

'Older vehicles and trailers

National statistics show that as vehicles and trailers age, the average annual MOT failure rate increases and they are more likely to experience in-service roadworthiness defects than newer vehicles'.

- As previously outlined within this report, the risk of not maintaining legal roadworthiness in severe non-compliance terms could result in a revocation, suspension or curtailment of our licence. For example, recently another local authority had to call off its domestic, trade and garden waste collections after its Operator's Licence was revoked regarding not meeting a requirement of the licence.
- **Integrated Impact Assessment (IIA)**

Completed, no impact. [Integrated Impact Assessment - Fleet Replacement and Investment](#)

4 Consultation

No requirement for a formal consultation.

5 Engagement

- The Vehicle Replacement Programme (VRP) is a running Capital commitment programme, managed by Transport Services, a Corporate enabling service. The VRP is an investment in the Council's fleet of the future, a fleet that enables and supports Council operations.
- Engagement with services regarding specific fleet requirements is a rolling commitment, including services reviewing their individual operational delivery models; to ensure that the fleet required and procured is efficient, fit for purpose, the latest emissions standards and provides value for money for the people of Kirklees.

6 Options

6.1 Options Considered

Vehicle Replacement Programme

We have undertaken an analysis to see best value regards procuring vehicles:

- Option 1: Capital Purchase: Seek to capital purchase replacement vehicles at the end of their economic life. (Recommended)
- Option 2: Lease hire: Procure long term lease arrangements for replacement vehicles at the end of their economic life.
- Option 3: Spot Hire: Continue to operate the fleet until failure and replace with spot hire arrangements. Spot hire is 73% more costly than option 2's lease hire (annual difference per vehicle comparison).

It is recommended that Option 1 is taken. This represents the best value for money in terms of whole life costs. Option 2 on average would cost an additional 29% more than capital purchase. Option 3 would be even greater than this, and would also run the risk of service failure, as we would be subject to market availability for any hired replacement as and when they were required.

Invest to Save Waste and Recycling Fleet

Three options have been evaluated:

- Option 1: Continue with hire fleet model
- Option 2: Leasing model
- Option 3: Capital purchase model.

It is recommended that Option 3 is taken. This is the cheapest option, best value for money model, lowest risk to Operator Licence and Waste operations.

Option 1 and 2 have been discounted as these are more expensive models, adding more risk to the organisation on financial and operational factors.

- **Winter Service Review - Bulk Gritters**

Two options have been evaluated for bulk gritters:

- Option 1: Continue with hire of bulk gritters each winter.
- Option 2: Capital purchase model.

It is recommended that Option 2 is taken. This is the best value for money model and supports the Council with achieving savings targets.

6.2 Reasons for recommended Option

The capital purchase of assets options for all 3 reviews, were the lowest overall cost option and presented best value for money.

7 Next steps and timelines

- Transport Services will continue to manage the VRP and deliver the vehicles necessary to meet service needs working in conjunction with Procurement. They will also report into the Transport Operations Assurance Board, providing metric savings updates on optimisation and ongoing support to services to assist transformation change and delivery models.

8 Contact officers

Vehicle Replacement Programme and Invest to Save Waste and Recycling Fleet

- Nick Clegg-Brearton CMILT (Fleet and Transport Manager)
Email: Nick.Clegg-Brearton@kirklees.gov.uk
Tel: 01484 221000
- Neil Conway (Operational Manager - Waste & Recycling)
E-mail: Neil.Conway@kirklees.gov.uk
Tel: 01484 221000

Winter Service Review Bulk Gritters

- Robert Jowitt (Highways Programme Manager)
E-mail: Robert.Jowitt@kirklees.gov.uk
Tel: 01484 221000

9 Background Papers and History of Decisions

- 09th April 2024 - [Vehicle Replacement Cabinet Report](#)
- 24th December 2021 – [Vehicle Replacement Cabinet Report](#)
- November 2018 - [Vehicle Replacement Cabinet Report](#)

10 Appendices

- None

11 Service Director responsible

- Graham West (Service Director - Highways & Streetscene)
Email: graham.west@kirklees.gov.uk
Tel: 01484 221000

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Appendix A - Public

Fleet Replacement and Investment - Transport Services Capital Investment Vehicle Replacement Programme (VRP) - £21.7m, Invest to Save Waste and Recycling Fleet - £3.264m and Winter Service Review Bulk Gritters - £2.93m.

- This Appendix is recommended to be taken in Private because the information contained in it is considered to be exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely affect overall value for money and could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in council decision-making.
- The table below details the actual number of vehicles by type that were replaced during 2022/23.
- There were some variances to the original forecast, this was due to operational reasons.

Table 1 – 2022/23 Capital Expenditure.

Vehicle Type	Qty
RCV HGV	21
4x4	8
3.5t tipper van	6
Road sweeper	4
Minibus	4
Compact Sweeper	3
E-RCV	1
Panel Van	1
Total	48

Total Capital Expenditure - £6.25m

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REPORT TITLE: Household Waste Recycling Centre Efficiency Savings

Meeting:	Cabinet
Date:	8 th October 2024
Cabinet Member	Cllr Ahmed (Portfolio)
Key Decision Eligible for Call In	No No – Item returning from Scrutiny Call In.
Purpose of Report	
To seek Cabinet approval to make operational changes to the Household Waste Recycling Centres (HWRC) service, including closures and amendments to opening hours.	
Recommendations	
<ul style="list-style-type: none"> • That the Nab Lane HWRC is closed in late Autumn / Winter. • That the Bromley Farm HWRC is closed Wed and Th in late Autumn / Winter. • That the Meltham HWRC is closed Mon and Tue in late Autumn / Winter. 	
Reasons for Recommendations	
<ul style="list-style-type: none"> • The proposed changes meet the Medium-Term Financial Plan Targets for this service. • The remaining service provision remains reasonable under the WRAP Household Waste Recycling Centre (HWRC) Guide 2018. • Eliminates the need for expenditure on repairing or modernising the Nab Lane site. • Allows the peak opening times to be maintained at the remaining sites for rural residents. • Avoids the need to make savings by restricting the waste types or removing containers across all 5 sites or other services such as Street Cleansing. • The Nab Lane site can be retained for future waste requirements or added to the Councils landbank. • Weaving Lane has capacity and avoids increasing the pressure on queue times at Emerald Street. 	
Resource Implications:	
The proposed changes meet the financial targets with the MTFP set for this service. If the decision to close is not made, then this level of saving will be required from other services with the Directorate.	
Date signed off by <u>Executive Director</u> & name	David Shepherd, Executive Director for Place. 24/9/24

<p>Is it also signed off by the Service Director for Finance?</p>	<p>Graham West, Service Director for Highways & Streetscene. 24/9/24.</p>
<p>Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?</p>	<p>James Anderson, Head of Finance & Accountancy on behalf of Kevin Mulvaney, Service Director Finance. 23/9/24.</p> <p>Samantha Lawton, Service Director Legal & Commissioning. 24/9/24.</p>

Electoral wards affected: Birstall & Birkenshaw, Gomersal & Liversedge, Cleckheaton, Denby Dale, Holme Valley North.

Ward councillors consulted: Ward Councillors were invited to the open Scrutiny Meeting and individual meetings held with Officers and some affected Cllrs.

Public or private: Public.

Has GDPR been considered?

1. Executive Summary

Kirklees Council currently provide 5 HWRCs across the borough. All sites are operated by SUEZ under contractual arrangements.

The Council approved its 24/25 budget on the 6th March 24 to deliver a range of savings targets in order that this Council can ‘live within its means’. HWRCs are clearly identified within the report to make savings in this financial year.

The current operator, SUEZ, is experienced in delivering HWRC services across several waste contracts around the UK, and they were asked to consider the options for making efficiency savings. They held internal meetings with their operational teams on the ground and their bid team to identify what was operationally feasible. This considered their insight of site usage, peak times of demand and the positions on other local authority HWRC contracts where recent reductions in provision of sites or hours had delivered operational savings.

There is also no statutory guidance for how near a household should be to a HWRC or the minimum level of provision. However, the decision considers the Waste & Resources Action Programme (WRAP) Guidance 2018 which identified framework of what is a reasonable level of service. [WRAP guidance 2018](#).

The design and layout of the facilities was also considered. In the case of Nab Lane the site **does not** comply with current WRAP or HSE Guidance. It can however operate today under a legacy arrangement but in the forthcoming procurement there will be concern from potential contractors over operating it moving forward. At this point the market will expect a level of investment from the Council to bring it up to modern standards. This level of investment has not been deemed affordable in the current financial environment.

The decision also considered available capacity or the HWRCs and took recognition of the new provisions currently under construction at Weaving Lane as part of the TransPennine Rail Upgrade, which will result in a new facility at Weaving Lane. A new facility that will provide residents with a modern, easy to use and safer environment at no cost to the council.

The changes to the HWRC sites resulting from the decision are set out in the table below:

Site	Mon	Tues	Wed	Thu	Fri	Sat	Sun
Nab Lane	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Bromley Farm			Closed	Closed			
Meltham	Closed	Closed					
Emerald Street							
Weaving Lane							

2. Information required to take a decision

WRAP (Waste & Resources Action Plan) Guidance:

There is no statutory guidance or minimum level of proposition for HWRCs. WRAP Guidance states in practice individual local authorities should reach their own conclusions in terms of minimum acceptable levels of HWRC provision.

The same Guidance suggests the following points as a reasonable minimum:

- Maximum catchment radii for a large proportion of the population: 3 to 5 miles (very rural areas: 7 miles).
- Maximum driving times for the great majority of residents in good traffic conditions: 20 minutes (very rural areas: 30 minutes).
- Maximum number of inhabitants per HWRC (in all but the most urbanised areas): 120,000.
- Maximum number of households per HWRC (in all but the most urbanised areas): 50,000.

Wards and Population Affected by Nab Lane Closure:

The table below identified the directly affected wards. Those residents who live within the Batley East & West areas are a similar distance between the two sites and so have not been included. This change affects approximately 12% of the Kirklees population and will result in approximately 53,522 additional residents visiting the Weaving Lane Household Waste Site.

Ward	Population (2021 Census)
Liversedge & Gomersal	19,418
Cleckheaton	17,187
Birstall & Birkenshaw	16,917
Total	53,522
Total Kirklees	433,216
% of Kirklees	12%

Population of Wards proposed to use Weaving Lane HWRC, Dewsbury:

The Wards below have been identified as using the Weaving Lane site, post closure. The total population comparison is 191,494 against a suggested WRAP maximum of 120,000. This is

higher than the guidance however it also states this is measure applies in all but the most urbanised areas, which would include some of the areas served in this instance.

Ward	Population (2021 Census)
Birstall & Birkenshaw	16,917
Cleckheaton	17,187
Heckmondwike	18,153
Batley East	18,904
Dewsbury South	19,261
Liversedge & Gomersal	19,418
Mirfield	19,771
Dewsbury East	20,086
Batley West	20,109
Dewsbury West	21,688
Total	191,494

Average Distance and Travel Time for Weaving Lane HWRC, Dewsbury post closure:

The table below identifies the travel distance and times, to compare against the WRAP Guidance.

Area	Weaving Lane, Dewsbury		Population (2021 Census)
	Distance (Miles)	Travel Time (Min)	
Birstall & Birkenshaw	6.1	20	16,917
Cleckheaton	4.8	19	17,187
Heckmondwike	2.8	9	18,153
Batley East	2.9	12	18,904
Dewsbury South	1.0	5	19,261
Liversedge & Gomersal	4.1	15	19,418
Mirfield	3.0	12	19,771
Dewsbury East	1.0	5	20,086
Batley West	2.9	12	20,109
Dewsbury West	1.0	5	21,688
Average	3.0	11	

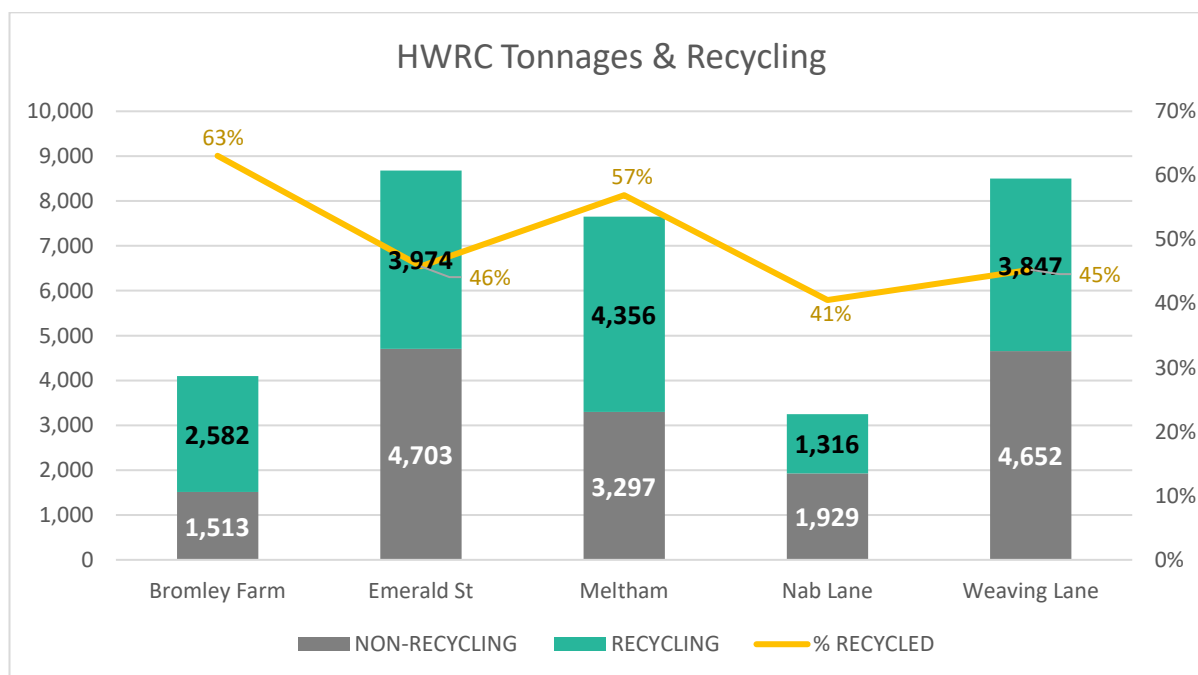
The overall compliance position is summarised below. This shows all wards are compliant under the suggested guidance, except for Birstall & Birkenshaw, which is 1.1 miles further than the 5-

mile target. However, it is worth noting that the guidance uses the terms ‘large proportion’ and ‘great majority’, recognising that there will be some variation, and the guidance is not an absolute position.

Area	WRAP Guidance	
	Distance (< 5 Miles)	Travel Time (< 20 Min)
Birstall & Birkenshaw	X	✓
Cleckheaton	✓	✓
Heckmondwike	✓	✓
Batley East	✓	✓
Dewsbury South	✓	✓
Liversedge & Gomersal	✓	✓
Mirfield	✓	✓
Dewsbury East	✓	✓
Batley West	✓	✓
Dewsbury West	✓	✓
Average	✓	✓

Tonnages and Performance:

The table below shows the latest annual information for all HWRCs within Kirklees:



The Nab Lane HWRC receives tonnages of 3,245 per annum and has a recycling performance of 41%. This is the lowest for both measures in Kirklees. Bromley Farm has the next lowest usage and receives 4,095 tonnes per annum but has the highest recycling rate of all HWRCs at 63%.

The total tonnages per annum that would be received at the Weaving Lane HWRC post closure would be 11,744, which is significantly under the WRAP suggested maximum of 17,250.

Comparison with West Yorkshire:

The WRAP Guidance has been used as this reviewed national data and included factors such as urban and rural environments. It also reviewed case studies and Local Authority practices, which did include Leeds Council.

When comparing with West Yorkshire neighbours the table below shows the estimated populations and number of sites:

Local Authority	Est. Population	# HWRC Sites	Pop / Site
Wakefield	353,000	3	117,667
Leeds	812,000	8	101,500
Bradford	560,200	8	70,025
Bradford (New)	560,200	5	112,040
Calderdale	208,700	5	41,740
Calderdale (New)	208,700	4	52,175
Kirklees	433,200	5	86,640
Kirklees (New)	433,200	4	108,300

The figures show that Bradford, Calderdale and Kirklees have all proposed a reduction in the number of sites, with Bradford having implemented these changes from April 24. When comparing the density of provision, the level of service is comparable to that of Leeds, Bradford and Wakefield.

It is worth noting that the cross-border use of sites was also considered. The nearest sites to the affected wards are included in the table below:

Site	Council	Approx. Distance (Miles)			
		Nab Lane	Birstall & Birkenshaw	Liversedge & Gomersal	Cleckheaton
Brighouse	Calderdale	8.8	7.3	5.7	4.6
Middleton	Leeds	7.0	7.9	8.2	11.5
Pudsey	Leeds	7.0	7.4	8.4	9.4
Low Moor	Bradford	6.8	5.8	4.9	3.7
Weaving Lane	Dewsbury	-	6.1	4.1	4.8

When comparing the travel distance to the Weaving Lane proposal, the Dewsbury site is either closer or of a comparable distance to any cross-border facility. In addition, any cross-border agreement would require a financial payment, which would erode or potentially eliminate the intended saving altogether. Taking both these factors into account it was concluded that this option was not viable to take forward.

Regulator Positions:

HWRCs are regulated by the Environment Agency under the environmental permitting regulations, and the Health and Safety Executive. The change is principally around a review of the waste procurement strategy, initially the Household Waste Recycling Centres (HWRCs) were going to be brought back in-house for the Council to operate at their risk. Due to the Council's budget position, it was found to be more efficient to keep the HWRCs within the integrated and modernised waste disposal contract, and a transfer of the permit has the potential to trigger a review of the permit conditions.

Nab Lane is not a split-level site and the Waste Industry Safety & Health (WISH) forum published V2 of a formal guidance document in April 2024 [Health & Safety at HWRCs](#), that states split-level sites should be utilised to segregate pedestrians and traffic, avoid significant slip & trip hazards and minimise the risk of falls from height.

The standards are also set out in the WRAP Guidance for HWRCs [WRAP guidance 2018](#). Government and Council Recycling Targets for HWRCs are set to increase under the new contract, and the WRAP guidance evidences that Split-level sites can improve their efficiency, help increase recycling, enhance the experience of the public, and make it easier for both users and staff to focus on recycling.

For the period 2021/22, 2022/23 and 2023/24 there were 20 Near Misses, 2 Personal Injuries and 14 reports of property damage at the Nab Lane site. For the same period there were 9 Near Misses, 9 Personal Injuries and 4 reports of property damage at the Weaving Lane site. This shows that, when factoring in the tonnage throughput, the level of incidents at Nab Lane are nearly 6 times higher than that of Weaving Lane.

HWRC Capital Development Costs:

The Nab Lane HWRC is the only one within Kirklees that requires users to walk up gantry steps to disposal of items, which as mentioned above, does not comply with the WRAP Guidance and creates H&S concerns. It also creates additional physical burdens for vulnerable users of the sites, who must carry waste up and down stairs.

Any new facility would be required to have split levels, which means users can park their vehicles on the same level as the top of the containers, allowing passage over an even surface and minimising any risk of injury.

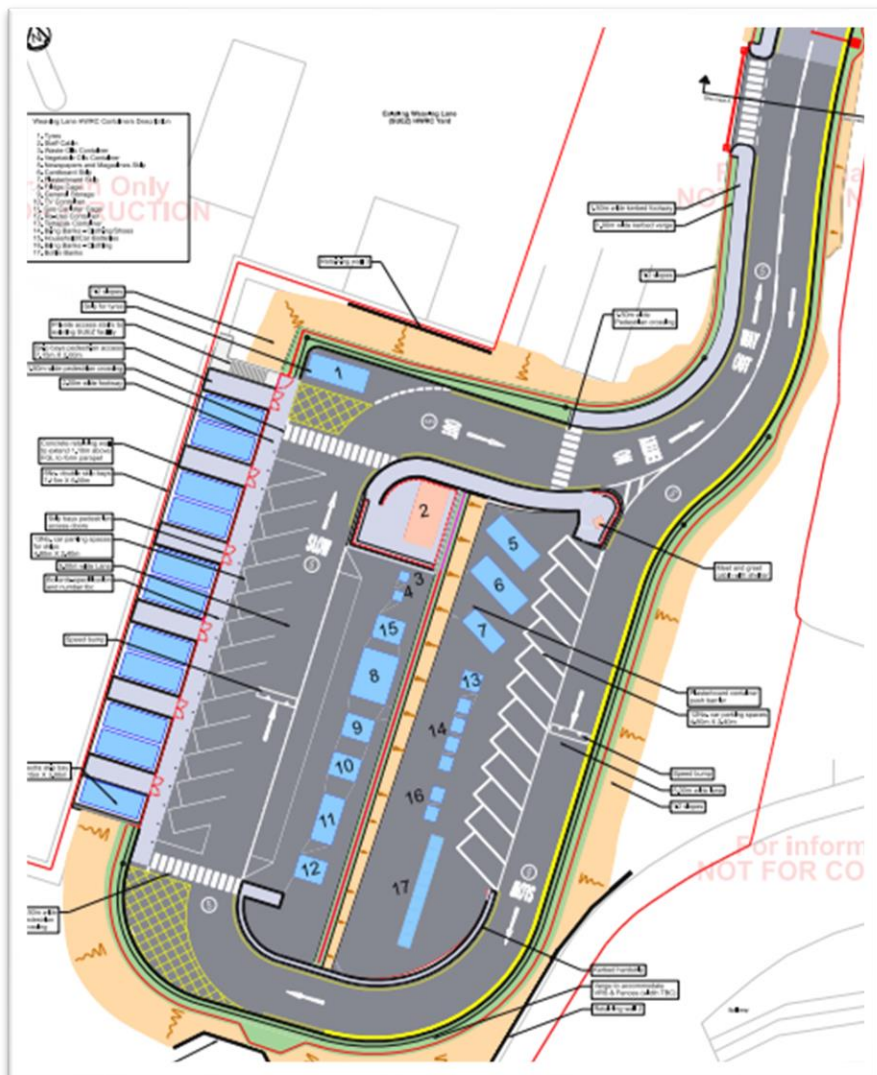
In discussions with SUEZ, and with a view to the upcoming procurement, an estimated price of £7m (rounded up from the £6.3m average for inflation) was provided to redevelop the site into a modern, fit for purpose facility. This was benchmarked as part of the wider waste strategy work and WSP, our technical advisors, provided the following cost estimate:

DESCRIPTION	OPTION 1
DEMOLITION AND SITE CLEARANCE	£82,409
EARTHWORKS	£595,954
DRAINAGE	£91,610
RC WALLS TO RAMPS AND UNLOADING AREA	£329,366
RC WALLS Lower Unloading Area	£36,610
HARDSTANDING	£575,189
SAFETY FENCING & BARRIERS	£277,107
BUILDINGS & UTILITIES	£218,800
MISCELLANEOUS WORKS	£103,924
CANOPY	£609,000
ALLOWANCE FOR UNMEASURED ITEMS	£218,998
PRELIMINARIES / GENERAL ITEMS	£1,098,638
CONTINGENCY	£423,760
CONSTRUCTION COST SUB-TOTAL	£4,661,363
CONSTRUCTION COSTS (EXCLUDING VAT) Rounded upto nearest £100K (GBP)	£4,700,000
PROJECT ON-COSTS (Allowance)	£1,410,000
CONTINGENCY	£141,000
Project On-Cost Sub-Total	£1,551,000
CAPEX TOTAL (EXCLUDING VAT) Rounded upto nearest £100K (GBP)	£6,300,000
EST. ACCURACY LOWER LIMIT (GBP) AACE Class 4	£5,355,000
EST. ACCURACY UPPER LIMIT (GBP) AACE Class 4	£8,820,000

This provided a cost envelope of £5.3m to £8.8m as of November 2023, and an actual estimate of £6.3m, which was comparable. It should be noted that the Nab Lane site is also a closed landfill, which creates additional complexity.

Future Development of Weaving Lane HWRC:

As part of the ongoing investment within Kirklees by the TransPennine Rail Upgrade, the Council will benefit from a brand-new facility being development adjacent to the current Weaving Lane site. This facility design has been developed in partnership with the TRU, the Council and SUEZ, to provide a modern, fit for purpose facility that will be more than capable of servicing the increased demands on it. A general layout drawing is included below. This investment is coming at no cost to the Council:



3. Implications for the Council

3.1 Council Plan

The remaining service would continue to be measured as reasonable under the WRAP Guidance. The remaining sites would be Split-Level, which improve both safety and performance of the sites and help contribute to targets.

3.2 Financial Implications

This proposal was included as part of the Council Budget 24/25:

Directorate	Growth and Regeneration				
Service Area	Operational Services				
Headline Proposal	Household Waste Recycling Centre Opening Hours Review				
Reference number	24EC9				
Forecast Savings	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	2028/2029 £000
Incremental Savings	(56)	(134)	-	-	-
Cumulative Savings	(56)	(190)	(190)	(190)	(190)
FTEs affected	-	-	-	-	-

If this savings is not achieved, then the equivalent amount will need to be found from alternative services.

3.3 Legal Implications

The Council is a Waste disposal Authority (WDA) and has a statutory duty to provide HWRCs under Section 51 of the Environmental Protection Act 1990. The relevant requirements are:

- Section 51(1)(b) provides that it shall be the duty of each waste disposal authority to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited.
- Section 51(2) (a) provides that each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area.
- Each place must be available at all reasonable times (including at least one Saturday or following day of each week except a week in which Saturday is 25th December or 1st January) (Section 51(2)(b)).
- It must be available free of charge to persons resident in the area (Section 51(2)(c)).

Section 55 provides the legal power to WDAs to make arrangements to recycle waste as respects which the authority has duties under Section 51(1).

There is no statutory guidance or minimum level of provision for HWRCs. WRAP Guidance states in practice individual local authorities should reach their own conclusions in terms of minimum acceptable levels of HWRC provision.

This change will require an amendment to the contract with SUEZ to reflect the reduction in the number of sites operated and the financial payments.

3.8 Integrated Impact Assessment

This is the original IIA Sept 23 when the Budget proposal went forward and carried into the March / April Cabinet reports:

[Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/IntegratedImpactAssessment)

A refresh was also undertaken at the point of DDN decision, overall, the IIA showed a Neutral Impact:

[Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](https://www.kirklees.gov.uk)

4. Consultation

There is no statutory requirement for a consultation on these services, statutory guidance or minimum level of service provision.

Previous consultation on the Waste Strategy did gain a level of feedback from residents which confirmed Nab Lane as the least used site within Kirklees, which was evidenced further by the tonnage information.

The consultation on the proposal was integrated as part of the budget consultation, this was held on our Involve website and was widely communicated at the time. This is undertaken every year and puts forward proposed changes to budgets and resulting service impacts.

Residents were able to take part ahead of the final budget being agreed in the Cabinet report in March. Information can be seen here:

[Budget and accounts | Kirklees Council](https://www.kirklees.gov.uk)

And specific templates are available here:

[2024/25 Budget Saving Proposals - Growth and Regeneration \(kirklees.gov.uk\)](https://www.kirklees.gov.uk)

These reference both a review of opening hours and efficiencies from the HWRC service. The opening hours of a facility can range from zero to the limits of the Environmental Permit, depending on operational requirements.

5. Engagement

The Councils budget setting process identified a target saving from the district's HWRC sites (Budget report 6th March 2024, Item 24EC9).

[Microsoft Word - Cover Letter - Despatch Budget Motion 2024.doc \(kirklees.gov.uk\)](https://www.kirklees.gov.uk)

To meet the saving, a data led review was undertaken with SUEZ, and ultimately the primary option identified was to reduce opening hours on 2 HWRC and close Nab Lane. This review was also identified in the Cabinet report on Waste that was presented on 9th April:

[Agenda for Cabinet on Tuesday 9th April 2024, 1.30 pm | Kirklees Council](https://www.kirklees.gov.uk)

The following were resolved at this meeting:

4) That authority be delegated to the Strategic Director Growth and Regeneration, Service Director Legal Governance and Commissioning and Service Director for Finance to:

(iii) Take a decision following a further review to identify if efficiency opportunities could be made by mothballing the Kirklees Materials Recovery Facility and using a third-party facility and/or changes to household waste recycling centre services.

The subsequent DDN notice is published here:

[Decision - Waste Disposal Contract - Household Waste Recycling Centre Efficiency Savings | Kirklees Council](#)

The closure of a site was also specifically discussed at a scrutiny meeting ahead of the April Cabinet, and can be viewed here:

[Agenda for Environment and Climate Change Scrutiny Panel on Wednesday 27th March 2024, 2.00 pm | Kirklees Council](#)

At the time Scrutiny did not request any further information.

Following the publication of the Delegated Decision Notice, the decision was subject to call in by Scrutiny. Officers have met with Ward Councillors ahead of this and attended public Scrutiny to respond to questions. All Councillors and members of the public were welcome to attend this meeting.

The release of information was not undertaken in the way that had been intended, and apologies were provided to ward Cllrs and MPs for this. Details of this meeting can be found here:

[Agenda for Environment and Climate Change Scrutiny Panel on Tuesday 10th September 2024, 4.00 pm | Kirklees Council](#)

Scrutiny resolved that that the decision taken in relation to Waste Disposal Contract – Household Waste Recycling Centre Efficiency Savings be referred to the Decision Maker with the following recommendations in relation to the areas of focus as follows:

1. (Openness) That the Decision Maker be requested to refer the matter to Cabinet for determination due to the Panel's view that there was a lack of openness and understanding at the time when the delegation was made to the Executive Director for Place Growth and Regeneration (Cabinet 9th April 2024) and it wasn't clear that closure of a site was an option being considered.
2. (Consultation) The Panel resolved that there was a lack of engagement with Ward Councillors and service users and that more consultation with all relevant stakeholders must take place in the future.
3. (Options) That all alternative options and the reasons they were disregarded be shared as part of the decision-making process in future.

This report is intended to satisfy Point 1 and 3. In terms of Point 2 on future engagement, it is intended, following confirmation of the decision, that further meetings will be held with Ward Cllrs regarding implementation of the decision.

6. Options

6.1 Options considered

Overall, the following options were available to the Council:

- Do Nothing: Given the wider Council finances and the need to balance budgets this was not an option.
- Closure of the MRF and use of a Third-Party Facility: This option could not progress as the Third-Party facility was no longer available.

- SUEZ Options:
 - 1. Closure of Nab Lane only – This alone was unable to raise the efficiency savings necessary.
 - 2. Closure of Nab Lane and reducing hours across the remaining sites – This approach could not be implemented by SUEZ due to the rota requirements.
 - 3. Closure of Nab Lane and reduced hours at Bromley Farm and Meltham (decision) – Data driven (tonnages/recycling) and meets the efficiency target. This also continued to provide a reasonable service under the WRAP Guidance.

6.2 Reasons for recommended option

It is recommended that Option 3 is taken forward as this achieves the MTFP targets as well as continuing to maintain a reasonable level of service.

The overall saving requirements have been balanced across multiple services. If the HWRC one was not achieved, then further reductions in other services would be required. In assessing the impact of the proposal against the WRAP Guidance, this change can be made whilst continuing to provide a reasonable service to residents. Any further increases in charges within the waste services, or reduction in services such as Street Cleaning, were viewed as having a more negative impact than the proposal itself.

The design and layout of the facility was also of concern. The site does not comply with WRAP or HSE Guidance. It can operate today under a legacy arrangement but in the forthcoming procurement there will be concern from potential contractors over operating it moving forward. At this point the market will expect a level of investment from the Council to bring it up to modern standards. This level of investment has not been deemed affordable in the current financial environment.

7. Next steps and timelines

SUEZ have commenced formal discussions with staff as part of the potential redundancy procedures. This is due to conclude late Autumn, and will allow for implementation around this time, subject to this final decision by Cabinet.

8. Contact officer

Will Acornley – Head of Operational Services

9. Background Papers and History of Decisions

We have provided a timeline of briefings and information sharing with Cabinet and Portfolio Holders below:

- 26th September 2023 – Detailed discussion with Portfolio Holder over all proposed saving templates and options/impacts including HWRCs.
- 4th December 2023 – Final options from SUEZ were presented to Portfolio Holder, who selected a preferred one.
- 8th January – Budget Pressure and Savings discussed with Portfolio Holder – Including HWRC proposals.
- 15th January – Waste Procurement was discussed ahead of the Cabinet Report in April.

- 6th March – Arrangement meeting with Portfolio Holder to discuss Waste Performance, upcoming changes and Cabinet decisions.
- 25th March – Portfolio Briefing Scheduled for final Cabinet Report. Portfolio could not attend but was shared electronically.
- 9th April – Cabinet report was presented by the Leader, as the Portfolio Holder could not attend.
- 6th August – Portfolio Holder briefings on waste procurement and forthcoming changes – including HWRCs.
- 12th August – Specific briefing information on the changes to HWRCs was provided to Portfolio Holder and another Cabinet Member.
- 10th September – Scrutiny Call In.

Links to background documents have been included below:

WRAP Household Waste Recycling Centre Guide 2018: [WRAP guidance 2018](#).

Waste Industry Safety & Health Forum (WISH) Managing Health & Safety at HWRC / CA Sites: [WISH-WASTE-26-Health-and-safety-at-HWRC-CA-sites-V2-April-2024.pdf \(wishforum.org.uk\)](#)

Integrated Impact Assessment: [Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](#)

Kirklees Council Budget Motion 2024: [Microsoft Word - Cover Letter - Despatch Budget Motion 2024.doc \(kirklees.gov.uk\)](#)

Kirklees Council Budget Papers 2024: [Budget and accounts | Kirklees Council](#)

Kirklees Council Budget Saving Proposals 2024: [2024/25 Budget Saving Proposals - Growth and Regeneration \(kirklees.gov.uk\)](#)

Kirklees Council Cabinet Agenda 9th April 2024: [Agenda for Cabinet on Tuesday 9th April 2024, 1.30 pm | Kirklees Council](#)

Delegated Decision Notice: [Decision - Waste Disposal Contract - Household Waste Recycling Centre Efficiency Savings | Kirklees Council](#)

Scrutiny Agenda 27th March 2024: [Agenda for Environment and Climate Change Scrutiny Panel on Wednesday 27th March 2024, 2.00 pm | Kirklees Council](#)

Scrutiny Agenda 10th September 2024: [Agenda for Environment and Climate Change Scrutiny Panel on Tuesday 10th September 2024, 4.00 pm | Kirklees Council](#)

10. Appendices

N/A.

11. Service Director responsible

Graham West – Service Director Streetscene & Highways.



Report title: Car Parking charges and restrictions for Resident Parking Permits and currently free off-street car parks.

Meeting	Cabinet
Date	08 October 2024
Cabinet Member (if applicable)	Cllr Munir Ahmed
Key Decision Eligible for Call In	Yes Yes

Purpose of Report

Following a review of the feedback on draft proposals to introduce charges and restrictions for resident parking permits and currently free car parks, it was agreed that Cabinet would reconsider options.

This report is seeking approval of a new set of proposals, developed after consultation with local residents, businesses, elected councillors and local organisations in recent months.

Recommendations

Cabinet are asked to:

- Consider and approve the resident and visitor permit parking proposals that are included at **Appendix 1** to this report are implemented as soon as possible.
- Note and consider the findings of the Integrated Impact Assessments.
- Approve the new parking charges / tariffs and restrictions, including 2 hours free parking charges, in 15 car parks as set out in **Appendix 2** to this report, with implementation as soon as possible, and annual charges for residential parking permits.
- Approve that the existing Traffic Regulation Order (TRO) is amended, as advertised, to enable changes to the application for and issue of permits, including the introduction of ‘virtual permits’, negating the need for a physical permit to be displayed in the vehicle.
- Delegate future decision-making regarding revisions to parking charges to the relevant Executive Director, in consultation with the relevant Portfolio holder.

Reasons for Recommendations

The revised proposals have been developed to take into account perspectives raised during the statutory consultation processes.

The proposals in this report do still seek to meet the parking needs of shoppers, commuters, residents and visitors, providing short and long stay off-street parking and on-street permit parking for residents and visitors. Proposed off-street parking charges are in line with existing charges in other Council car parks across the district.

The proposals in this report seek to contribute to relieving and preventing traffic congestion and local traffic management.

The proposals, if approved, do seek to achieve additional income, as agreed in the budget set by Cabinet on 6 March 2024, subject to compliance with the Road Traffic Regulation Act 1984.

Kirklees Council has the legal power to impose charges for parking and waiting restrictions in Council operated car parks, as well as designating parking places on the highway and charging for the use of them. Under the Council's Financial Procedure Rules, fees and charges must be reviewed at least once per annum. This report includes the proposal to review fees and charges annually in future, under delegated authority to the relevant Executive Director.

Resource Implication:

There is currently £1.004m additional income target, specific to new parking charges and residents parking permits, budgeted in the Council's Medium Term Financial Strategy, as approved by Council on 6 March 2024.

The proposals seek to generate £431k to contribute to the income target, leaving a shortfall of £573k. The Council's Medium Term Financial Plan recognises the shortfall.

The proposed charges seek to extend the comparable rate for parking charges / tariffs across the district, reducing the gap between charges in Kirklees and the rest of the region.

The proposed introduction of an annual charge of £35 per permit (resident) and £60 per permit (visitor) in all residential permit zones across the district equates to less than 68 pence per week per permit (resident).

The proposed introduction of charges in 15 currently free car parks seeks to address concerns raised locally about the impact of charging in currently free car parks.

The proposal seeks to address the provision of free permits for visitors and the one-off charge of £15 that do not enable cost recovery of service provision, enforcement or enable up-to-date record keeping.

Date signed off by Executive Director & name

Give name and date for Cabinet / Scrutiny reports

David Shepherd 17.10.2024

Is it also signed off by the Service Director for Finance?

Give name and date for Cabinet reports

Kevin Mulvaney 17.10.2024

Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?

Give name and date for Cabinet reports

Samantha Lawton 17.10.2024

Electoral wards affected: All wards.

Ward councillors consulted: Yes.

Public or private: Public.

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

1. Executive Summary

Kirklees Council operates off-street car parks, on-street parking bays and residential permit parking areas across the district. Parking charges / tariffs are levied in some car parks across the district, with other car parks being free of any charges currently.

1.1 Resident and Visitor Permit Parking

'Residential permit parking' schemes are introduced in areas where residents have difficulty parking within the vicinity of their home for the majority of the day. Residents apply for a permit for each vehicle registered at their property, plus visitor permits. A 'residential permit parking' scheme does not guarantee parking space will be available to allow residents to park on their street.

Residential parking permits are currently charged at a one-off fee of £15 per permit, remaining valid for as long as the vehicle is registered to the owner at that address. Visitor permits are issued to occupants of a specific property and are for use by their visitors when on the premises. Each property can currently have an 'open' visitor permit that is free of charge and valid for as long as you live in the property. A second 'annual open' visitor permit can currently be provided for £15 per annum (12 months).

Charges for residential parking permits have remained unchanged since 2014.

Consultation between November 2023 and February 2024 on the previous proposal to introduce permit charges of £50 received 565 individual objections and 3 petitions (totalling 409 signatures).

In response to the objections, the Council has reviewed and revised the proposal.

The proposed charges are £35 per resident permit per year (no limit per household) and £60 per visitor permit per year (maximum of 2 per household). A 30% discount on proposed charges will be available to Kirklees Passport Holders.

It is intended to introduce a 'virtual' permit scheme in future, negating the need for a paper permit to be displayed, enabling Civil Enforcement Officers (CEOs) to view permit holder data on existing hand-held devices and for residents to easily review and change relevant details. The virtual or 'digital' parking permit system will be more secure, reliable and will enable residents to take control of their own permits and visitor permits, amending details to suit their own needs.

1.2 Car Parking Charges

In November 2023, Cabinet approved the introduction of new parking charges and that a statutory consultation process be commenced in relation to new charges. Further decision-making on car parking charges was delegated to Cabinet Committee Local Issues (CCLI) at that time. The statutory consultation and advertising period requested by Cabinet commenced on Thursday 11 April 2024, ending on Thursday 2 May 2024.

The consultation and advertising exercise resulted in 3231 individual objections and 11 petitions (totalling 15,170 signatures). 1 of the 11 petitions objected to both permit parking charge increase and introduction of charges to off-street car parks.

In response to the objections, the Council has reviewed and revised the proposal.

It is proposed to introduce parking charges and restrictions in 15 of the 56 car parks that are currently free of charge. Those charges will be consistent with car parking charges in other Council-owned car parks.

It is also proposed to introduce 2 hours free parking in these 15 car parks.

The 15 car parks identified (**Appendix 2**) are those across the district with over 25 parking spaces. This proposal does not seek to introduce charges in car parks of less than 25 parking spaces.

1.3 In March 2024, CCLI approved the uplift of existing parking charges / tariffs for both on-street and off-street parking areas in Huddersfield, Dewsbury and Holmfirth – towns where charges are made for on and off-street parking.

1.4 This report is presented on completion of two statutory consultation processes in relation to 1) proposed amendments to Traffic Regulation Orders, specific to charges relating to Residential Parking Permits, at various on-street locations across the district, and 2) the introduction of parking charges and waiting restrictions to Council-owned car parks where it is currently free to park.

It is proposed that all charges would be subject to future annual increases, in line with delegations in the Council's Financial Procedure Rules.

2. Information required to take a decision

2.1 The statutory consultation processes followed the Traffic Regulation Order framework, using the Council's powers within the Road Traffic Act 1984.

2.2 Resident and Visitor Permit Parking

Residential permit parking schemes are in place across the district where residents and local councillors have identified difficulties parking within the vicinity of residential properties. Schemes are used in residential areas where it can be shown that a nearby business sports facility hospital university or shopping area impacts on the ability of local residents to park in reasonably close proximity to their home for the majority of the time.

It is the responsibility of the resident to apply for parking permits to use in the respective permit parking area. permits will not be issued to vehicles over 3.5 tonnes. anyone over the age of 17 years who can prove that they are resident within the permit scheme area will be eligible to apply for a parking permit.

A Delegated Decision notice (DDN) to apply annual charges for residential parking permits and permits for electric vehicles was first published on 09 August 2023 with a decision date of 04 October 2023. Changes to the relevant Traffic Regulation Orders (permits) and completion of the statutory consultation processes means the decision on charges for residential parking permits can now be considered by Cabinet.

Charges for permits for electric vehicles were introduced in late 2023. Introduction of charges for residential permits, permit expiry dates and the option of 'virtual permits' require changes to the TRO, under the Road Traffic Regulation Acts.

Traffic Regulation Order No 18 was advertised, giving notice of changes to Traffic Regulation Orders (No 6, 17, 20, 4, 7, 13) and Consolidation Orders 2017 (6 No) affecting wards across Kirklees. Public notices were placed in the Huddersfield Daily Examiner and the Dewsbury Reporter on 16 November 2023.

Traffic Regulation Order (No 18) was advertised for the statutory 21-day period on 16 November 2023 and the objection period ended on 11 December 2023. A further consultation period commenced on 18 January 2024, closing on 09 February 2024, providing a consultation period for residential properties not adequately reached by 11 December 2023.

The Council consulted all existing permit holders between November 2023 and February 2024 and advertised its intention to increase permit charges to £50 per permit per year for all permit types, during November to December 2023. 565 individual objections and three petitions totalling 409 signatures were received to the proposals. (**Appendix 3** shows a summary of objections).

In response to the objections, the Council has reviewed and benchmarked its proposed charges and as a result has amended the proposed permit charges and introduced a discount for eligible Kirklees Passport Holders.

The proposed charges are £35 per resident permit per year (no limit per household) and £60 per visitor permit per year (maximum of 2 per household). A 30% discount on proposed charges will be available to eligible Kirklees Passport Holders, making the proposed charge for resident permits £24.50 and visitor permits £42.

Benchmarking of other charges made for residential parking permits by other local authorities has been undertaken to enable comparison regionally.

Bradford	£35
Calderdale	£35
Leeds	details not published
Wakefield	details not published
York	£109.95 (standard rate)
Sheffield	£55.80 / £111.60 / £310 (city centre)
Newcastle	£25 - £75
Doncaster	£27
Barnsley	£26 / £52
Rotherham	£17.50
Gloucester	£63.60 / £127.35

Current residential permit types and current charges, where applicable, the proposed and the revised charges are shown in **Figure 1**,

Figure 1 Table of Residential Permit types:

Permit type	Current charge	Previous proposed charge	Revised charge
Specific Residential Parking Permits (Resident Permit) (specific to vehicle registration – no limit per household)	£15 one-off fee	£50 per permit per year	£35 per permit per year (£24.50 per permit eligible Kirklees Passport Holder)
Annual Open (Visitor) Permits (Visitor Permit) (max. of x2 per households)	£15 per year	£50 per permit per year	£60 per permit per year (£42 per permit eligible Kirklees Passport Holder)

Open Visitor Permits (limit of x1 per household)	Free of charge (permit for life / at that property)	(permit to be removed / not provided in future)	
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Charges will be introduced as soon as possible, after which time failure to purchase a valid parking permit will result in a parking fine or Penalty Charge Notice (PCN) being issued.

A parking permit will be valid for 12 months from the date of purchase. Residents will be required to apply for resident permits (for vehicles registered to your address) and visitor permits (for anyone visiting your property). Residents will be able to change the details of visiting vehicles online without having to contact the Council or wait for permits to be manually processed or amended.

A virtual or digital permit will replace the need to display a paper permit in the vehicle. This process will make the resident parking permit system more secure, reliable and will enable residents to take control of their own permits and visitor permits, amending details to suit own needs. Civil enforcement officers will

Permit parking schemes can be reviewed and potentially removed if requested by over 50% of local residents within the scheme or by the majority of their local Ward Councillors. There is a cost implication to the Council to do this therefore would be done as budgets allow. If removed, a permit parking scheme would not be considered for re-introduction for a minimum of 2 years.

2.3 Car Parking Charges

The statutory consultation proposed the introduction of parking charges in 57 car parks across the district. Whilst the Notice of Proposals listed 57 car parks, the consultation process concluded that 1.no car park is no longer in Council ownership.

The consultation and advertising exercise resulted in 3231 individual objections, and 11 petitions (totalling 15,170 signatures). 1 of the 11 petitions objected to both permit parking charge increases and introduction of charges to off-street car parks. (**Appendix 4** shows a summary of objections).

In response to the objections, the Council has reviewed and revised the proposal, reducing the number of car parks it intends to introduce charges to. Those proposed charges will be consistent with car parking charges in other Council-owned car parks.

It is proposed to introduce parking charges and restrictions in 15 of the 56 car parks that are currently free of charge. The 15 car parks identified for the introduction of charges are car parks with more than 25 parking spaces. The 15 proposed car parks vary in capacity from 28 spaces to 140 spaces. The proposal to introduce 2 hours free parking and parking charges in 15 car parks is based on car park size and capacity, not location.

Car parks with fewer than 25 parking spaces have been removed from the revised proposal. Car parks over 25 spaces are operationally more viable to manage as pay and display car parks, with revenue potential, managed set-up cost and economies of scale for ongoing management, maintenance and enforcement.

It is also proposed to introduce 2 hours free parking in these 15 car parks. This proposal offers several benefits, meeting the needs of those making quick shopping trips, attending medical appointments and visiting local businesses. Longer stays will be chargeable for short and long stays at 80p per hour.

Waiting restrictions in car parks will be changed to enable the introduction of 2 hours free parking and charges thereafter. (See **Appendix 2**)

Pay and display machines will be installed in car parks with more than 50 parking spaces and will accept payment for parking by credit / debit card only. Payment for parking in car parks of less than 50 parking spaces will be by pay by phone, using a smartphone app, calling, text message or via the website. Those wishing to benefit from 2 hours free parking will be expected to display a valid ticket from the machine (if machine is available) or log 2 hours free parking using the smartphone app.

Charges and restrictions will be introduced as soon as possible, to the 15 car parks listed in Appendix 2. Failure to pay for or register for 2 hours free parking, after this time, where charges are introduced, will result in a parking fine or Penalty Charge Notice (PCN) being issued.

3. Implications for the Council

3.1 Council Plan

- The introduction of administrative charges for residential permits and parking charges in 15 currently free car parks seeks to address the Council's financial position and contribute to the income target agreed by Cabinet in March 2024.
- The introduction of 2 hours free parking in 15 car parks supports retail, trade and encourages rotation / capacity.
- A discounted cost for residential parking permits for Kirklees Passport holders seeks to mitigate the financial impact on some households.
- Cashless payments will make the delivery of pay and display parking more efficient, negating the need to collect and process cash payments from additional locations across the district.
- Virtual permits will make the administration of permit schemes more efficient and will enable residents to update vehicle registration details online and at any time. This supports the Council's ambition for digital improvements to enhance the experience of self-service for residents and customers, and reduced paper permits for a more environmentally friendly system.
- Virtual permits also reduce the risk of parking permit fraud, with applications processed securely online.
- Parking provision is an important part of the Local Transport Strategy in meeting needs of retail, commuter and visitor purposes, and a mix of long stay and short stay parking provision intends to meet different needs. Charges levied may also encourage use of alternative transport locally.
- The introduction of parking charges is consistent with tariff/charges levied in other Council car parking spaces across the district and region.
- The Council will not undertake improvement works in the remaining free car parks

3.2 Financial Implications

Resident and Visitor Permit Parking

The proposals seek to introduce a revised administrative charge of £35 per permit (residents) and £60 per permit (visitor), charged annually where a permit is applied for.

The annual administrative charge will seek to recover costs incurred, including permit system administration, enforcement activity, and signing and lining in permit areas.

The estimated additional income from the introduction of administrative charges for resident and visitor parking permits is £279,110. (Financial projections assume 90% of existing permit holders

purchase a resident permit, 34% of permit holders purchase a 2nd resident permit and 10% of permit holders purchase a visitor permit).

The introduction of virtual or digital parking permits seeks to reduce operational and environmental costs of producing paper permits. An upgraded permit management system is being developed to ensure compliance with data management regulations. Virtual or digital parking permits also seek to reduce the risk of parking permit fraud as the need for paper copies is ceased.

Car Parking Charges

The proposals seek to introduce a comparable rate to 15 currently free car parks, consistent with parking charges / tariffs across the district. Long and short stay parking spaces will be available throughout the district to meet the needs of commuters, the retail sector, tourism and residents.

The estimated additional income from the introduction of charges in 15 car parks is £152,588 per annum. (Financial projections assume parking charges introduced at existing Kirklees comparable rates i.e., 80p per hour short stay, £3.20 (4 hours), £6.50 (long stay) and 20% occupancy rate).

The proposed charges do not generate sufficient income to meet the additional income target, as agreed in the budget, set by Council on 6 March 2024.

As per 3.3 below, the Council must spend surpluses which must not be deliberately created on the provision of specific services and improvements locally to the extent permitted by the RTRA 1984 .

Introduction of parking charges in currently free car parks will result in the payment of business rates, a cost implication for the Council, estimated to be in the region of £60k.

Introduction of parking charges in currently free car parks will require the installation of parking machines where required, changes to signage, updates to web-based information and deployment of civil enforcement officers to enforce new restrictions.

Free on-street parking remains in all areas of Kirklees.

3.3 Legal Implications

3.3.1 Under section 45(1) of the Road Traffic Regulation Act 1984 (the 1984 Act), the Council may designate parking places on the highway and to charge for their use. Section 45 (2) enables the Council when making an order, to designate a parking place for use by such persons or vehicles as may be authorised for the purpose by a permit. Under section 45(2) (b), the Council may charge for the issue of parking permits as prescribed in the order.

3.3.2 Under section 45 (3) of the 1984 Act, in determining what parking places are to be designated by order under section 45 the council must consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular must have regard to.

- a) The need for maintaining the free movement of traffic;
- b) The need for maintaining reasonable access to premises;
- c) The extent to which off street parking accommodation, whether in the open or under cover is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under section 45.

3.3.3 Section 46 of the 1984 Act covers charges at, and regulation of, designated parking places and for regulating the grant, revocation and surrender of any permit mentioned in section 45 (2) (a)

, and the issue of such permit or ,or payment of any charge in connection with the issue or use of the permit .Section 46A of the 1984 Act provides for variation of existing charges by notice .

3.3.4 When setting parking charges, including permit charges, it must exercise its functions in accordance with Section 122 of the 1984 Act so far as practicable having regard to matters in section 122(2) to “secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway”. The matters referred to in section 122 (2) (i.e., “traffic management purposes”) are as follows:

- a) the desirability of securing and maintaining reasonable access to premises;
- b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- d) any other matters appearing to the local authority to be relevant.

3.3.5 The legal powers for local authorities to provide and charge for car parking are set out in the 1984 Act. There are different statutory provisions which apply to on-street and off-street parking. This report relates to off-street car parking arrangements.

3.3.6 “Section 32 Power of local authorities to provide parking places.

(1) Where for the purposes of relieving or preventing congestion of traffic it appears to a local authority to be necessary to provide within their area suitable parking places for vehicles, the entitled to use it, local authority,...(a) may provide off street parking places...”

3.3.7 Section 35 of the RTRA provides the legal power to charge for the use of off street car parking;

“ Section 35 Provisions as to the use of parking places provided under s.32 or s.33.

(1) As respects any parking place –

- (a) Provided by a local authority under s 32, or
- (b) Provided under any letting or arrangement made by a local authority under s 33(4), the local authority, subject to Parts I to III of Schedule 9 to the RTRA, may by order make provision as to –
 - (i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it,
 - (ii) the conditions on which it may be used,
 - (iii) the charges to be paid in connection with its use (where it is an off-street one).”

3.3.8 The Council must act only for the purpose for which the legislative power was granted. In the context of the 1984 Act this is the purpose in section 45; Section 32; Section 35 and Section 122(2). The 1984 Act is not a revenue raising Act and is not a fiscal measure. The 1984 Act does not expressly stipulate the level of, for instance, permit charges or car park charges but the Council must act reasonably and rationally for traffic management purposes and relieving or preventing traffic congestion and not maximising revenue. It can set charges to cover administering the scheme and enforcement, encouraging vehicles off street and any relevant traffic management policies /strategies. However, it should be noted that it is not lawful to have regard to wider transport purposes listed in section 55(4) of the 1984 Act which only relates to the use of surpluses on the ring-fenced parking account which is the

excess beyond what is required. The council is not limited to charging only to cover base costs of running the permit scheme or Council car parks. The Council must act reasonably and budgeting for a surplus may be reasonable to allow for shortfalls, in other years, payment of capital charges and allow for unforeseen expenses.

- 3.3.9 The Council must keep a ring fenced parking account under section 55 of the 1984 Act of its income and expenditure in respect of designated parking places in the highway including for use under residential permit schemes (as well as pay and display places for the general public).the courts have ruled that it is unlawful to set charges for intentional revenue raising purposes and charges may not be set in order to create or increase a surplus and then transfer it to the General Fund in order to meet the cost of its other transport functions (i.e. road maintenance ,concessionary fares ,transport foe SEN pupils ,etc) This does not mean the parking scheme must be revenue neutral . Charges which lead to modest surpluses incidentally for lawful purposes in section 122 and not the primary motive may be permissible. Section 55(4) stipulates that any surplus not necessary for further off-street parking, can only be used for statutory purposes - costs incurred in the provision of passenger transport services; highway or road improvement projects and environmental improvements.
- 3.3.10 The proposals to increase permit charges and introduce at a future date a virtual permit involve amendments to existing Traffic Regulation Orders under schedule 9 to the 1984 Act and the Local Authorities Traffic Orders (Procedure) (England and Wales) regulations 1996 (as amended) .The proposals have been advertised and included a [21] day statutory consultation period for objections in accordance with schedule 9 to the 1984 Act and the 1996 regulations .
- 3.3.11 The Council consulted in accordance with the 1984 Act and the Local Authorities Traffic Orders (England and Wales) Regulations 1996 in relation to introducing car park charges at free car parks. Consultation must be done at a formative stage so as to enable responses to influence the decision ; it must be procedurally fair and comply with the statutory requirements such as the provision of a statement of reasons to allow an intelligent response and the results of the consultation must be conscientiously considered with an open mind before finalising the proposals and whether to make the TRO as advertised or with modification or not to proceed with the TRO .
- 3.3.12 The Council must act Wednesbury reasonably in public law terms. This means exercising its statutory powers for the purpose for which the power was conferred by Parliament. It must act rationally having regard to all relevant matters and ignoring irrelevant considerations to mitigate the risk of a legal challenge to the High Court.
- 3.3.13 The Council must have regard to its Public Sector Equality Duty under Section 149 of the Equality Act 2010 before making any decision.

3.4 **Other (e.g. Risk, Integrated Impact Assessment or Human Resources)**

Resident and Visitor Permit Parking

A Stage 1 IIA has been completed in June 2024 in relation to the proposed amendments to the residential permit parking charges. This was completed as a result of responses received during the consultation process, and the IIA can be viewed [here](#). A further IIA was completed in relation to the revised proposals and can be found [here](#).

It was considered there was medium impact on some protected characteristics groups. the impact was assessed to be negative. Residents therefore who meet the criteria for a Kirklees Passport would be eligible for a 30% reduction for the cost of each permit.

Car Parking Charges

A Stage 1 IIA was completed in September 2023 in relation to the review of parking tariffs / charges including the introduction of charges in car parks that are currently free of charge, which can be viewed [here](#).

At that stage, no groups were consulted. It was considered there was neutral impact on protected characteristics groups. The impact on the environment was assessed to be positive, with changes to charges encouraging more sustainable transport choices.

As a result of responses received during the consultation process, a further IIA has been completed, specific to the introduction of charges in car parks that are currently free of charge, which can be viewed [here](#).

Failure to implement these charges will result in a further estimated £431,698 per annum income shortfall.

4 Consultation

Resident and Visitor Permit Parking

6500 households have received a letter, explaining the changes to the residential permit parking scheme. The letter outlined the proposed changes, specifically the intention to introduce an expiry date 12 months after issue, the intention to charge an administration charge of £50 per permit per annum and the proposal to introduce 'virtual' permits in future.

All 69 ward councillors were informed at the start of the consultation process.

Parish and Town Councils were informed at the start of the consultation process.

Notices were placed in the local press on 15 and 16 November 2023.

593 responses were received in relation to the proposed changes. 95% of responses objected to the proposed changes to the administrative charge. 3 (three) petitions have been received in relation to the proposed changes, totalling 589 signatures.

The three most common recurring objection themes were:

Issues with the amount of the charge,

The respondent already facing cost of living pressures, and

Issues with the suggestion of having to pay for parking outside of their own home.

15 objection themes were identified in the objections received within the statutory period. See **Appendix 3** for a summary of consultation responses received.

Some objections highlighted specific concerns regarding localised residential parking permit areas, indicating a permit area was no longer required.

These objections have influenced the revised proposals in this report, to reduce the proposed charge for resident parking permit and to offer a discounted rate to Kirklees Passport holder, seeking to mitigate the financial impact on those facing cost of living pressures.

Car Parking Charges

Environment and Climate Change Scrutiny Panel – 6 December 2023.

<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=797&MIId=7442>

Resolved: the decision taken in relation to car parking charges be freed for implementation.

69 Ward Councillors informed at start of consultation process.

Parish and Town Councils were informed at the start of the consultation process.

Notices placed in local press and car parks (April 2024).

Concerns were raised prior to the consultation process starting in April 2024, from residents, local business and elected councillors. These concerns included petitions, received in Council meetings and direct to the Council. Some concerns were raised during the consultation period in April and May 2024. See **Appendix 4** for summary of consultation responses received before, during and after the 21-day consultation period.

These objections have influenced the revised proposals in this report, to reduce the number of car parks in which the introduction of charges is proposed to 15 car parks. Also, to introduce 2 hours free car parking in those car parks.

5 Engagement

There has been engagement with ward councillors whose wards include the 15 car parks and residential permit parking schemes.

There is ongoing engagement with the Senior Leadership Team at Kirklees Active Leisure (KAL) regarding car parking, proposed charges and what is important to KAL and their members.

Engagement with elected councillors and MPs has been ongoing throughout the process, with dialogue in ward meetings, briefings or email correspondence.

Engagement with Birstall Chamber of Trade, Dewsbury Chamber of Trade and Town and Parish Councils, WYCA.

There is ongoing discussion with colleagues in the Council regarding strategic transportation, asset management and air quality / climate change – and the role of parking and parking charges.

Cabinet members have been engaged throughout.

6 Options

6.1 Options Considered

Resident and Visitor Permit Parking

1. Implementation of proposal to introduce an annual administrative charge of £50 per permit – resident or visitor.
2. Implementation of proposal to introduce an annual administrative charge of £35 per resident permit and £60 per visitor permit (recommended option).
3. Introduce a reduced parking permit charge for Kirklees Passport holders; offering a 30% reduction in charge to eligible Kirklees Passport holders. (Reduced permit charge for 24/25 would be £24.50 per year, instead of £35 per year). (recommended option).
4. Retain the current (2014) charging model of £15 one-off charge.
5. Remove all permit parking areas.

Car Parking Charges

1. Over-rule objections and introduce parking charges in all Council operated car parks that are currently free of charge to park in.
2. Over-rule objections and introduce parking charges in the 15 of the larger Council operated car parks that are currently free of charge to park in (recommended option).
3. Introduce 2 hours free parking in 15 car parks that are currently free of charge (recommended option).
4. Retain current free parking provision in currently free of charge car parks.

6.2 **Reasons for recommended Option**

Recommended option for Resident and Visitor Permit Parking – Option 2 & 3 combined

These recommendations have been made to balance the feedback received from the consultation exercise with the financial and operational challenges the current charging regime presents. The use of residential parking permits is an important one, helping to resolve local parking problems that detrimentally affect some areas. However, given the current financial climate, it is important that this is done sustainably and is not subsidised by other residents who are not impacted or benefit from each scheme.

It is also important that we recognise the outcomes of the IIA and mitigate the impact on those with low income. Including the discount scheme linked to the Kirklees Passport achieves this.

Recommended Option for Car Parking Charges - Option 2 & 3 combined

To expand the parking charges and restrictions to a further 15 car parks outside of the existing towns of Huddersfield, Dewsbury and Holmfirth would enable the parking service to contribute to the income target agreed by Cabinet in March 2024 consistent with relieving congestion and traffic management purposes and the costs of running the service /scheme .

Offering the first 2 hours of parking free in 15 car parks supports retail, encourages rotation in car parks and introduces a charge for commuter parking.

Expansion of the existing provision would enable a selection of car parks to remain free of charge for residents, visitors and business, whilst seeking to meet the budget savings set for the Parking Service.

Proposals for short stay and long stay will provide parking restrictions most suited to the location of each specific car park.

7 **Next steps and timelines**

If Cabinet approves the Officer recommendation for introduction of administrative and parking charges and parking restrictions in 15 car parks (as per **Appendix 2**), officers will:

- amend the administrative back-office system, software, and web-based information regarding parking permits.
- Amend the Kirklees Passport system administrative back-office system, software and web-based information.
- Complete the legal process of advertising the waiting restrictions for each of 15 car parks and make changes to the Traffic Regulation Orders, advertising the change for 21 days prior to implementation.

- Install parking machines for payment by card, where parking spaces are in excess of 50 spaces.
- Arrange for amendments to signage for each car park, to show daily car parking charges, restrictions and other essential information.
- Undertake maintenance works where required e.g. shrub maintenance in car parks.
- Make changes to web-based information and systems that enable payment by phone, app, phone call, text message or via the website.
- Introduce charges and restrictions as soon as possible.
- Revise charges annually as per Council Financial Procedure Rules.

8 Contact officer

Sarah Durdin, Operational Manager, Highways & Streetscene
sarah.durdin@kirklees.gov.uk 01484 221000.

9 Background Papers and History of Decisions

Decision notice to introduce Annual Charges for Residential and Electric Vehicle Permits
<https://democracy.kirklees.gov.uk/ieDecisionDetails.aspx?ID=11313>

Cabinet Paper 21 October 2014 Title of report: Residential Parking Permits
<https://democracy.kirklees.gov.uk/Data/Cabinet/201410211600/Agenda/CABINET21101452168D.pdf>

Cabinet Decision Summary: To seek approval for revised permit changes in relation to Resident/Visitor parking permits.
<https://democracy.kirklees.gov.uk/Data/Cabinet/201410211600/Agenda/Cabinet20141021DecisionSummary.pdf>

November 2023 Cabinet – Revision of car parking tariffs / charges
<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=139&MId=7415>

March 2024 Cabinet Committee Local Issues
<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=142&MId=7427>

March 2024 Cabinet Committee Local Issues - decision
<https://democracy.kirklees.gov.uk/ieDecisionDetails.aspx?ID=11903>

10 Appendices

- Appendix 1 Permit renewals
- Appendix 2 Proposed car parks for introduction of charges and 2 hours free parking
- Appendix 3 Consultation response summary - permits
- Appendix 4 Consultation response summary – car parks

11 Service Director responsible

Graham West - Service Director: Streetscene and Highways
Graham.west@kirklees.gov.uk 01484 221000

Appendix 1 - Proposed administrative charges and renewal process – Resident and Visitor Permit Parking.

The Council of the Borough of Kirklees, under their powers in the Road Traffic Regulation Act 1984, propose to amend the existing administration of the residents' permit parking schemes by:-

1. Making all permits annual, insofar as all permits will have an expiry date of 12 months after issue and permit holders will be responsible to apply for new ones. (NB some permits such as the current Annual Open permits for instance are already subject to an annual expiry date)
2. To introduce an administration charge of £35 annually for all resident parking permits and £60 annually for all visitor parking permits . (NB this does not apply to the existing charges for Business permits).
3. To amend the existing Traffic Regulation Orders to enable the Council to introduce 'virtual permits' as a means of verifying a vehicle can legitimately park or wait in a parking place. This will mean that residents and applicants will be able to apply for appropriate permits and will receive confirmation that a virtual permit has been approved. This will negate the requirement to display a physical permit inside the vehicle.

All other aspects of the permit schemes and how they operate on the ground are unaffected.

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Appendix 2 – Proposed list of car parks for introduction of parking charges and restrictions.

No.	Location	Ward	Spaces	Tariff – note: 2 hour stay free of charge and then ...	Proposed restrictions
1	Batley - Field Lane	Batley East	78	£1.60 for 4 hours, £3.50 all day	Long stay - all day
2	Batley - Henrietta Street	Batley East	28	80p/hr	Short stay - 4 hrs max
3	Batley - Market Place	Batley East	36	80p/hr	Short stay - 4 hrs max
4	Batley - New Way	Batley East	43	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
5	Batley - Station Road	Batley East	29	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
6	Batley - Wards Hill	Batley East	105	80p/hr	Short stay - 4 hrs max
7	Birstall - High Street	Birstall & Birkenshaw	41	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
8	Cleckheaton - Crown Street	Cleckheaton	59	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
9	Cleckheaton - St Johns Road/Bradford Road	Cleckheaton	140	80p/hr	Short stay - 4 hrs max
10	Cleckheaton - Town Hall (Rear)(Church St)	Cleckheaton	45	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
11	Holmfirth, Huddersfield Road - Sands	Holme Valley South	50	80p/hr	Short stay - 4 hrs max
12	Marsden - Standedge	Colne Valley	80	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
13	Meltham - Carlisle Street	Holme Valley North	52	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
14	Mirfield - Station Road	Mirfield	40	80p/hr	Short stay - 4 hrs max
15	Slaithwaite - New Street	Colne Valley	41	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day

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Appendix 3 – Statement of Community Involvement Summary of Consultation Responses:

Changes to Administration of Residential Parking Permits

Response Received	Received via	Comment	Council Response																					
565 objecting to proposals	Email to TRO Objections inbox during statutory consultation period.	<p>565 responses against the proposals = 95% of responses received by email.</p> <p>Many respondents:</p> <ul style="list-style-type: none"> • expressed multiple concerns across many different themes - outlined below, • felt a lack of rationale had been provided by the Council as to why the new system was being proposed, • questioned the reasons and narrative outlined in the letter residents received, • outlined their disgust at the proposed annual charges despite the continuing cost of living crisis. <p>The three most common recurring themes in objections were:</p> <ol style="list-style-type: none"> 1. Issues with the amount of the proposed charge, 2. Respondent already facing cost of living pressures, 3. Issues with the suggestion of having to pay for parking outside of their own home. <p><u>Breakdown of Key Themes - Objections</u></p> <table border="1" data-bbox="618 1023 1559 1366"> <thead> <tr> <th data-bbox="618 1023 1361 1098">Summary of Key Issues (Themes)</th> <th data-bbox="1361 1023 1473 1098">Sub-Total</th> <th data-bbox="1473 1023 1559 1098">No.</th> </tr> </thead> <tbody> <tr> <td data-bbox="618 1098 1361 1142">Amount of charge</td> <td data-bbox="1361 1098 1473 1142">431</td> <td data-bbox="1473 1098 1559 1142">1</td> </tr> <tr> <td data-bbox="618 1142 1361 1187">Already facing Cost of Living Pressures</td> <td data-bbox="1361 1142 1473 1187">179</td> <td data-bbox="1473 1142 1559 1187">2</td> </tr> <tr> <td data-bbox="618 1187 1361 1232">Paying for parking outside own house</td> <td data-bbox="1361 1187 1473 1232">153</td> <td data-bbox="1473 1187 1559 1232">3</td> </tr> <tr> <td data-bbox="618 1232 1361 1276">No. of permits per house</td> <td data-bbox="1361 1232 1473 1276">128</td> <td data-bbox="1473 1232 1559 1276">4</td> </tr> <tr> <td data-bbox="618 1276 1361 1321">Lack of Traffic Wardens/Policing/Enforcement</td> <td data-bbox="1361 1276 1473 1321">125</td> <td data-bbox="1473 1276 1559 1321">5</td> </tr> <tr> <td data-bbox="618 1321 1361 1366">Accusation of targeting working class residents</td> <td data-bbox="1361 1321 1473 1366">124</td> <td data-bbox="1473 1321 1559 1366">6</td> </tr> </tbody> </table>	Summary of Key Issues (Themes)	Sub-Total	No.	Amount of charge	431	1	Already facing Cost of Living Pressures	179	2	Paying for parking outside own house	153	3	No. of permits per house	128	4	Lack of Traffic Wardens/Policing/Enforcement	125	5	Accusation of targeting working class residents	124	6	
Summary of Key Issues (Themes)	Sub-Total	No.																						
Amount of charge	431	1																						
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Paying for parking outside own house	153	3																						
No. of permits per house	128	4																						
Lack of Traffic Wardens/Policing/Enforcement	125	5																						
Accusation of targeting working class residents	124	6																						

Response Received	Received via	Comment			Council Response
		Lack of rationale given by Council	88	7	
		Issues with potholes and road maintenance	88	7	
		Public are parking in resident spaces	86	8	
		Inability to access own property	69	9	
		Issue with electronic/virtual permit	51	10	
		Happy with the current system	50	11	
		Disability/accessibility Issues	45	12	
		Lack of access to internet/issue with council webpages	23	13	
		Did not receive original letter	13	14	
		Messaging was unclear to the elderly	7	15	
2 supporting proposals	Email to TRO Objections inbox	Of the respondents who either supported the annual charges or provided a balanced response, residents predominantly resided in Holmfirth and Lindley.			
22 objecting and supporting proposals	Email to TRO Objections inbox				
4 not relevant to proposals	Email to TRO Objections inbox				
Petition	Cabinet	<p>'Oppose Parking Permit Charge Increases'. Lead Petitioner: Cllr Gregg. Received 12/02/24, with 90 signatures. Feedback received regarding the proposal to increase parking tariffs / charges focussed on the cost of living, the, the potential impact on town centres.</p>			Submitted, received and acknowledged at Cabinet 12/02/24
Petition	Council	<p>'Parking Permit charges in Lindley.' Lead petitioner: Ashleigh Robinson (prior to election as Cllr) Received 17/02/24, 279 valid signatures.</p>			Submitted, received and acknowledged at Council 17/01/24
Petition	Council	<p>'Opposition to Parking charges increase in Mirfield (Resident Permits & Car Parks)'. Lead petitioner: Cllr Bolt Received 13/12/23, with 220 signatures.</p>			Submitted, received and acknowledged at Council 13/12/23

**Appendix 4 – Statement of Community Involvement – Summary of Consultation Responses to Free Car Parks
July 2024**

Response Received	Received via	Comment	Council Response								
3231 objecting to the proposals	<ul style="list-style-type: none"> • Emails to TRO inbox during statutory consultation period. • Objections delivered by Cllr Pinnock circa 500. • Individual letters 26. • Pro-forma objections 26. 	<p>3231 against the proposals to charge in existing free car parks. This equates to 99% of the overall response.</p> <p>Many respondents:</p> <ul style="list-style-type: none"> • expressed multiple concerns with the negative impact on small towns, local villages and businesses if car parking charges are introduced which are outlined below, • felt that the result and consequence of introducing car parking charges would be a decrease in footfall and potential loss of business, • raised concerns about increased congestion and problematic parking, • outlined their strong objection to the charges and lack of rationale in the proposals. <p>The three most common recurring themes in the objections were:</p> <ol style="list-style-type: none"> 1. Impacts to local villages & businesses which was mentioned by 57% of respondents, 2. Amount of charge, which was mentioned by 39% of respondents, 3. Potential loss of business which was mentioned by 32% of respondents. <p><u>Breakdown of Key Themes</u></p> <table border="1" data-bbox="763 1219 1352 1393"> <thead> <tr> <th>Theme</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Impacts to local villages & businesses</td> <td>1865</td> </tr> <tr> <td>Amount of charge</td> <td>1265</td> </tr> <tr> <td>Potential loss of business</td> <td>1056</td> </tr> </tbody> </table>	Theme	Total	Impacts to local villages & businesses	1865	Amount of charge	1265	Potential loss of business	1056	
Theme	Total										
Impacts to local villages & businesses	1865										
Amount of charge	1265										
Potential loss of business	1056										

		Difficulty in parking	838		
		Safety implications	474		
		Cost of living	428		
		Limited time required to park	320		
		Impacts on the elderly	308		
		Lack of rationale	297		
		Targeting residents	247		
		Income generation from the council	170		
		Public transport	121		
		Social isolation	90		
		School drop off/pick up	79		
		Happy with the current system	37		
		Huddersfield town centre	34		
		Residential permits	31		
		No cash machines	4		
15 responses objecting and supporting the proposals	Emails to TRO inbox during statutory consultation period.				
7 responses not relevant to the proposals	Emails to TRO inbox during statutory consultation period.	6 of these 7 responses were copy & paste responses in Cleckheaton where community members have clearly communicated their response to the car parking charges. In this instance, a copy & paste email sentence has not been finished and the response has been classed as 'not relevant'. Generic email response received – 'I wish to OBJECT to parking charges being introduced into Cleckheaton because'.			
5 responses in support of the proposals	Emails to TRO inbox during statutory consultation period.				
All Petitions		11 petitions have been submitted in relation to free car parks. Valid signatures total 15,170 respectfully. Please see the breakdown below.			

Petition		'80p per HOUR in all Cleckheaton car parks – let the Council have your views'. Lead petitioner: Cllr Pinnock Received: Signatures: 453	
Petition	No request was made as part of the petition submission to request a debate at Council.	'Say no to car park charges in Cleckheaton'. Lead petitioner: Cllr Kath Pinnock & Cllr Andrew Pinnock Received: 30/04/2024 Signatures: 5,251 signatures	
Petition	No request was made as part of the petition submission to request a debate at Council.	'Petition to stop the proposed parking charges for Netherton and Lockwood'. Lead petitioner: Cllr Safdar Received: 07/05/2024 Signatures: 208	
Petition	Presented at Council on 07/02/2024	'Mirfield opposes introduction of parking charges'. Lead petitioner: Cllr Bolt Received: 12/02/2024 Signatures: 169	
Petition	Presented at Council in November 2023	'Opposition to Parking charges increase in Mirfield'. Lead petitioner: Cllr Bolt Received: November 2023 Signatures: 220	
Petition	No request was made as part of the petition submission to request a debate at Council.	Petition against parking charges (Honley & Meltham) Lead petitioner: Cllr Greaves Received: 30/04/2024 Signatures: 6,191	
Petition	Submitted to Cabinet on 14/11/2023.	'Save Free Parking in Kirklees and Oppose Price Increases'. Lead petitioner: Cllr Gregg Received: 14/11/2023 Signatures: 1,214 (of which 1,190 were from Kirklees residents).	
Petition	Submitted to Cabinet on 14/11/2023.	'Stop Introduction of Parking Charges in Birstall'. Lead petitioner: Received: 14/11/2023 Signatures: 1,400 (of which 935 were from Kirklees residents).	

Petition		Oppose introduction of parking charges – largely New Mill/Holmfirth and Birstall area Lead petitioner: Multiple members of the public Received: 14/05/2024 Signatures: 27	
Petition		A collection of letter and emails objecting to introducing parking charges in carparks by members of the public. Lead petitioner: Multiple members of the public. Received: TBC Signatures: 14	
Petition		A collection of petition forms objecting to introducing parking charges in carparks by members of the public. Lead petitioner: Multiple members of the public Signees all appear to be from the Holmfirth / New Mill Area. Petition specifically mentions (28) Sands Car Park and (48) New Mill Car Park. Signatures: 23	
Petition	Not received within the statutory consultation period. Sharing for reference only. Please note that these numbers have not been included above.	Objection to car park charges in Birstall Lead Petitioner: School in Birstall Received: Signatures: 267	

Appendix 2 – Proposed list of car parks for introduction of parking charges and restrictions.

No.	Location	Ward	Spaces	Tariff – note: 2 hour stay free of charge and then ...	Proposed restrictions
1	Batley - Field Lane	Batley East	78	£1.60 for 4 hours, £3.50 all day	Long stay - all day
2	Batley - Henrietta Street	Batley East	28	80p/hr	Short stay - 4 hrs max
3	Batley - Market Place	Batley East	36	80p/hr	Short stay - 4 hrs max
4	Batley - New Way	Batley East	43	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
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6	Batley - Wards Hill	Batley East	105	80p/hr	Short stay - 4 hrs max
7	Birstall - High Street	Birstall & Birkenshaw	41	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
8	Cleckheaton - Crown Street	Cleckheaton	59	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
9	Cleckheaton - St Johns Road/Bradford Road	Cleckheaton	140	80p/hr	Short stay - 4 hrs max
10	Cleckheaton - Town Hall (Rear)(Church St)	Cleckheaton	45	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
11	Holmfirth, Huddersfield Road - Sands	Holme Valley South	50	80p/hr	Short stay - 4 hrs max
12	Marsden - Standedge	Colne Valley	80	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
13	Meltham - Carlisle Street	Holme Valley North	52	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day
14	Mirfield - Station Road	Mirfield	40	80p/hr	Long stay – all day
15	Slaithwaite - New Street	Colne Valley	41	80p for 1hr; £1.60 for 2 hrs; £2.40 for 3 hrs; £3.30 for 5 hrs, £6.50 over 5 hrs	Long stay - all day

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REPORT TITLE: Community Asset Transfer of Honley Village Hall, Roundway, Honley, HD9 6DE and adjoining open space land ("the Property")

Meeting:	Cabinet
Date:	8th October 2024
Cabinet Member (if applicable)	Cllr Turner (Portfolio Holder Finance and Regeneration)
Key Decision Eligible for Call In	No Yes
<p>Purpose of Report This report requests that Cabinet considers and approves the Community Asset Transfer of Honley Village Hall ("the Property") to Honley Village Community Trust Charitable Incorporated Organisation ("the CIO").</p>	
<p>Recommendations</p> <ol style="list-style-type: none"> 1. That the Council proceed with the grant of a 125 year lease to Honley Village Community Trust CIO and related surrender of the existing leases. 2. Subject to Cabinet approval, the Service Director – Development in consultation with Portfolio Holder - Finance and Regeneration negotiate and agree terms for the grant of a 125 year lease of Honley Village Hall, being the land and buildings shown edged red on Plan reference 18-0213, and instruct the Service Director - Legal, Governance and Commissioning to execute and enter into all necessary documentation in connection with the grant of a 125 year lease of Honley Village Hall, Roundway, Honley, HD9 6DE to Honley Village Community Trust CIO. 	
<p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • The asset transfer of the Property supports the Council’s ambitions of allowing local people and communities greater control over local assets and the services delivered from them. • The grant of a long leasehold is in accordance with the Council’s Community Asset Transfer Policy 2020. • A long leasehold will give the CIO the security needed to satisfy grant funder requirements whilst ensuring that the building remains available to the local community for the long-term future. 	
<p>Resource Implications: This is not anticipated to have any particular resource implications.</p>	
Date signed off by Executive Director & name	David Shepherd – 04/09/2024

Is it also signed off by the Service Director for Finance?	Kevin Mulvaney – 30/09/2024
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Samantha Lawton – 20/09/2024

Electoral wards affected: Holme Valley North

Ward councillors consulted: Cllr Donna Bellamy, Cllr Charles Greaves, Cllr Tony McGrath

Public or private: Public

Has GDPR been considered? Yes, GDPR has been considered. The information in this report does not identify any individuals.

1. Executive Summary

This report requests that Cabinet considers and approves the Community Asset Transfer of the Property to Honley Village Community Trust Charitable Incorporated Organisation (CIO).

The Property is located at Roundway, Honley, HD9 6DE and consists of a building and external open space. The freehold of the Property is owned by the Council, subject to but with the benefit of two leases held by the CIO. Plan Reference 18-0213, attached in Appendix A, shows the boundary of the Property indicated by a red line.

It is proposed that the Property is transferred by way of a 125 year lease under the Council’s Community Asset Transfer Policy 2020. It would be necessary for the CIO to surrender its existing leases of parts of the Property prior to the new lease being granted.

2. Information required to take a decision

2.1 Background

The Council’s Community Asset Transfer Policy was approved by Cabinet in September 2020. The Policy supports groups to transfer assets from the Council at nil consideration in order to further local social, economic and environmental objectives. A copy of the Community Asset Transfer Policy is attached in Appendix B.

The previous tenant, Honley Village Community Trust (“the Trust”), was established and registered with the Charity Commission in January 1994. The Trust have been fully responsible for the management of the Village Hall forming part of the Property since 2001 under the terms of a 25 year Full Repairing & Insuring lease. A further lease of an adjoining piece of land was granted to the Trust in 2012 for a term of approximately 14 years so as to be coterminous with the earlier lease, which expires on 14 November 2026.

Honley Village Community Trust CIO (Charity No. 1195759) (“the CIO”) is a new company set up to replace the Trust. The CIO was established in 2021 to lead the asset transfer application and the CIO has taken an assignment of the existing two leases. The proposed asset transfer includes the whole of the existing demise with some additional external open space along Moor Bottom.

The strategic aims of the CIO are to maximise the use of the Property for Honley residents; maintain the Property for the use by the local community; and to support other organisations in providing activities that benefit all members of the community.

The Property is a single-story prefabricated building of steel framed construction. Externally, there is a pétanque court and grassed areas to the front and rear of the building.

The Trust have invested in refurbishment of the building and facilities. In the longer term the intention is to replace with a larger building that will accommodate a wider offer to the community.

The Property is a well-used community facility that hosts a range of activities and services including:

- Welcome Club for local Honley residents, also linked to Ukrainian refugees in the Holme Valley
- Honley Youth Meetings and events
- Monthly Markets
- Chair Zumba classes & Pilates
- Seasonal craft workshops such as Halloween and Wreath Making Workshops
- Seasonal activities such as Easter Bunny Afternoon Tea and Christmas Parties.
- Brownies
- Weight watchers
- Kirklees Elections Polling Station
- Medicare Room storage
- Vaccination centre for flu and covid booster vaccinations.
- Pétanque

New activities are scheduled to be introduced following community consultation.

3. Implications for the Council

3.1 Working with People

The proposals for the asset transfer have been developed in conjunction with the trustees of the CIO and the local community. Consultation is a key part of the process, ensuring that the asset meets the community's needs. Ward Members are consulted as part of the Cabinet reporting process and are given opportunity to make representations on behalf of the community.

3.2 Working with Partners

Partnership working is crucial to the success and sustainability of community asset transfers within Kirklees. Officers work collaboratively with the applicant group, council services and Locality, a national charity, in the development of asset transfer proposals. Locality is a national charity working with community foundations at a local level to ensure that they are strong and successful. Groups are actively encouraged and provided with necessary support to ensure that partnership opportunities are fully explored.

3.3 Place Based Working

Community Asset Transfer supports Place Based Working, providing local people and communities greater control over local assets and the services delivered from them. It

provides new opportunities to improve and develop public assets for local social, economic and environmental benefit. Engagement with communities ensures that local residents, stakeholders and businesses have a say in how community assets can help shape their places.

3.4 **Climate Change and Air Quality**

There will be no impact on Climate Change and Air Quality.

3.5 **Improving outcomes for children**

Community assets play a crucial role in the delivery of services to all members of the community, including young people. The transfer of community assets can maximise their use and provide a place for children, their families, communities and services to work together to provide positive childhood experiences.

3.6 **Financial Implications**

Valuation

Unrestricted Value

The unrestricted value is the best price reasonably obtainable for the property and should be expressed in capital terms. It is the market value of the land as currently defined by the RICS Valuation – Global Standards 2017 – VPS 4, except that it should take into account any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest (a "special purchaser"). When assessing unrestricted value, the valuer must ignore the reduction in value caused by any voluntary condition imposed by the authority. In other words, unrestricted value is the amount that would be paid for the property if the voluntary condition were not imposed (or it is the value of the property subject to a lease without the restriction).

The unrestricted value of Honley Village Hall is: £132,500.

Restricted Value

The restricted value is the market value of the property having regard to the terms of the proposed transaction. It is defined in the same way as unrestricted value except that it should take into account the effect on value of any voluntary condition(s).

The restricted value of Honley Village Hall is: £Nil.

Voluntary Conditions

A voluntary condition is any term or condition of the proposed transaction which the authority chooses to impose. It does not include any term or condition which the authority is obliged to impose, (for example, as a matter of statute), or which runs with the land. Nor does it include any term or condition relating to a matter which is a discretionary rather than a statutory duty of the authority.

The value of voluntary conditions in the proposed transaction is: £Nil

Amount of discount given by the Council

The difference between the unrestricted value of the land to be disposed of and the consideration accepted (the restricted value plus value of any voluntary conditions).

The amount of discount in the proposed transaction is: £132,500

Pursuant to Section 123 of the Local Government Act 1972, the Council has a duty to obtain the best consideration that can reasonably be obtained for the disposal of land. However, 'The Local Government Act 1972: General Disposal Consent (2003) (Circular 06/03)' provides that a local authority can dispose of land that is not held for planning or housing purposes at an undervalue of less than £2 million without seeking a specific consent, provided the Council is satisfied that to do so will help it to secure the promotion or improvement of the economic, social or environmental wellbeing of its area.

Following assessment, Council officers are confident that the asset transfer of the Property to the CIO will promote the social well-being of the Holme Valley North Ward.

By granting the 125 year lease at a peppercorn rent the Council is foregoing a potential capital receipt of £132,500 for an open market disposal. This is somewhat mitigated by the broader community capacity benefits to that area of Honley and the wider Holme Valley.

The Council is also foregoing the market rent of £1,120 per annum that it currently receives for part of the Property. However, this loss of rental income is mitigated by the effective transfer of any future revenue or capital liability for the repair, maintenance and insuring of the Property to the CIO for a period of 125 years.

Should the potential delivery of revenue and capital savings over the 125 year term be realised, this could then be made available for other Council priorities and services to residents of Kirklees.

The inclusion of additional open space in the asset transfer will reduce the Council's grounds maintenance costs for grass cutting.

3.7 **Legal Implications**

The Property is a split site for vesting purposes, with the building and a small part of the external space being vested in the Housing Service and the bulk of the external space being vested in the Highways Service. The whole of the Property is accounted for in the General Fund as an investment property, and not within the Housing Revenue Account. As such, the legal provisions outlined in paragraph 3.6 above apply to the disposal and not those contained in the Housing Act 1985.

Compliance with Subsidy Control Act 2022

The granting of a lease at an undervalue to the proposed tenant on the proposed terms could constitute a subsidy under the Subsidy Control Act 2022 as it may permit a certain degree of commercial usage. In order to comply with the legislative requirements relating to a subsidy, the Council will either apply the 7 subsidy control principles to justify the giving of the subsidy or will grant the subsidy under the Minimum Financial Assistance exemption and report on this to the BEIS Transparency Database.

Local Government Act 1972; Section 123: Disposal of Public Open Space and Common Land

A parcel of Public Open Space is included within the proposed asset transfer. In order to comply with the Act, the Council is obliged to publish the intention to dispose of this land. Any objections will need to be considered by Cabinet.

3.8 **Other (eg Risk, Integrated Impact Assessment or Human Resources)**

An Integrated Impact Assessment is attached at Appendix C.

If the asset transfer is not approved it is possible that the CIO will not wish to renew their existing leases of the building and external space at the Property when they expire, meaning that in 2026 the maintenance and insuring liabilities could revert back to the Council.

4. **Consultation**

Kirklees Homes and Neighbourhoods

Originally constructed for the provision of a Youth Centre, the Property is not currently, nor has it previously been used as a dwelling and Community Asset Transfer can be considered.

Highways and Streetscene

Officers have requested that the visibility splay from Roundway into Moorbottom is maintained, as highlighted on the plan in Appendix A. This will be reflected in the proposed asset transfer by way of a tenant covenant in the lease.

Third Sector Team and Risk and Audit Team

Each individual asset transfer is developed and assessed in consultation with colleagues in the Community and Third Sector Teams, Legal Services, Finance, Risk and Audit. Corporate Landlord.

Ward Member Comments

Cllr Charles Greaves

More than happy to support the transfer, long overdue!

5. **Engagement**

Applicant groups are required to undertake community engagement as part of the community asset transfer process with the findings incorporated in the business plan. The CIO engage with other local community groups and recently played a key role in the 'Ask Honley' community engagement exercise.

6. **Options**

6.1 **Options considered**

- a) Refuse the request for an asset transfer - refusal of the Asset Transfer could see the Property, and the services it would potentially deliver, lost to the local community when the two existing leases expire in 2026.

For this reason officers are of the opinion that this is not the recommended option.

- b) Transfer the site either freehold or leasehold – the Community Asset Transfer Policy 2020 allows for freehold transfers in exceptional circumstances. However, officers are of the opinion that this is not appropriate. Freehold transfer limits the Council's ability to remedy should there be a change in the organisation's circumstances or failure to fulfil its obligations.

Officers are of the opinion that the grant of a long leasehold for a period of 125 years is appropriate.

The lease will include a covenant that restricts the use of the Property to community use with provision for an element of commercial use if this is considered necessary for a successful business model. Commercial use of the asset will normally be restricted to a maximum of 30%.

It is proposed that the lease agreement be on the basis of a peppercorn rent for the full term, with the CIO being responsible for the full repair and insuring of the Property.

The lease will reserve rights for the Council to use the Property for the purpose of an Electoral Polling Station.

The grant of a long leasehold gives the CIO the security needed to satisfy grant funder requirements.

Officers further recommend that the grant of a lease to the CIO should be conditional upon the surrender of the two existing leases held by the CIO.

Officers recommend:

1. That the Council proceed with the grant of a 125 year lease to Honley Village Community Trust CIO and related surrender of the existing leases.
2. Subject to Cabinet approval, the Service Director – Development in consultation with Portfolio Holder - Finance and Regeneration negotiate and agree terms for the grant of a 125 year lease of Honley Village Hall, being the land and buildings shown edged red on Plan reference 18-0213, and instruct the Service Director - Legal, Governance and Commissioning to execute and enter into all necessary documentation in connection with the grant of a 125 year lease of Honley Village Hall, Roundway, Honley, HD9 6DE to Honley Village Community Trust CIO.

6.2 Reasons for recommended option

- The asset transfer of the Property supports the Council's ambitions of allowing local people and communities greater control over local assets and the services delivered from them.
- The grant of a long leasehold for a period of 125 years is in accordance with the Council's Community Asset Transfer Policy 2020.
- It will give the CIO the security needed to satisfy grant funder requirements whilst ensuring that the Property remains available to the local community for the long term future.
- The grant of a long lease provides the Council with remedies including forfeiture in the event that there is a breach of the terms of the lease.

7. Next steps and timelines

Subject to Cabinet approval, the Service Director – Development in consultation with Portfolio Holder - Finance and Regeneration will negotiate and agree terms for the grant of a 125 year lease of Honley Village Hall, being the land and buildings shown edged red on Plan reference 18-0213, and instruct the Service Director - Legal, Governance and Commissioning to execute and enter into all necessary documentation in connection with

the grant of a 125 year lease of Honley Village Hall, Roundway, Honley, HD9 6DE to Honley Village Community Trust CIO.

8. **Contact officer**

Mark Varley (Asset Strategy Officer)

mark.varley@kirklees.gov.uk

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

[Community Asset Transfer Policy 2020](#)

10. **Appendices**

Appendix A - Red Line Boundary plan (Ref.18-0213)

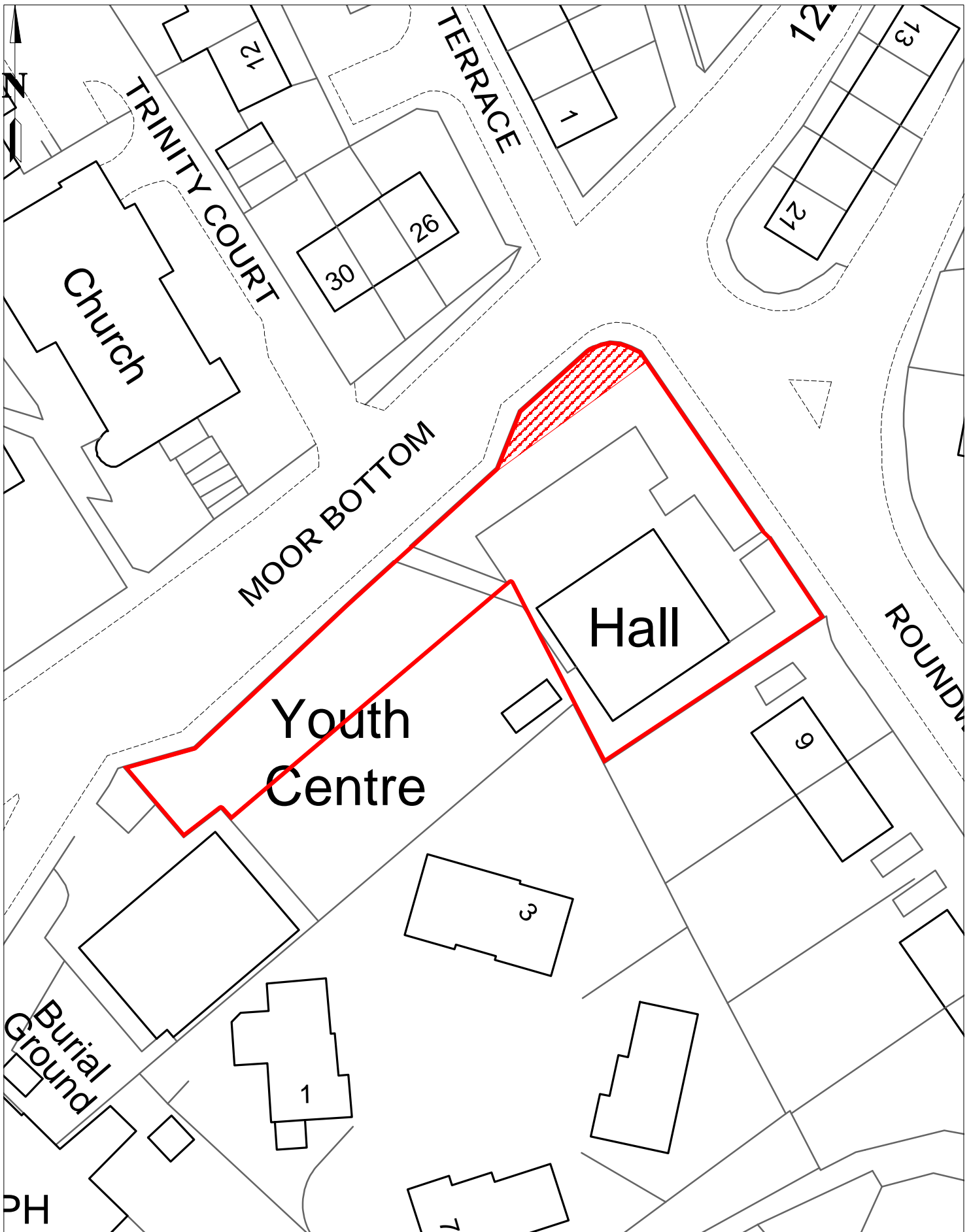
Appendix B - Community Asset Transfer Policy 2020

Appendix C - Integrated Impact Assessment

11. **Service Director responsible**

Joanne Bartholomew

Service Director - Development



STRATEGIC ASSETS

Plan No: 18-0213
Scale: 500

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Community Asset Transfer Policy

September 2020

Introduction: our aspirations for communities and the role of asset transfers

Community Asset Transfer (CAT) is the transfer of ownership and management of public land and buildings from the Council to a community organisation. Assets are transferred at less than market value for local social, economic or environmental benefit.

The primary purpose of CATs in Kirklees is to invest in communities, and we will go the extra mile to help communities achieve their aspirations. This means:

- transfers are a way to empower communities;
- we will find ways to promote asset transfers in our place-based community engagement work as an option for communities to achieve their aspirations; and
- we will build and maintain a relationship with groups before, during, and after transfer to ensure that the asset continues to be available for the community.

As part of the vision for Kirklees to be a great place to live, work, and invest, the Council works with communities to build community capacity and realise community aspirations for their places. CATs are one way in which our communities can be enabled to realise these aspirations and deliver our [shared outcomes](#). By unlocking the power of community, CATs help to [build a more inclusive local economy](#) and enable [people to live in better health for longer](#).

Community-owned and community-run assets act as a catalyst for realising local aspirations by:

- improving local assets: community groups investing in and/or attracting investment for improving local assets;
- supporting local initiative: supporting and building on local community initiative and enthusiasm, which encourages community participation and volunteering; and
- building new connections: local citizens and groups developing new partnerships in their communities (including to support community cohesion).

We have delivered CATs since 2013. As of August 2020 there have been a total of 21 successful CATs across Kirklees.

Recognising the benefits they can deliver, we want to ensure that all our CATs are sustainable. We also want to be transparent with organisations interested in CATs. In line with these commitments, this policy sets out a robust process and offer that has been developed in accordance with the knowledge, skills, and experience we have gained since CATs were introduced in 2013.

This Policy sets out our framework for enabling and managing CATs, specifically:

- why we transfer assets;
- what assets will be considered for transfer;
- the eligibility criteria;
- the conditions of transfer; and
- how requests will be processed.

‘We’re Kirklees’

‘We’re Kirklees’ is our name for the way local people, organisations, and places can work together to deliver our vision for Kirklees and our Seven Shared Outcomes, which are set out in our [Council Plan \(2020-21\)](#). ‘We’re Kirklees’ means we’re:

- **Working with people, not doing to them:** organisations working together with people and communities to enable them to solve problems and make the most of their strengths and opportunities;
- **Working with partners:** organisations sharing knowledge, skills, and resources to work smarter together; and
- **Place-based working:** recognising that each town, village, and community has its own unique strengths and opportunities that can help them solve problems locally, and working to support and enable these.

Eligibility and Conditions for Sustainable CATs

Eligible assets

The assets made available for Community Asset Transfer (CAT) will be at the discretion of the Council, but may include public service buildings and land, such as civic halls, community centres, heritage assets, libraries, open spaces, and parks. Assets which are still required strategically by the Council cannot be made available for transfer.

Assets might be identified as of potential community benefit by the Council or by communities themselves, and the Council encourages community discussions about local aspirations and how local assets might support those.

Eligible organisations

An organisation is eligible if their primary purpose is social, charitable, or community benefit, which can include:

- a [charity](#);
- a [community interest company](#);
- a [cooperative](#)(link);
- a [social enterprise](#); or
- an [unincorporated association](#) (although would need to be incorporated to complete a transfer).

The Council may consider and prioritise expressions of interest for asset transfer to Town and Parish Councils, acknowledging the advantages of democratically elected governance and representation.

Expressions of interest are welcomed from any community organisation that meets the following criteria:

- their primary purpose must be for community benefit;
- they must be open to and demonstrate an inclusive approach to all members of the wider community;
- they must have the skills and capacity to effectively manage the asset and deliver services;
- they must be financially stable and able to demonstrate good governance by operating through transparent and accountable processes; and
- the proposals for the asset must be clear (so the group can demonstrate all of the above),

The Council will encourage collaboration between community organisations and the sharing of assets to optimise both social value and value for money across the District. Applications will not be considered where an asset transfer is likely to compete with and potentially compromise an existing community facility.

If two or more expressions of interest are received the Council will work with the interested parties to develop options and understand the best way forward for the asset. Where appropriate, parties may be encouraged to collaborate and submit a joint application. We will invite viable proposals to proceed to the full application stage.

Conditions of transfer

To ensure that the property transferred is retained by the community for community benefit (e.g. the purpose for which the CAT was approved), assets will be transferred by the grant of a long term leasehold rather than freehold. In exceptional circumstances the Council may consider the transfer of a freehold interest.

The lease will be agreed for a nominal annual rent. It will include legal provisions (covenants) to ensure that the asset is restricted to community use, and may include provisions to ensure it remains open to community use (with a minimum number of hours of community use as agreed between the parties).

In some cases, these provisions will allow some commercial use, when that supports the sustainability of the business model and thereby the community benefit. Cabinet will decide when commercial use is appropriate as part of the application process.

In the final agreement, the Council may reserve the right to use the asset where it is required to deliver a statutory function or strategic ambition, e.g. as a library or on occasions for a polling station during elections or emergency planning purposes.

Upon completion of the transfer, the organisation will be fully responsible for:

- upkeep, repair and maintenance of the asset;
- all running costs, including insurance; and
- compliance with statutory inspections, health and safety requirements, and other relevant legislation.

Following asset transfer, organisations are encouraged to allow other community groups to use the space in the asset (which might also generate income for the organisation). To ensure the asset is of maximum possible community benefit, the group controlling the asset should not discriminate between groups based on protected characteristics (e.g. sex, disability, race, sexual orientation, gender assignment, religion, etc.).

The CAT application process

1. Initiating a CAT application with an Expression of Interest

A CAT application must begin with an expression of interest from a community organisation.

Eligible organisations (see 'Eligible Organisations' above) can submit expressions of interest relating to any Council-owned asset they believe to be of potential community benefit and which is eligible as per this policy.

To submit an expression of interest an Eligible Organisation need not be managing or operating from the asset.

The Council may also advertise surplus assets inviting expressions of interest for asset transfer.

The Expression of Interest form can be found here:

- <http://www.kirklees.gov.uk/beta/community-assets/community-asset-transfers.aspx>

2. Assessment of an Expression of Interest

The Council will decide if both:

- a) the asset in question is available for CAT; and
- b) the group expressing interest is suitable and/or ready for CAT.

If a group is not ready for CAT, they will be signposted to additional support from the Council or other partners.

Council officers will aim to assess expressions of interest within four weeks of receiving them.

If the Council accepts an expression of interest, the applicant group will be invited to submit a full application (see below).

Acceptance of an expression of interest does not commit the applicant or the Council to the transfer of an asset.

3. Full Application

Applicants invited to submit a full application will receive support from the Council either directly or through external organisations commissioned by the Council. Applicants will also be encouraged to access support from other organisations.

The Full Application Form can be found here:

- <http://www.kirklees.gov.uk/beta/community-assets/community-asset-transfers.aspx>

The full application must include detailed information about the applicant group and a fully detailed and robust business case. Applicants invited to progress to this stage can apply to the Council for a grant of up to £5,000 to assist with professional or legal costs associated

with the development of the application. In large or more complex cases, applicants may be invited to apply to the Council for a grant of up to £10,000.

The following information must be included in all full applications:

- the legal structure of the applicant group;
- the experience and skills of the Board/Managing Group and their capacity to manage the asset;
- the proposed use of the asset and how this will support the Council's objectives and benefit the community;
- evidence that the local community has been consulted and the application reflects the needs identified in that consultation;
- budget/financial projections for the group and its use of the asset in question; and
- details of any condition works needed to the asset and the source and availability of capital grant funding.

Failure to provide the required information will lead to an application being delayed or rejected.

We will agree a timescale for submitting a full application with the applicant. Typically, we will expect an application to be submitted within six weeks, but we will agree a timescale that reflects the size and complexity of the asset, since applicants will likely require longer to compose applications for bigger and more complex assets.

Applications are assessed by council officers and partners in accordance with a [scoring matrix](#), which is available online.

The following financial support is offered by the Council:

i. Development Grant

Applicants invited to progress to full application stage can apply to the Council for a grant of up to £5,000 to assist with professional or legal costs associated with the development of the application. In larger, more complex cases, applicants may be invited to apply to the Council for a grant of up to £10,000.

ii. Support towards capital works

Where assets require urgent condition works or physical adaptations to improve accessibility, applicants can apply to the Council for a grant. Any request for grant funding must be made at the Full Application stage and set out clearly within the applicant's business plan. The grant application will be considered by the Council's Cabinet in conjunction with the CAT application. Examples of urgent condition works/accessibility works could include boiler replacement, roofing works, window replacement, ramps, steps, and accessible toilets.

The Council will continue to consider requests for loans to match fund external grants or financing (which may include a groups cash reserves) for the development of assets.

Applications can be made at the Full Application stage and also following completion of a transfer. Applications must be supported by a full business plan evidencing the applicant's ability to repay the loan over the agreed term.

Other information on external sources of funding is available on request.

iii. Revenue grant

The Council will pay a two stage revenue grant to each successful applicant following completion of the transfer. The grant will be calculated based on the previous operational running costs (excluding staffing) for the asset.

A grant equivalent to 15% of the average running cost will be paid on completion of the transfer and a further grant equivalent to 5% the following year.

4. Cabinet Approval

If the application is satisfactory, officers will then seek the approval and authority of the Council's Cabinet ([link](#)) for the Council to carry out the asset transfer.

5. Finalising the terms of the asset transfer

Following Cabinet approval, Council officers will work with the applicant to draw up heads of terms for all the documents that form part of the asset transfer. These documents will comprise of some or all of the following:

- (a) Lease (or in exceptional circumstances a freehold transfer deed);
- (b) Polling station agreement;
- (c) Emergency planning agreement;
- (d) Grant Agreement; and/or
- (e) Loan Agreement

When heads of terms have been agreed, the Council's legal department will draw up all the required documents, and then negotiate and agree the terms of the documents with the applicant's solicitors.

6. Completion

When the documents are in an agreed form, they can then be completed, and the asset transfer will then come into effect.

Indicative Timescales

The full process can take 10-12 months.

Stage	Who is responsible	Indicative Timescale
1. Initiating a CAT application with an Expression of Interest (EOI)	Applicant	N/A (initiates CAT application)
2. Assessment of an Expression of Interest	Council Officers	4 weeks
3a. Full Application & Business Case (Composition)	Applicant	6-12 weeks (a longer period may be agreed dependent on the size and complexity of the asset)
3b. Full Application & Business Case (Assessment)	Council Officers	4 weeks
4. Cabinet Approval	Council Officers Cabinet	6 – 10 weeks
5. Finalising the terms of the Asset Transfer	Council Officers	6 – 8 weeks
6. Completion	Council Officers Applicant	12 weeks

All timescales are only indicative. It is acknowledged that CATs may be delayed for a number of reasons, including:

- complexity and size of the asset being transferred;
- further research required to support the application;
- legal processes involved;
- capacity and availability of people; and/or
- Council Service Reviews.

Changes from the previous policy

This policy supersedes our 2017 Community Asset Transfer Policy. The key changes since then are summarised below.

The change	Our old policy	Our new policy	Why was this change made?
All transfers are with long leaseholds by default	The Council used to transfer buildings differently to land, with buildings transferred freehold and land on long leaseholds.	Our default presumption is now to transfer all assets (land and buildings) on a long leasehold. Freehold transfers will be considered in exceptional circumstances and will be at the discretion of the Council.	Long leaseholds ensure that the asset remains available to the community by providing the Council with remedies in the event that the applicant does not fulfil their obligations with respect to the management of the asset or there is a breach of the terms of the lease. The grant of long leaseholds still gives applicants the security needed to satisfy grant funders.
More financial support for applicants invited to the Full Application stage	We used to offer a grant of up to £5,000 to cover legal costs and fees associated with the application.	In exceptional cases the Council will now offer up to £10,000.	Some cases require extra support because of their size and complexity.
More financial support for successful applicants	We used to offer a grant in the first year after a transfer equivalent to 15% of the asset's running cost (excluding staffing costs).	We now offer a grant in the first and second year after a transfer. The first year grant remains at 15%. The second year grant is 5%.	This will provide extra post-transfer support that will assist with the running of the transferred asset and increase the likelihood of sustainable asset transfer.

	<p>We used to offer applicants a loan option for up to £100,000 match funding towards capital improvements to the asset. Loan applications had to be submitted at the full application stage of the process. Applications would not be considered post transfer.</p>	<p>The Council will now offer an option of grant funding and loans.</p> <p>Groups will be able to apply for a grant to fund urgent condition works or physical adaptations to improve accessibility. Examples of these works may include boiler replacement, roofing works, window replacement, ramps, steps, and accessible toilets.</p> <p>The Council will now consider requests for loans to match fund external grants and financing, prior to and following completion of the asset transfer, for groups wanting to develop assets.</p>	<p>The introduction of a grant will further support the viability of community asset transfers, allowing groups to invest in urgent condition/accessibility works where needed to bring assets back into use.</p> <p>Post transfer loans will provide added flexibility to groups intending to carry out capital improvements to assets, ensuring that they remain available for public use and sustainable in the long term.</p>
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<p>More proactive strategic approach to CATs</p>	<p>We used to transfer assets primarily when they were surplus to our service requirements. Assets were also sold to raise funds for important Council services.</p>	<p>We will now also encourage community groups in our community engagement to proactively identify assets they need to solve local issues and to achieve community aspirations.</p> <p>Where asset transfers aren't possible, groups will be signposted to support within or external to the council to ensure that we build on their aspirations for their communities.</p>	<p>As set out in the Corporate Plan (link), we're now working more with people and doing less to or for them, working more in place-based ways led by local community aspirations and valuing the diversity of perspective and identities that make up local places. This requires that we proactively encourage community organisations to think about the assets they need to achieve these aspirations.</p>
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EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy:	
Community Asset Transfer of Honley Village Hall	
Directorate:	Senior Officer responsible for policy/service:
Growth & Regeneration	Joanne Bartholomew
Service:	Lead Officer responsible for EIA:
Development	Mark Varley
Specific Service Area/Policy:	Date of EIA (Stage 1):
Community Asset Transfer Policy	24/01/2023

Brief outline of proposal and the overall aims/purpose of making this change:

The transfer of the property Honley Village Hall, Roundway, Honley, HD9 6DE by way of the grant of a long leasehold in accordance with the Councils Community Asset Transfer Policy 2020 for the promotion and improvement of social, economic and environmental wellbeing.

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	4	4.2	8.2	2.5	2	4.5	No
Environment		2	2	10	10	20	Yes

NATURE OF CHANGE

WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	NO
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	YES
To change a service, activity or policy (i.e. redesign it)	NO
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	NO

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...	Level of Impact Please select from drop down
Kirklees employees within this service/directorate? (overall)	Neutral
Kirklees residents living in a specific ward/local area?	Very Positive
Please tell us which area/ward will be affected:	Holme Valley North
Residents across Kirklees? (i.e. most/all local people)	Neutral
Existing service users ?	Very Positive

Each of the following groups?		Please select from drop down
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>		
...age	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Very Positive
...disability	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...marriage/ civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...race	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sex	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...those in poverty or low-come	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...unpaid carers	What impact is there on Kirklees employees /internal working practices?	Neutral

What impact is there on Kirklees **residents**/external service delivery?

Neutral

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...			Level of Impact
			Please select from drop down
Kirklees Council's internal practices ?			Neutral
Lifestyles of those who live and work in Kirklees?			Neutral
Practices of suppliers to Kirklees council?			Neutral
Practices of other partners of Kirklees council?			Neutral
Each of the following environmental themes ? (Please select from the drop down list)			
	People	Partners	Places
...clean air (including Climate Changing Gases)	Score: 0	Score: 0	Neutral Score: 2
...Clean and plentiful water	Score: 0	Score: 0	Neutral Score: 2
... Wildlife and habitats	Score: 0	Score: 0	Neutral Score: 2
...Resilience to harm from environmental hazards	Score: 0	Score: 0	Neutral Score: 2
... Sustainability and efficiency of use of resources from nature	Score: 0	Score: 0	Neutral Score: 2
...Beauty, heritage and engagement with the natural environment	Score: 0	Score: 0	Neutral Score: 2
... Resilience to the effects of climate change	Score: 0	Score: 0	Neutral Score: 2
...Production, recycling or disposal of waste	Score: 0	Score: 0	Neutral Score: 2
... Exposure to chemicals	Score: 0	Score: 0	Neutral Score: 2

HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?

Please select YES or NO

Equality Themes

Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?	Yes
...employees?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...Kirklees residents?	Yes
...service users?	Yes
...any protected characteristic groups?	No
Please list your equalities evidence/intelligence here [you can include hyperlinks to files/research/websites]: Officers have engaged with representatives of Honley Village Community Trust CIO, the Councils Third Sector, Community Plus and Cohesion teams.	

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal outlined on the different groups of people?	TO SOME EXTENT
To what extent do you feel you have considered your Public Sector Equality Duty?	FULLY

Environmental Themes

Have you taken any specialist advice linked to your proposal?	No
...Kirklees Council practices?	No
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	No
...resident and worker lifestyles?	No
...Practices of Supplier to Kirklees Council?	No
...Practices of other Kirklees Council partners?	No
Please list your environmental evidence/intelligence here [you can include hyperlinks to files/research/websites]: The outcome of the Stage 1 Integrated Impact Assessment indicates a negative Environmental Impact based on the lack of specialist advice and evidence to support the action being taken. There are no environmental implications to the transfer of the asset. The extent of the transfer is limited to the building. The building is in a relatively good state of repair and the grant of a long lease under the Community Asset Transfer policy will provide the applicant with the security to invest in improvements that will deliver energy efficiencies. A Stage 2 assessment is therefore not required.	

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the environmental issues identified?	NOT AT ALL

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REPORT TITLE: UPDATE REGARDING PROGRESS WITH THE REGULATORY NOTICE

Meeting:	Cabinet
Date:	8th October 2024
Key Decision Eligible for Call In	No N/A
<p>Purpose of Report: To provide an update on the service Improvement plan which is being implemented to deliver the actions in response to the regulatory notice</p>	
<p>Recommendations</p> <p>The Cabinet is invited</p> <p>To note the report and to agree the contents are shared with key stakeholders.</p> <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • To ensure key stakeholders are aware of current position regarding Assets and Building Safety operational delivery. • To note that the risks to tenant safety are being managed through a robust set of mitigations whilst remediation programmes are being mobilised and delivered. 	
<p>Resource Implications The new governance structure and Action Groups will reduce the overall number of meetings and improve efficiency across the Building Safety and Assets teams there has been significant number of new recruits in post to assist with service delivery.</p>	
<p>Date signed off by <u>Executive Director</u> and 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, Executive Director, Place 24 July 2024</p> <p>Kevin Mulvaney 25 September 2024</p> <p>Samantha Lawton 26 September 2024</p>

Electoral wards affected: **All**

Ward councillors consulted: **N/A**

Public or private: **Private**

Has GDPR been considered? **N/A**

Executive Summary

1 Background & Context

- 1.1 On March 6th, 2024, Kirklees MBC were served with a Notice to improve by the Regulator of Social Housing (RSH) following self-referral by the Council having identified a failure to meet statutory health and safety requirements in some of its homes. The self-referral identified a significant number of overdue fire remedial actions and that since December 2022 there were a consistently high number of homes with unresolved cases of damp and mould.
- 1.2 As a registered provider, Kirklees MBC is required to comply with the consumer standards, including what was referred to as the Home Standard prior to the new Consumer Standards being introduced in April 2024. The Home Standard required registered providers to meet all applicable statutory requirements that provide for the health and safety of tenants in their homes. It also required registered providers to have a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of tenants.
- 1.3 In respect of fire safety, Kirklees MBC has a statutory duty to regularly assess and take precautions to prevent the risk of fire. Kirklees MBC had completed fire risk assessments for all blocks that required one. However, investigations found that more than 20,000 fire remedial actions from fire risk assessments were currently overdue of more than 200 of the overdue remedial actions were high-risk actions. A plan has been developed to complete these actions promptly and deal with any further actions identified going forward.
- 1.4 With regards to damp and mould, the Home Standard requires landlords to provide a cost-effective repairs and maintenance service that responds to the needs of tenants. Kirklees MBC told us it had consistently high numbers of cases of damp and mould in its homes that it had not resolved. Investigations found there were over 1,500 uncompleted repairs relating to damp and mould, and more than 1,000 of these were classed as high risk, taking into account the needs of tenants living in the homes and the length of time the works were overdue.
- 1.5 The Regulator considered the case as a breach of part 1.2 of the Home Standard and has concluded that Kirklees MBC did not have an effective system in place to allow it to meet its statutory health and safety responsibilities in relation to fire safety. It was also not providing a cost-effective repairs and maintenance service; the council did not respond effectively to the significant numbers of high-risk damp and mould cases in its homes.
- 1.6 Complying with statutory health and safety requirements and providing an effective repairs service are fundamental responsibilities of all registered providers because of the potential for serious harm to tenants. Through engagement with the Regulator, the Council has demonstrated that it now understands the work it needs to undertake to ensure relevant safety actions are completed and to respond to the outstanding damp and mould repairs.
- 1.7 Since the original referral the council has identified an additional requirement to more effectively manage risk around water hygiene.

1.8 This report will advise Cabinet that Kirklees MBC has put in place a programme to rectify these failures, and the regulator will therefore not take statutory action at this stage, as it has assurance that the breach of the standard is being remedied. The regulator will work with the Council as it continues to address the issues that have led to this situation, including ongoing monitoring of how it delivers its fire remedial programme and addresses reports of damp and mould and water safety risk assessments.

1.9 The report has set out progress updates in the following structure which aligns with Homes and Neighbourhoods latest Regulatory Update.

1.10 **Governance**

This section will set out how Kirklees is overseeing and managing the improvement plan across the organisation indicating the Boards and Working Groups that have been mobilised to deliver the required actions.

1.11 **Building Safety**

Fire, Damp & Mould and Water Hygiene are all aspects of building safety, and each area of activity have plans in place to address the shortcomings identified in the regulator referral.

Fire Safety

- Outstanding Fire Risk Assessment (FRA) Actions
- Process redesign
- New FRA Programme
- New Fire Works Programme
- High Risk Building Programme
- Data Management to be developed in Asprey Contracts Module

Damp Mould & Condensation (DMC)

- DMC Policy – Approved at Cabinet on 10th September 2024
- Tracking, Monitoring and management
- Data Management to be managed as Housing Health and Safety Rating System (HHSRS) in Asprey Module

Water Hygiene

- Programme of measures to improve currently reported rate of compliance
- Data Management to be held in Asprey Module

Compliance 3rd Party Assurance

1.12 **Communication**

A plan has been prepared including links to the Tenant Led Panel (TLP) and is regularly reviewed to ensure tenants and other stakeholders are aware of current and future works that will be undertaken as well as information and advice on how to stay safe.

1.13 **Data Quality**

A range of systems are being reviewed including Housing Management Cx and Stock Condition information database ie Asprey upgrade.

1.14 **Resourcing**

Homes & Neighbourhood Asset team have held a high number of vacancies many of which have now been appointed to as part of the service improvement plan.

1.15 Lessons Learnt

As a result of the self-referral and Regulatory Notice, the council was invited to reflect on the root causes of the regulatory breach and the following outline the lessons learnt:

Fire safety

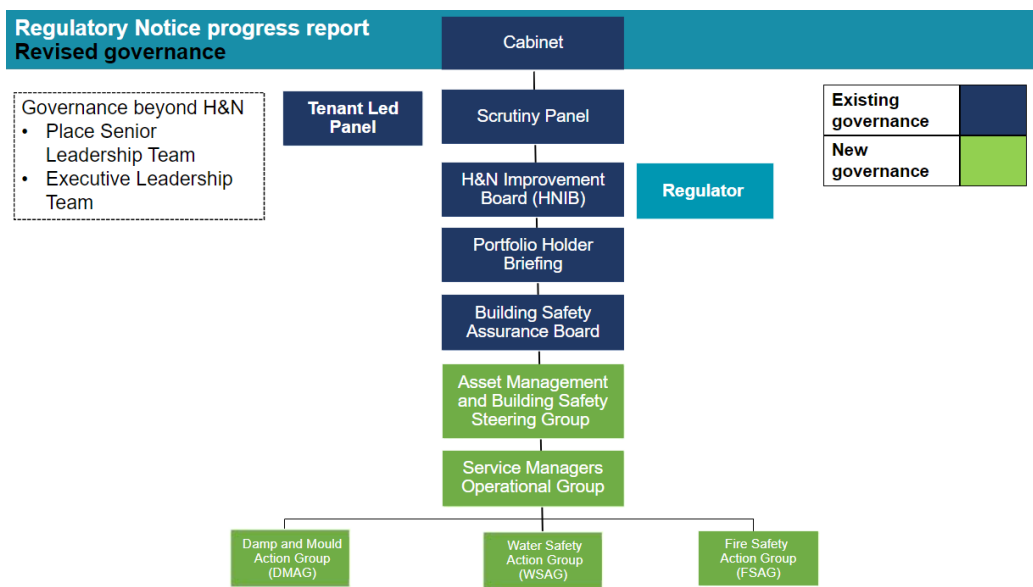
- Lack of an established fire safety system
- Ineffective technical systems and data control
- Approach to risk management / extrapolated actions
- Lack of focused governance on fire safety
- Lack of challenge over identified actions
- Lack of cohesive programme management and oversight

Damp, mould, and condensation

- Cease of cyclical programmes
- Consistently high number of cases coming in
- Resourcing
- Job completion rate
- No access

2 Governance

2.1 As a result of lessons learnt following the regulatory notice, it was established that the governance structure needed to be reviewed to ensure important decisions were reviewed appropriately across the council and that greater oversight and scrutiny could be introduced at a more granular level to ensure that building safety performance was monitored, and a similar scenario could not occur in the future in terms of regulatory intervention. The diagram below shows the existing governance arrangements (dark blue boxes) and the new arrangements that have been introduced (green boxes) to monitor programme performance at a managerial and supervisory level.



3. Building Safety Progress

3.1. Fire Safety (FRA actions)

3.1.1. Outstanding Fire Risk Assessment Actions

There are currently 5,602 outstanding FRA actions that were identified on previous FRA's, in addition to these actions, Kirklees carried out an extrapolation exercise to help inform planned programmes e.g. for fire door replacements, the total number of extrapolated actions is currently 14,560. Although the extrapolated actions were not identified on FRA's and are therefore outside the requirements of the Fire Safety Order, these were still reported to the Regulator for full disclosure of the position at the time of referral. Moving forward the data cleanse of existing actions through the new FRA programme will clarify this position. Approximately 50% of the FRA actions relate to passive fire protection (PFP) works and will be picked up as part of the new contractor framework that is being procured. There were previously 271 outstanding high-risk fire (AA) actions, prior to the new FRA programme commencing and to ensure there were no immediate life safety risks present, these have been reviewed on site by the Fire Safety Technical Officers, the review found that the majority of actions had already either been completed or did not meet the threshold for an "AA" action which should be reserved for items or incidents that would be highly likely to cause significant harm. The status of the actions following the review is:

- Remediation already completed – **126**
- Tolerable risk (the likelihood of fire combined with the consequence is deemed sufficiently low or that required steps have been taken to reduce the risk to as low as reasonably practical) – **21**
- Mitigations in place - actions downgraded from AA – **124**

A consensus meeting took place 4/8/24 for the Fire Safety Technical team to review 11 outstanding actions and determine if they constitute an AA action, and as a result of this meeting the remaining 11 were downgraded as there were sufficient mitigations in place and the status change has been recorded in the Asprey Fire Risk module.

3.1.2. Fire Safety Process re-design

A piece of work was previously undertaken to identify several key fire safety processes and their current state, these have been mapped or a future state with a series of recommendations being made that have been accepted by the Building Safety team and will be implemented as part of a review of the existing fire safety management plan, this work will tie into a review of the Fire Safety Management Plan that is to be completed by December.

3.1.3. New FRA Programme

New Fire Risk Assessments will be carried out on all buildings that legally require one by November 2025 in order to cleanse the existing data and provide an accurate reflection of the risk, these FRA's will be "type 3" which means that they will include a sample of flats, which although is in excess of current legislation, will provide a greater understanding of the overall risk. The procurement of a new supplier is a high priority and has received 2 bids which have now been scored and were evaluated on the 2/9/24. This is progressing towards a contract commencement date of 14/10/24, these FRA's will be delivered over a 12-month period with approximately 72 FRA's to be delivered every month. Once the 12-month programme has finished, the regular 3-year programme will then resume.

3.1.4. New Fire Works Programme

A tender for suppliers (framework) for FRA remedial works has been completed and was published on the 13th of September, the framework is following a similar timeline to the new FRA tender to assist with completion of FRA actions in a timely manner. It is a Passive Fire Protection framework to deal with the large number of actions that occur in this area, the lots are as followed below:

Lot 1 - Fire Doors Supply, Fit and maintenance - Fire Door Installation (Door and Sets) and Fire Door Maintenance

Lot 2 - Fire Stopping - Small Penetrations (Mastic, Pipe Collars, Vents etc.) Large Openings (Blocks, Partitions, Board, Batts etc.)

Lot 3 – Supply and Fit Fire Rated Glazing and Windows

Lot 4 – Supply Only Fire Doors and Fire Doors Sets

The tender is running behind the FRA contract start due to it being an inherently more complex contract, and the framework is due to commence on the 6th of December 2024.

3.1.5. High Risk Building Programme

High Rise Buildings	Update
Buxton House	Buxton House will be undergoing a significant fire safety improvement scheme. Consent granted 15 July 2024. Terms agreed to acquire most leasehold interests necessary for the project to proceed. Report requesting a CPO be made for the acquisition of any outstanding leasehold interests at end September 2024 is enroute to October Cabinet. Tender documents being prepared ready for tender issue in September 2024. Decants progressing with 56% of units void (32/57). Start on site expected October 2025 following completion of CPO process.
Berry Brow	The 2 high rise buildings at Berry Brow are in the process of being demolished. Pre-application feedback expected by end August. Value engineering of design underway prior to further public consultation and final sign off on planning design. Full planning submission expected December 2024. Decants progressing with 77% of properties now void (149/194) and a further 7 residents expected to be rehoused in September 2024.
Harold Wilson Court	Planned programme of fire safety improvement scheme currently on track for completion in November 2025.
6 storey buildings	Update
Tranche 1	Buckden & Hebden Court form Tranche 1 of the planned programme of fire safety works at the 6 storey blocks. Fortem are the contractor who have been awarded the contract and are currently at design stage.
Tranche 2	The reviewed scope has been finalised with procurement and an expression of interest was carried out to market on 6/8/24, which was responded to positively by a number of suppliers. The tender documents are currently being finalised before being published on the Proactis portal, this will go live in September 2024.
Tranches 3 - 6	The remaining Tranches are due to be completed by 2030, however, options are currently being explored to bring this date forward.

Retirement Living Schemes	Update
	<p>Retirement Living Schemes - AHR were commissioned to carry out surveys to Retirement Living Schemes that was largely focused on fire safety and benchmarking the buildings to current standards to develop refurbishment programmes, the surveys also incorporated a review of the building structure and M&E services. A review of the surveys was carried out by the Service Manager – Building Safety which found that the recommendations made by AHR in relation to fire safety were in excess of the original scope and not proportionate to achieving acceptable levels of fire safety risk, therefore, the decision has been taken to progress fire safety remediation through the new FRA programme and the work will be carried out by suppliers on the impending fire safety contractor framework which will be managed internally by the Assets team.</p> <p>A programme of works will be produced to deliver a capital plan of improvement work streams which will be non-fire safety elements. Roofing, windows, communal wiring etc. The work packages will be done on a worst first basis which will be produced by reviewing, repairs, meeting with RLS coordinated and asset information held on file. The AHR survey proved a good starting point, however, it indicated most of the building main elements are end of life.</p>

3.1.6. Third Party assurances for compliance service areas

A recommendation was made by Altair to carry out 3rd party assurance for other compliance areas currently used for gas servicing and electrical testing, Kirklees have previously had 3rd party audits carried out with a series of actions been made, however, following the current position in fire, water and asbestos, it has been agreed that Kirklees will deliver on the Altair recommendation and procure this service to provide assurance that the traditional “big 6” areas of compliance are being managed appropriately and any potential future risks or issues can be foreseen and avoided, the target date for this to be in place is January 2024.

3.2. Damp, Mould & Condensation (DMC)

3.2.1. DMC policy

In response to the Regulatory Notice issued by the Regulator of Social Housing on 6 March 2024, a Damp, Mould, and Condensation Policy has been created, which has been approved at Homes and Neighbourhoods Senior Management Team (H&N SMT) and Growth and Regeneration Senior Leadership Team (G&R SLT). The Policy outlines that resident safety is a top priority and the actions the Council will take to manage and resolve DMC in its social housing stock.

By having the Policy Kirklees H&N can demonstrate to tenants and the Regulator of Social Housing how it will handle reports of DMC. This policy will ensure tenant safety and meet regulatory requirements and show its commitment to maintaining high housing standards. The policy will ensure that H&N handles all DMC cases in a consistent way, which means every report will be dealt with thoroughly and fairly.

The DMC Policy was approved by Cabinet on 10th September 2024. Running concurrently to this flightpath, a draft DMC Procedure document has been created and shared for service consultation amongst key stakeholders within Homes & Neighbourhoods, as well as members of the Assets and Building Safety Assurance Board (ABSAB). Within the draft DMC Procedure is a set of appendices, including the letters intended to be used at key milestones within the delivery of the DMC service.

3.2.2. Resourcing

Operationally, the DMC Team Leader started in early July and the DMC Property Project Assistant (PPA) started at the end of the same month. The service is finalising the recruitment campaign for the vacant Quality Liaison Officer (QLO) position. The deadline for applications was mid-August however due to the high number of applicants, interviews will take place in September. There are two Property Project Officer (PPO) employees/posts to transfer to the Voids, DMC and Disrepair Assets service from Capital, which are yet to be confirmed. Additional Asset Business Support Officer (BSO) has been sourced from an Agency to assist with the administrative elements of the DMC service, and within Property Services, a DMC Works Planner has been recruited to raise and allocate treatments, repairs and/or works identified from DMC surveys.

Following the loss of the agency Assets Surveyors in June and July, respectively, interviews have been held with replacement Agency candidates, and one surveyor has joined the DMC service in August and recruitment is ongoing to fill the remaining vacant post. A further verbal update will be provided to Cabinet in October. The procurement campaign for additional third-party contractor support on mould treatments has concluded, with GME being the successful bidder and awarded the contract. The pre-start meeting was completed on the 27th August and monthly contract review meetings have been scheduled thereafter to monitor and manage the contract to ensure financial, operational, safety and satisfaction metrics are achieved. To fulfil the contractual obligations (min. 1,000 orders), discussions have taken place between Assets and Property Services to ensure the correct volume of mould treatment allocations are provided to the third-party contractor, and Property Services. The latter will reallocate resource from DMC service delivery to the communal areas painting programme which has been provided by Assets Capital.

The procurement campaign for the damp and timber specialist works framework, inclusive of timber treatments, rising damp, wet rot and dry rot is nearing the stage to publish to the market. Once this framework is in place, it will be able to support DMC, disrepair and void services and will negate the need to source three quotes and release staff to focus on other priorities.

3.2.3. DMC Tracking, Monitoring and management

The Damp Management Action Group (DMAG) has continued throughout July and good progress is being made to resolve DMC cases at the earliest opportunity. Originally when self-referred there were circa 1800 cases. The position as of 30th August was 1,314 cases. A review of the latest information in the DMC Case Management Tracker suggests there are emerging service risks associated to the increase of no accesses at survey and works phases, as well as the growing number of DMC cases with outstanding repairs.

Improvements to data management will be introduced as part of the upgrade to the Asset management system (Asprey) This will include the monitoring and recording of Housing Health and Safety Rating System (HHSRS).

3.3. Water Hygiene

Kirklees are currently reporting at 5.73% compliant under Tenant Satisfaction Measure BS04: Water Safety Checks, assesses the percentage of homes that have undergone all necessary Legionella risk assessments. This is because we have historically only carried out legionella risk assessments to communal water supplies and not within private dwellings due to a perceived low risk, however, BS04 has been interpreted by Kirklees to mean that risk assessments should be carried out for all private dwellings as well as communal supplies, and therefore, it has been agreed by the Place Directorate SLT that these risk assessments will be carried out by gas operatives as part of annual LGSR's. A specification has been shared with Property Services by the Building Safety team and has now been developed into a Granicus form that the operatives can use to complete the assessments efficiently. All properties will be assessed within 12 -15 months of the programme commencing in late September/early October 2025.

Properties services have provided the following timescales for different property types to have completed assessments:

977 non gas properties with stored hot & cold water (higher risk)

- Start date - 7/10/24
- Completion date – 20/12/24

19553 Stored hot water and combi boiler properties (Medium & low risk)

- Start date – 7/10/24
- Completion date – 26/9/25

The new Water and Mechanical Technical Officer has been appointed and the purpose of the role is to provide additional technical competence within H&N to be able to manage servicing and maintenance contracts and increase the level of assurance that all relevant equipment and services are being maintained appropriately. There will be further independent assurance once the third-party assurance partner is procured.

4. Asset Data Update

4.1. The service in conjunction with independent consultants have identified several areas where data quality can be improved across the following:

- Data Governance – The requirements of the new Safety and Quality Standard and reporting is provided to HNIB and Building Safety Assurance Board through the Homes and Neighbourhood KPI Performance Framework.
- Stock Condition – Deliver a 100% Stock Condition Survey during 2024 to 2026, followed by a rolling programme of 20% per annum.
- Asprey Upgrade – Update the current Asprey asset management system to a cloud- based version to increase the functionality of the system, as detailed in the diagram below.



4.2 The Asprey update is progressing with procurement finalised and planning session under way to deliver the implementation plan for the upgrade of all existing functions which includes; operational asset management, planned works, asbestos, fire safety, mobile working and AspreyBI.

4.3 The Project Plan is split into two phases to cater for existing functions first. Phase one, expected to complete by 31st October 2024, and the introduction of new functions. Phase two.

4.4 Phase one timeline:

Item	Provisional Key Milestone (deadline)
Upgrade Work and internal testing (Asprey)	13 th September 2024
Upgrade to existing integration	30 th September 2024
Function Training (Asprey and Kirklees)	20 th September 2024
Completion of User Acceptance Testing and in-UAT fixes	25 th October 2024
Go-Live	31 st October 2024

4.5 Following the upgrade of existing functions, implementation of new functions and comprehensive training, the new solution will:

- Provide a single solution for all property management activities (replacing multiple ad-hoc systems, including spreadsheets)
- Provide cost effective and improved (rationalised) data collection and use
- Provide efficiency gains (both operational and reporting)
- Simplify the complex to aid proactive decision making
- Provide a shared single version of the truth across multiple property management teams
- Provide quick and simple access to high and low levels of information as it is needed
- Deliver improved visibility of organisational performance and support collaborative working
- Respond to tenant's queries and concerns more efficiently

4.6 Chosen Solution Key Functions:

Function	Type	Comments
BI and Reporting Layer	Upgrade to existing	Provides simple to use reporting and data analytics, alongside performance measurement and organisational transparency across all functions in use
Operational Asset Management	Upgrade to existing	Provides property condition, decency and energy management
Planned Works	Upgrade to existing	Fiscal and progress clarity with business control for capital and cyclical works - is also expected to assist with void management
Asbestos Management	Upgrade to existing	Holds asbestos assessments with scoring and dedicated remedial action management
Fire Safety Management	Upgrade to existing	Holds fire risk assessments with scoring and dedicated remedial action management
Mobile Working	Upgrade to existing	Allows collection and validation of data across all operational functions
Strategic Asset Management	Upgrade to existing	Provides centralised investment modelling capabilities for asset rationalisation and stock option appraisal
Servicing & Inspection	New Function	Manages ANY type of regular service or inspection
Legionella Management	New Function	Holds water safety assessments with scoring and dedicated remedial action management
Asset Safety (Damp and Mold)	New Function	For assessment and remedial action management

4.7 Phase Two covers the implementation of new functions; Servicing and Inspection, Legionella Management, Asset Safety for Damp & Mould management and potentially detailed HHSRS assessments.

4.8 Provisional Key Milestones will be agreed once Phase One is completed. The project group will continue to hold Stakeholder Engagement meetings and user requirement gathering sessions.

4.9 The Stock Condition Survey approach as detailed within the Council Housing Asset Strategy and Investment Plan March 2024 to undertake a 100% stock condition survey across the Council's entire housing stock over the next 3 years is well developed. The aim set out in the strategy is to achieve 40% Yr1, 40% Yr2 and 20% Yr3; this is based on a stock holding of approx. 21,500 homes and approximately 2,100 blocks was presented to SMT 13th June 2024 and agreed next steps:

Activity	Date
Finalise documentation and governance checks	Completed
Route to market agreed and signed off	50% completed
EOI published (FW or Open)	Completed
Documents published (FW or Open)	w/c 09.09.24
Quotations Submission Date	20.09.24 (worst case if open – less 7 days/10 days if a FW)
Evaluation period ends	27.09.24
Award to successful Suppliers	w/c 30.09.24
Contract start date	w/c 14.10.24

5 Finance

- 5.1 Budgets have been provided to support the current pressures identified in this report. For the monitoring position at M5, 2024-25 an annual revenue budget of £2m has been provided, which is forecasting an overspend of £175k. For fire surveys there is a revenue budget of £1.1m which is forecasting to achieve budget and a budget for 40% stock condition surveys and water quality testing has been provided. There is a baseline capital budget of £33.8m which includes £18.8m for planned component replacements, £2.7m for general building safety works and which includes budgets for the works to the six storey blocks, low rise blocks and the retirement living scheme. There is an approved budget of £57m for the high-rise blocks of which £5.3m relates to 2024-25.

6 Information required to take a decision

- 6.1 Not applicable

7 Implications for the Council

- As a result of the notice, the Homes and Neighbourhood service is unable to access Homes England Affordable Homes Programme funding but does not affect other funding programmes e.g. the Local Authority Housing Fund. This is only applicable to the Registered Provider element of the council which relates to the housing landlord function only.
- Failure to deliver the programme and meet the requirements of the regulatory notice could result in a number of outcomes: inspection, sanctions for the council or other such measures as stipulated by the regulation.
- Failure to deliver the programme will result in the Council not fulfilling its commitment to keeping residents safe
- Reputational damage to the Council could be significant

Legal

- Section 198A of the Housing and Regeneration Act 2008 (as amended) states that the Regulator's regulatory and enforcement powers may be used if a registered provider has failed to meet a consumer standard. Following the self-referral by the Council the Regulator determined that the Council had potentially breached part 1.2 of the Home Standard. As the Council has put in place a programme to rectify these failures the Regulator determined there was no need to take statutory action. The Council will need to continue to provide assurance to the Regular that any breach is being remedied.

8 Consultation

- 8.1 Internal consultation has taken place with key stakeholders as well as the Tenant Led Panel. These include the staff within the service and other services involved in supporting the delivery works in relation to the regulatory response.
- 8.2 Consultation included the following groups/ boards:
- Homes and Neighbourhoods Senior Management Team
 - Place Senior Leadership Team
 - Executive Leadership Team

- Homes & Neighbourhoods Improvement Board
- Housing Portfolio Briefing
- Building Safety Assurance Board
- Tenant Led Panel
- Executive Board

9 Engagement

- 9.1 There is an agreed resident engagement and communications strategy which includes regulatory notice requirements as well as the key building safety priorities. Resident engagement is carried out as part of the wider Building safety engagement strategy. This ensures that there are consistent messages and opportunities for residents' feedback which can and will be incorporated into the delivery of the programme.
- 9.2 All individual projects for delivery have dedicated engagement teams to ensure that all residents are fully aware of any changes, improvements and requirements. Regular updates will be provided on the website and regular communications will be published throughout the length of the programme

10 Building Safety Assurance Board's (BSAB) Feedback to HNIB from their meetings - 9th & 30th August 2024

- 10.1 BSAB recently updated its TOR to ensure adequate challenge to H&N specific to its performance. BSAB continue to challenge the accuracy of data provided and have asked for improvement to how information is reported to ensure clarity. BSAB are also undertaking a full review of its forward plan with recognition of the H&N compliance framework to give assurance that all aspects of H&N BS are in focus for the Board. BSAB understand the recent changes to senior management and will work closely with the team to identify and escalate current and emerging issues. The pace of DMC compliance remains a concern specifically capacity and accessibility. It is clear that progress is being made and that additional resources have been commissioned but assurance regarding data remains a focus.
- 10.2 The BSAB members have recently made the decision to bring together a sub group, specifically to receive technical advice prior to each BSAB meeting. This sub group will review BSAB reports prior to the Board with a view to improving technical challenge and rigour.
- 10.3 BSAB note the progress in addressing the backlogs DMC and FRA, however BSAB are concerned that with the onset of winter there is a potential that DMC cases could escalate.

11 Next steps

- To continue to progress the delivery of the action plan agreed with the Regulator to ensure timescales are met and the regulator is satisfied with progress.
- Continue to progress procurement to ensure capital delivery programmes can be delivered.
- Continue to progress outstanding recruitment vacancies to maximise service delivery.
- Continuous improvement of service delivery across all areas.
- Embedding the action groups within day-to-day operational activity.

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13 Background Papers and History of Decisions

13.1 None

14 Appendices

14.1 None

15 Service Director responsible

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