

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 14th December 2021

Present: Councillor Shabir Pandor (Chair)
Councillor Eric Firth
Councillor Viv Kendrick
Councillor Musarrat Khan
Councillor Peter McBride
Councillor Naheed Mather
Councillor Carole Pattison
Councillor Cathy Scott
Councillor Will Simpson

In attendance: Councillor Martyn Bolt
Councillor John Lawson

Apologies: Councillor Paul Davies

114 Membership of Cabinet

Apologies for absence were received on behalf of Councillor Davies.

115 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 12 October 2021 be approved as a correct record.

116 Declarations of Interest

No interests were declared.

117 Admission of the Public

It was noted that Agenda Items 21, 22 and 23 would be considered in private session (Minute Nos. 134, 135, and 136 refers).

118 Deputations/Petitions

No deputations or petitions were received.

119 Questions by Members of the Public

No questions were received.

120 Questions by Elected Members (Oral Questions)

Cabinet received the following questions in accordance with Executive Procedure Rule 2.3;

Question from Councillor Lawson

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“Considering the arrangements for the exit from Europe and the stage in January when the grace period for tariffs and implementations of paperwork and the six-month period comes to an end, what plans have we made to make sure that our suppliers are not going to be affected by this and in turn that our council business can continue as smoothly as possible?”

A response was provided from the Leader of the Council.

Question from Councillor Bolt

“When are the minutes of the previous meeting going to be approved please?”

A response was provided from the Leader of the Council.

Question from Councillor Bolt

Can you confirm that when residents are seeking answers to planning questions and people are challenging planning issues, being a very difficult area getting to grips with council procedures, that officers are considerate of our members of the public and indeed elected members?”

A response was provided from the Leader of the Council.

121 Building Safety, Compliance Report. Anthony Brown, RM Consulting: April 2021

(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Bolt and Lawson).

Cabinet considered report which outlined that Compliance and Building Safety had been a key organisational priority since 2017. It was advised that following a major regulatory reform in late 2020, the Council commissioned an independent review, and subsequently appointed Anthony Brown of Robust Management Consulting to undertake a root and branch review across all areas of compliance and building safety. The review report identified several areas of improvement, with individual recommendations which formed the basis of an Improvement Plan.

Cabinet was advised that the ongoing improvement plan had delivered significant and tangible benefits in particular; (i) a robust governance structure with a focused Assurance Board, (ii) reliable asset data and an asset structure that clearly identified all properties with a compliance requirement, (iii) an inspection programme with clearly defined dates and (iv) a prioritised remediation programme and forward plan aligned to the current Regulatory Framework.

RESOLVED -

- 1) That the review and its findings be noted.
- 2) That approval be given to the direction of the improvement plan.
- 3) That the progress with delivery of remedial actions be noted.

122 Amendment to Tenancy Agreement from Monthly to Weekly Debit

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

Cabinet considered a report which sought approval to vary the Councils Housing Tenancy Agreement to replace the current monthly (debit) period to weekly. The report outlined that the Tenancy Agreement was moved from a weekly to monthly debit period in 2016, with the purpose being to align rent payments to monthly benefit payments.

The report advised Cabinet however, that an issue was identified with the Housing Benefit processing system, with it not being able to align payments to rent accounts without a significant investment to change the IT infrastructure. Although a new Housing IT system is being implemented, some of the current difficulties would remain.

The Cabinet noted that Aligning the Tenancy Agreement to a weekly debit period will improve the service for tenants and avoid the confusion caused by different rent debit periods.

RESOLVED -

- 1) That approval be given to change the existing Tenancy Agreement from a monthly to weekly debit period.
- 2) That approval be subject to a period of consultation with tenants.
- 3) That authority be delegated to the Service Director of Homes & Neighbourhoods to consider the feedback from the consultation and to decide and apply any amendment to the Tenancy Agreement by means of serving Notice of Variation of Tenancy.

123 Housing Revenue Account (HRA) rent and service charge setting report and key housing challenges

(Under the provision of Council Procedure Rule 36(1) Cabinet received representations from Councillors Bolt and Lawson).

Cabinet considered a report which provided the financial context and basis for the annual setting of rents and service charges, as well as for the Housing Revenue Account budget for 2022-23.

Cabinet was advised there was a need to invest in Tenant Safety, High Rise remediation & regeneration, decarbonising the council's housing stock, and embark on a retrofit programme and to build new council homes. Approval was sought for an average of £2.91 per week (4.1%, CPI + 1%) increase in dwelling rents in 2022/23 and for the proposed garage rents and other service charges an annual uplift of between 0.02p and 0.84p (4.1%) and Extra Care services - Intensive Housing Management a proposed annual increase of between 98p and £2.50 per week (4.1%) with the exception of Extra Care services - Night Time Security, which has a proposed annual increase of £1.19 per week (6.6%).

RESOLVED -

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- 1) That approval be given to increase rents by an average of £2.91 per week (4.1%) and service charges payable between 0.02p and 0.84p per week (4.1%) for social housing from 4 April 2022.
- 2) That approval be given to increase charges for Extra Care Services – Intensive Housing Management by between 0.98p and £2.50 (4.1% - CPI + 1%) and Extra Care Services – Night care Service by £1.19 per week (6.6%).
- 3) That the national and local financial challenges for the Housing Revenue Account budget discussions in January 2022 be noted.

124 **2021/22 to 2025/26 Council Capital Plan - Proposed allocation of capital funding from the Directorate for Children's Achieve and Aspire Strategic Priorities and Basic Need funding sections**

Cabinet considered a report which identified schools' projects to be funded from the 2021/22 to 2025/26 Achieve and Aspire Strategic Priorities and Baseline Basic Need funding sections of the Council's Capital Plan.

The report advised that for three years, a pupil population bulge had been moving through the Secondary School phase. Several secondary schools had been offering bulge classes for the past three years and further bulge classes would be needed for the next two to three years. The cumulative impact of these bulge classes was placing pressure on the available facilities of some schools. Capital investment was therefore required to address some of the more acute pressures to ensure a high-quality education offer was sustained.

Cabinet was advised that in two geographical locations the population pressures were expected to continue for a little longer and they were also close to strategic housing development sites which over time would have an upward impact on the demand for school places. In these two areas, Dewsbury, and North Huddersfield, it is considered prudent to introduce a modest amount of additional secondary school places on a permanent basis.

RESOLVED -

- 1) That approval be given for the secondary school places capital allocation of £2.7M for the implementation of building work at Manor Croft Academy to enable the permanent provision of 150 additional secondary school places and an interim modular build solution for September 2022.
- 2) That approval be given for the secondary school places capital allocation of £600K for the building work at Thornhill Community Academy to support an agreed bulge of pupils.
- 3) That the basic need capital investment of £104K agreed under delegated authority from Cabinet on 13 April 2021 for Westborough High School to support additional pupils as part of agreed bulges of pupils be noted.
- 4) That the basic need capital investment of £250K agreed under delegated authority from Cabinet on 13 April 2021 for North Huddersfield Trust School for building works required to support agreed bulges of pupils be noted.
- 5) That approval be given for the basic need allocation of £215K for reinstatement and remodelling works at Reinwood Infants and Reinwood Juniors, to be funded from the 2021/22 £604K Basic Need funding programme.

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- 6) That approval be given for the capital allocation of £650K from the Capital Maintenance grant for a permanent new build replacement of a failed temporary classroom at Headlands CE (VC) J I & N School.
- 7) That authority be delegated to the Service Director for Development and the Service Director for Learning and Early Support to increase or decrease the budget allocations to the schemes to facilitate the delivery of the tendered schemes providing that the total resources allocated to the programme areas is not exceeded.
- 8) That authority be delegated to the Service Director for Development and the Service Director for Learning and Early Support to identify, develop, and implement capital projects using the £500K allocation in Financial Year 2022/23, with approved schemes being retrospectively reported to Cabinet.

125 White Rose Forest - Northern Forest and Urban Tree Challenge grant agreements

Cabinet considered a report which advised that Kirklees Council as the lead organisation and accountable body for the White Rose Forest, had been offered further grant funding to support the White Rose Forest tree planning programme.

The White Rose Forest Action Plan's ambition was to plant trees across West and North Yorkshire to mitigate flood risk, support economic investment, improve public well-being, and adapt against the impacts of climate change.

The report advised that approval to enter into the next phase of grant agreements which would help secure funds for the continued delivery of the White Rose Forest tree planting programme.

RESOLVED -

- 1) That approval be given for the Council as the accountable body for the White Rose Forest to enter into a grant agreement with the Community Forest Trust for funding from the Nature for Climate - Northern Forest fund.
- 2) That approval be given to enter into a grant agreement with the Forestry Commission for funding from the Urban Tree Challenge programme.
- 3) That approval be given to receive capital and revenue funding from the 'Nature for Climate Fund' – Northern Forest fund and the Urban Tree Challenge Fund, both as the accountable body for the White Rose Forest and the Northern Forest Urban Tree Challenge Fund and as a grant recipient.
- 4) That approval be given to enter into both capital and revenue grant agreements (in the Council's capacity as accountable body) with the other parties to the White Rose Forest Project and the Northern Forest Urban Tree Challenge Fund (from time to time).
- 5) That approval be given to enter into grant agreements (in the Council's capacity as accountable body) with third party landowners who are not party to the White Rose Forest Project joint venture agreement.
- 6) That approval be given to use the grant funding to recruit and, or procure the resources required to deliver the programme over multiple years.
- 7) That approval be given to pursue and secure further funding including match-funding opportunities to support the creation of the Northern Forest.

126 Community Asset Transfer of Dunromin, 20a Ravens Lodge Terrace, Scout Hill, Dewsbury, WF13 3EF

Cabinet considered a report which sought to approve the Community Asset Transfer of Dunromin, 20a Ravens Lodge Terrace, Scout Hill, Dewsbury to the 20:20 Foundation. The building was occupied by the Scout Hill Action Group whose primary focus was to support tenants and residents with estate management related matters.

Scout Hill Action Group worked in conjunction with the 20:20 Foundation to manage the day to day running of the building and activities delivered from it. The Foundation was established in 2002 by a group of parents and carers with the aim of creating a community hub that would serve the Scout Hill, Pilgrim and wider areas of Dewsbury West. The Foundation had adopted a Small Charity Constitution.

Cabinet was advised that the asset would be transferred by the grant of a 125 year lease at a peppercorn rent to 20:20 Foundation. It was envisaged that the trustees of Scout Hill Action Group would surrender their lease in respect of the premises prior to a new lease being granted to 20:20 Foundation.

RESOLVED -

- 1) That authority be delegated to the Director of Development to negotiate and agree terms for the grant of a 125 year lease of Dunromin, 20a Ravens Lodge Terrace, Scout Hill, Dewsbury, WF13 3EF, being the land and buildings shown edged red on Plan reference 17-0266 and enter into a deed of surrender for the existing lease to the Scout Hill Action Group.
- 2) That authority be delegated to the Service Director - Legal, Governance and Commissioning to enter into and execute all necessary documentation in connection with the grant of a 125 year lease of Dunromin, 20a Ravens Lodge Terrace, Dewsbury to 20:20 Foundation and the surrender of the current lease to Scout Hill Action Group and enter into a Polling Station Agreement.

127 Community Asset Transfer of Netherton Moor Community Centre

Cabinet considered the Community Asset Transfer of Netherton Moor Community Centre, Rowan Avenue Mews, Netherton to Netherton Community Centre Community Interest Company (CIC). The building was a well-used community centre and for the last 16 years had been run and managed by a community organisation and was current managed by the CIC.

Cabinet was advised that the Netherton Moor Community Centre would be transferred to the CIC by way of a 125 year lease. The CIC was managed by a local Board of Directs who had experience of the community asset transfer process and building management having successfully completed an asset transfer of Honley Community Centre in April 2017.

RESOLVED -

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- 1) That authority be delegated to the Director of Development to negotiate and agree terms for the grant of a 125 year lease of Netherton Community Centre, Rowan Avenue Mews, Netherton, Huddersfield, HD4 7WH.
- 2) That authority be delegated to the Service Director - Legal, Governance and Commissioning to enter into and execute all necessary documentation in connection with the grant of a 125 year lease of Netherton Community Centre to Netherton Community Centre Community Interest Company.

128 Half yearly monitoring report on Treasury Management Activities 2021-22

Cabinet received the half yearly monitoring report on treasury management activities in 2021-22.

The report gave assurance that the Council's treasury management function was being managed prudently and pro-actively. External investments, including £10.0 million invested in the Local Authorities Pooled Investment Fund (LAPF), averaged £37.6 million during the period at an average rate of 0.49%. Investments had ranged from a peak of £68.8 million and a low of £16.6 million both in April. The high investment balance in April was due to receiving a restart grant of £22.4 million from Central Government but this was paid out to local businesses in mid-April.

RESOLVED - That the half-year treasury management performance in 2021/22 be noted.

129 New Inclusion & Diversity Strategy 2021-23 Recovery through Inclusion and Annual Report 2020-21

Cabinet considered the Inclusion and Diversity (I&D) Strategy 2021-23 and received the I&D 2020-21 Annual Report. It was noted that the I&D strategy outlined the approach for addressing the key strategic issues on I&D for the Council.

Cabinet was advised that the strategy had an emphasis on key elements of processes that needed fixing, which helped support communities and employees more effectively. It was predicated on the need to embed inclusion throughout everything the Council does and to proactively consider the equality implications for our citizens and employees, from the inception of new areas of work right through to their conclusion.

The report advised that the new strategy built upon a strong foundation of inclusion being given an organisational priority, and a variety of projects that had sought to tackle long-standing inequalities. The annual report outlined the outcomes from these projects and set out the impact those activities had on inclusion across the organisation and in communities.

RESOLVED -

- 1) That approval be given to the Inclusion and Diversity Strategy 2021-23 and the priority areas, and recommend it to council for approval
- 2) That the Inclusion and Diversity Annual Report 2020-21 and progress made on Inclusion and Diversity, be noted and recommend it to Council for information and noting.

130 Supporting the recruitment, retention and valuing the contribution of social care staff in Kirklees this Winter

Cabinet considered a report which sought approval of the use of funding the Council will receive from the NHS to support the adult social care sector this winter and to design an appropriate approach to utilising this and other short-term funding to support the adult social care sector.

Cabinet was advised the last 18 months had been hugely challenging for staff working across the health and social care sectors. The pressures of the pandemic, alongside longstanding issues with pay and competition for staff from other sectors, had come to a head, particularly in the context of seasonal workforce recruitment in the retail and hospitality sectors. This resulted in additional recruitment and retention challenges and further pressure on the health and care sector, which impacted on hospital discharge, community care service delivery and quality of care received by local people.

The report outlined that subject to final approval through the relevant local NHS bodies the funding would be released to Council's across West Yorkshire as soon as possible. It was expected that the local eligible CQC registered care providers would be notified before Christmas of the process for them claiming the funding.

RESOLVED -

- 1) That approval be given to use the available NHS funding to bring forward the benefits of the uplift in the National Living Wage due on the 1 April 2022 for the lowest paid care workers in domiciliary, residential, and nursing care homes for adult across Kirklees to ensure all staff are receiving at least the 2022 National Living wage rate from 1 December 2021 at the latest.
- 2) That authority be delegated to the Director of Adults and Health, in consultation with the Section 151 officer and the Cabinet member for Adults and Health, to design an appropriate approach to utilising short-term funding to support the adult social care sector over this Winter.

131 Transport Services Capital Investment Vehicle Replacement Programme (VRP); 21/22 - 25/26 - Proposed Expenditure

Cabinet considered a report which sought approval to proceed with the expenditure of £6.25m from the agreed Capital Plan for the Vehicle Replacement Programme (VRP) in 21/22 - 25/26.

Cabinet was advised that there may be a requirement to drawdown some of the later year's capital to meet commitments. The proposed expenditure would replace ageing Euro 4 and 5 standard vehicles with electric vehicles and the latest greener Euro 6 models including purchasing a number of electric vehicles for Waste Services for sustainable transport development purposes, this included an Electric Refuse Collection Vehicle (E-RCV).

RESOLVED -

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- 1) That approval be given to the existing capital plan allocation of £6.25m for 21/22 to 25/26 to facilitate a Vehicle Replacement Programme. This includes a potential drawdown of future years funding to meet commitments.
- 2) That authority be delegated to the Service Director Highways and Streetscene to manage the implementation of the VRP including any unforeseen issues that require urgent fleet replacements.

132 Procurement Options for Waste Management

Cabinet considered a report which provided the key outcomes and recommendations of the Outline Business Case (OBC) for the procurement of a new Waste Management Contract.

Cabinet was advised that a Strategic Business Case (SBC) shortlisted a long list of options to take forward into an OBC that evaluated 3 options. During the process of developing the OBC the options were refined to (i) Option 1 - Single integrated contract (ii) Option 2 - Lots (iii) Option 3 - Limited lots in-house.

Cabinet was informed that following a number of workshops, condition surveys, support from consultants, development of a waste flow model and financial models, the option that delivered the best outcomes for the Council was Option 3, as detailed in the OBC which was summarised within the report. The purpose of the OBC was to identify the optimal route for the procurement of a new waste treatment and disposal Services Contract to replace the existing integrated PFI contract which was approaching its expiry date; to identify the most appropriate strategy for the continuation of waste management services and identified the preferred technology and future contracting structure for the Council.

RESOLVED -

- 1) That approval be given to re-procure the Energy from Waste at contract end in 2023
- 2) That approval be given to the following recommendations in respect of the outline business case:
 - (a) To proceed to a pre-procurement phase in line with Option 3 as set out in the report.
 - (b) That HWRCs and closed landfills are delivered in-house, subject to further detailed consideration in advance of procurement.
 - (c) That the procurement route is through the Competitive Dialogue (CD) process.
 - (d) That authority be delegated to the Strategic Director for Environment & Climate Change, and Service Directors for Legal, Governance and Commissioning and Finance to commence procurement in Autumn/Winter 2022.
 - (e) That oversight be provided by a Project Board and a new Member Reference Group.
 - (f) That an update to be provided to Scrutiny and Cabinet in Autumn 2022.
 - (g) That a full business case be presented to Cabinet in the Spring of 2024 requesting approval to appoint a preferred bidder.

133 Exclusion of the Public

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the following item of business, on the grounds that it involves the likely disclosure of exempt information, as defined in Schedule 12A of the Act.

134 Transport Services Capital Investment Vehicle Replacement Programme (VRP); 21/22 - 25/26 - Proposed Expenditure

(Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person. It was considered that the disclosure of the information would be contrary to confidential terms and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 18 (Minute No. 131 refers).

135 Procurement Options for Waste Management

(Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person. It was considered that the disclosure of the information would be contrary to confidential terms and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 19 (Minute No. 132 refers).

136 Building Safety, Compliance Report. Anthony Brown, RM Consulting: April 2021

(Exempt information relating to Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person. It was considered that the disclosure of the information would be contrary to confidential terms and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making).

Cabinet gave consideration to the exempt information prior to the determination of Agenda Item 8 (Minute No. 121 refers).