

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 14th March 2023**

Present: Councillor Shabir Pandor (Chair)  
Councillor Paul Davies  
Councillor Eric Firth  
Councillor Viv Kendrick  
Councillor Musarrat Khan  
Councillor Naheed Mather  
Councillor Carole Pattison  
Councillor Cathy Scott  
Councillor Graham Turner

Observers: Councillor Bill Armer

Apologies: Councillor Will Simpson

**159 Membership of Cabinet**

Apologies for absence were received on behalf of Councillor Simpson.

**160 Minutes of Previous Meetings**

**RESOLVED** – That the Minutes of the Meetings held on 14 and 21 February 2023 be approved as a correct record.

**161 Declarations of Interest**

No interests were declared.

**162 Admission of the Public**

It was noted that exempt information was submitted in respect of Agenda Items 18 and 19 (Minute No.s 176 and 177 refer).

**163 Deputations/Petitions**

Cabinet received a deputation from Nick Wilock in respect of Agenda Item 11.

A response was provided by the Cabinet Member for Regeneration and the Cabinet Member for Corporate Services.

**164 Questions by Members of the Public**

No questions were asked.

**165 Questions by Elected Members (Oral Questions)**

No questions were asked.

**166 Affordable Housing and Housing Mix Supplementary Planning Document (SPD)**

Cabinet gave consideration to a report which sought the adoption of the Affordable Housing and Housing Mix Supplementary Planning Document, and the revocation of the Affordable Housing Supplementary Planning Guidance (2008) and Interim Affordable Housing Policy (2020).

The report advised that the Supplementary Planning Document (SPD) provided guidance on the implementation of the Kirklees Local Plan 'Housing Mix and Affordable Housing' Policy (LP11) (Appendix 1) which seeks to ensure provision of affordable housing in new housing developments and ensure that the housing mix (bedroom numbers) meets local needs. It was noted that the SPD would be used as a material planning consideration for housing planning applications including seeking to ensure a mix of new homes to meet local needs and when securing affordable housing as part of the determination of planning applications, and that it would replace the guidance as set out in the Council's Interim Affordable Housing Policy, as approved by Cabinet on 14 January 2020) and SPD2 (Affordable Housing) which was adopted in 2008.

Cabinet noted that the document would provide consistency, greater clarity and improve certainty for housebuilders, developers, agents and affordable housing providers in the planning application process. The report advised that the document would assist applicants in the early design and layout of residential development to identify key matters likely to be raised at pre application stage, and would assist in the delivery of policy compliant schemes and ensure an improved mix of house sizes for Kirklees residents to reflect local need.

**RESOLVED –**

- 1) That the Affordable Housing and Housing Supplementary Planning Document be adopted.
- 2) That the Affordable Housing Supplementary Planning Guidance (2008) and Interim Affordable Housing Policy (2020) be revoked.
- 3) That authority be delegated to the Strategic Director (Growth and Regeneration) to make any further minor modifications to the documents that relate exclusively to factual updates, grammatical and formatting corrections for the purposes of publishing the documents.

**167 Building Community and Voluntary Capacity through Integrated Approaches - Grant Funding Distribution to Anchor Organisations**

Cabinet gave consideration to a report which provided information on the current Community Anchor provision and requested an extension of the current £180,000 funding level for a twelve month period in order to allow work to combine existing Voluntary and Community Sector contracts to take place.

The report advised that a place based model, bringing together Primary Care Networks, the Council, and the voluntary, community and social enterprise (VCSE) sector to develop local support arrangements to promote independence, health and wellbeing of local residents had been developed to achieve closer integration between health and social care. Cabinet noted that a contract to strengthen the VCS

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network had been approved on 27 July 2021, enabling a grant distribution of £360,000 over a two year period, and that this had commenced on 1 September 2021 with a robust VCSE led selection process to identify the key lead anchors across Kirklees, who had commenced work on 1 October 2021. The report advised that the current provision was due to end on 31 March 2023 and approval was therefore sought to continue existing arrangements to make a grant payment of £180,000 over an additional twelve month period to enable the current community anchors to further develop the offer that supports the PCNs as part of the integrated model. The report advised that the model had attracted national attention as an example of good practice and had proved to be invaluable in reaching and supporting vulnerable individuals.

Cabinet noted that, subject to approval, the contract would be extended with effect from 1 April 2023 and that a report would be submitted to Scrutiny during September 2023 to report on the outcomes of a further period of delivery.

### **RESOLVED –**

- 1) That approval be given to the continued distribution of grant funding and that a total of £180,000 for the period April 2023 to March 2024 be made available to anchor organisations in Kirklees.
- 2) That authority be delegated to the Service Director (Communities and Access Services) to manage the financial and performance arrangements and ensure clear financial oversight.

**168**

### **Educational Outcomes - Academic Year 2021/2022**

Cabinet received a report which provided an overview of statutory outcomes for learners during the 2021-2022 academic year. The statistics provided in the report set out information on the attainment and progress of learners who took assessments in the academic year 2021-2022. The appendices to the report provided a detailed breakdown of the data for learners within ethnic and gender groups, and those defined as disadvantaged by free school meal status, those in receipt of SEND support and those with an ECHP.

Cabinet were advised that while the outcomes had declined from the last set of national data in Key Stage 1, Phonics and Key Stage 2, this was in line with the national trend. The report indicated that Key Stage 4 outcomes were making good improvement, meeting national or above national performance across most metrics.

It was noted that analysis of the data had demonstrated the need for continued alignment to the Kirklees Learning Strategy with the SEND Transformation Plan to support quality first teaching provision within schools and identify, train and resource support in mainstream schools. Cabinet were informed that work was also ongoing to link and strengthen the Learning Strategy with the Learning Skills and Employment Plan to ensure economic prosperity for residents.

The report advised that it was imperative that the Council and wider partners work together to ensure the provision of educational opportunities that support children, young people and their families to realise their full potential.

**RESOLVED** – That the Kirklees Annual Educational Quality and Standards Report be received and noted.

**169 Asset Rationalisation Savings**

Cabinet gave consideration to a report which set out proposals for the rationalisation of council assets and the relocation of services to enable the reutilisation or disposal of assets.

The report outlined the rationalisation that had taken place across a number of assets in 2022/2023 as part of the current realignment of working patterns to assist with changes for the future operation on the Council. The report also outlined proposals for the closure of assets in 2023/2024 to ensure better utilisation of existing assets and to facilitate the delivery of the Corporate Landlord Facilities Management savings target for asset rationalisation during 2023/2024. It was noted that the proposed demolition of old and inefficient buildings, and investment in remaining stock, would contribute towards reducing the Council's carbon footprint and commitment towards net zero by 2030. Cabinet were advised that options for additional asset reutilisation changes to meet further savings targets for 2024/2025 would be developed and submitted to a future meeting of Cabinet if considered to be feasible.

Cabinet were advised that rationalisation schemes in regards to Huddersfield Library, Queensgate Market, Perseverance House and the former West Town Family Centre, Dewsbury, had been undertaken in 2022/2023. The report advised that, in order to deliver significant revenue savings in 2023/2024, rationalisation proposals in regards to Kirkgate Buildings, Riverbank Court and Flint Street North would assist in creating a core Civic Campus in Huddersfield.

**RESOLVED –**

- 1) That the decisions taken previously with regards to the closures of Huddersfield Library and Queensgate Market, as part of the preparation work for the delivery of the Cultural Heart, be noted.
- 2) That the demolition of Perseverance House and West Town Family Centre, previously authorised as part of the Corporate Landlord Baseline capital programme, be noted.
- 3) That approval be given to proposals in relation to Flint Street North Offices, Kirkgate Buildings and Riverbank Court, as detailed in the report, to achieve savings targeted for 2023/2024.
- 4) That authority be delegated to the Service Director (Development, Growth and Regeneration) to implement the closures and undertake any works required to achieve the stated proposals and savings.
- 5) That authority be delegated to the Service Director (Development, Growth and Regeneration) in relation to the use of the Strategic Asset Utilisation Investment Capital Programme line of the Council's approved capital plan, as set out at paragraphs 2.16 to 2.18 of the considered report.
- 6) That officers be authorised to investigate and develop the proposals for 2024/2025, as detailed in the report, and subsequently submit the proposals to Cabinet later in the year.

**170 2023/2024 Proposed allocation of funding from Children's Directorate Achieve & Aspire baseline section of the Capital Plan**

Cabinet gave consideration to a report which identified projects to be funded from the Achieve and Aspire Capital Maintenance Baseline section of the Capital Plan. Cabinet were asked to give approval to the projects to enable project delivery in 2023/2024.

The report advised of a total budget of £4.35m, with a further reprofiling of £150k as part of Quarter 3 financial monitoring, resulting in an overall budget for 2023/2024 of £4.5m. Paragraph 2.6 of the report set out the proposed distribution of the allocation, which included essential fire safety works, essential physical adaptations and urgent condition needs based projects. Appendix A to the report set out a business case which outlined the process for identifying the condition needs of individual schools and how the condition programme would be designed, procured, and implemented. A prioritised list of urgent condition works required to be undertaken in schools during 2023/2024 were set out at Appendix B.

**RESOLVED –**

- 1) That approval be given to the business case, as set out at Appendix A to the report, which outlines the rationale for the schools' condition works programme, the availability of funding, the selection process and the main categories of work, thereby enabling the projects to be designed, procured and implemented.
- 2) That approval be given to the detailed list of proposed works in schools for 2023/2024, as attached at Appendix B.
- 3) That approval be given to the delegation of authority to officers, as set out at paragraphs 2.12 to 2.14 of the considered report.

**171 Highways 2 year detailed Capital Plan allocation 2023/24 and 2024/25 City Regional Sustainable Transport Settlement funds, all other funding for Highways including council borrowing and any additional grant monies**  
(Under the provision of Council Procedure Rule 36(1), Cabinet received a representation from Councillor Armer)

Cabinet gave consideration to a report which advised of the 2023/2024 and 2024/2025 City Regional Sustainable Transport Settlement funding availability, details of the performance of the road network and the proposed highways capital plan programmes for 2023/2024 and 2024/2025. The report also set out planned works for all highway assets groups and measures to improve road safety or create better places through improvement works. It was noted that the highways capital plan for 2023/2024 and 2024/2025 was a detailed programme of works to be implemented in 2023/2024, with provisional schemes identified for 2024/2025.

The report provided a breakdown of information on (i) funding incomes (ii) budget areas and scheme identification (iii) maintenance of structures, streetlighting and he locality based unclassified roads programme and (iv) integrated transport network management, safe roads, flood management and drainage. Appendix A to the report set out the scheme list for the highways year 2 detailed capital plan

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2023/2024 and 2024/2025, Appendix B set out highways resourcing statement outturn for 2023/2024.

### RESOLVED –

- 1) That approval be given to the budget and scheme allocations as set out within the detailed two year capital plan to the sum of £24, 408,044 and £19, 736,576 for 2023/2024 and 2024/2025 respectively, as set out at Appendices A and B, to enable the spend on the schemes identified to improve the highway network and increase road safety.
- 2) That authority be delegated to the Service Director (Highways and Streetscene) in consultation with the Cabinet Member (Environment), and any other Cabinet Member deemed to be relevant by the Strategic Director (Environment and Climate Change), to enable any amendments to be made to identified schemes, the addition of future schemes and funding allocations (within £24,408,044) for those schemes (in accordance with Financial Procedure Rules), for the purposes of expediting efficient delivery of the programme and spend of the available budgets and to allow the anticipated outcomes and achievements to be realised.
- 3) That approval be given to accelerate spend of the City Regional Sustainable Transport Settlement borrowing and accelerate the two year forward programme through delegation to the Service Director (Highways and Streetscene) in consultation with the Cabinet Member (Environment).
- 4) That authority be delegated to (i) the Service Director (Highways and Streetscene) in consultation with the Service Director (Legal, Governance and Commissioning) to agree and negotiate terms and (ii) the Service Director (Legal, Governance and Commissioning) to enter into any funding agreements and other documentation to enable individual projects and schemes to proceed.

### 172 Corporate Financial Monitoring Report, Quarter 3, 2022/23

Cabinet received the Corporate Financial Monitoring Report Quarter 3, 2022/2023. The report set out the Council's current budget position, summarising the significant cost of living pressures at £17.1m and an overall forecast overspend of £29.4m, reflecting an overall reduction in overspend of £4.9m compared to Quarter 2.

The report advised that (i) the Council's revised General Fund controllable (net) revenue budget 2022/2023 was £343.6m, and the budget included planned (net) revenue savings in-year of £2.5m (ii) the revised budget is net of a number of planned transfers from reserves during the year, with the most significant being £6.4m from revenue grants reserve, £1.3m from development funding reserves and £1.2m from covid reserves (iii) there is a forecast overspend of £29.4m against the £343.6m revised budget at Quarter 3, equivalent to 8.6% and (iv) there has been a reduction of £4.9m in the forecast overspend position since Quarter 2.

The report provided information in regards to (i) cost of living pressures (ii) budget information for directorates (iii) general fund reserves (iv) collection fund (v) housing revenue account (vi) capital and (vii) 2022/2023 budget proposals. Appendices 1 to 7 provided a breakdown of the outline financial monitoring position.

**RESOLVED –**

- 1) That, in regards to the General Fund; (i) the forecast revenue outturn position at Quarter 3 be noted (ii) the forecast year end position on corporate reserves and balances at Quarter 3 be noted (iii) it be noted that regular monitoring and review of corporate reserves in 2022/2023 will be reported to Cabinet within the quarterly financial monitoring cycle (iv) approval be delegated for the proposed temporary operational measures, as set out at paragraph 3.7.7, to the relevant Strategic Director in consultation with the relevant Cabinet Member/s, having taken account of relevant powers and duties and an obligation to consult and engage (v) it be agreed that if a decision is made in relation to fees and charges which amends a previous Cabinet decision, as set out at paragraph 3.7.10 of the report, such a decision would have the effect of changing any previous decision and (vi) it be noted that the Council would continue to work collaboratively with KAL to support KAL's financial sustainability over the medium term.
- 2) That the forecast position on the Collection Fund as at Quarter 3 be noted.
- 3) That the Quarter 3 forecast Housing Revenue Account position and forecast year-end reserves position be noted.
- 4) That, in regards to Capital; (i) the Quarter 3 forecast capital monitoring position for 2022/2023 be noted (ii) approval be given to the re-profiling of the 2022/2023 capital plan as set out in the report (Appendix 5 refers) (iii) approval be given to £250k retrospectively for urgent building and repair works at Healds Road Childrens Homes (iv) approval be given to £40k traffic calming measures outside Magdale House Childrens Home and for funding to be transferred from the Best Start Capital plan into the Highways Capital Plan for implementation (v) approval be given to £80k from the play strategy playable spaces programme line towards funding the shortfall in repairing an existing sand based pitch at Storthes Hall (vi) approval be given to £1.265m grant funding from Network Rail allocated towards funding Council staff to cover the Trans-Pennine Route Upgrade (vii) approval be given to £500k section 106 funding towards the delivery of affordable homes at Kenmore Drive and (viii) approval be given to £2.3m Local Authority Housing Fund to provide accommodation for families with housing needs who have arrived in the UK via Ukrainian and Afgan resettlement/relocations schemes, with £2.4m match-funding funded from the 2023/2024 Housing Revenue Account Capital Plan, to be incorporated into the next iteration of the capital plan at outturn.

**173 6-10 Westgate, Dewsbury - Dewsbury Revival Grant Scheme (DRGS) Grant Offer**

Cabinet gave consideration to a report which sought grant support from the Dewsbury Revival Grant Scheme in respect of property at 6-10 Westgate, Dewsbury. The report advised that Saleem Holdings Ltd, who owned the freehold to the property wished to apply for a grant of £671k towards its refurbishment, the creation of two commercial units and three residential apartments. It was noted that, if approved, the property would be the first to receive grant funding for residential conversion through the Dewsbury Revival Grant Scheme and that the development

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would create a good example of the restoration of a heritage building and the use of vacant upper floor space to create good quality town centre living.

The report advised that the project was part of a larger long term plan to introduce new high quality housing into the Daisy Hill area with the aim of creating a new residential area to deliver improvements, enhance the town's heritage assets and support the town centre economy. Cabinet were informed that, due to the abnormal costs of converting a heritage building and also relatively low property values, the project would not be viable without the grant support.

It was noted that, subject to approval, on site construction would commence during April 2023, with completion scheduled for February 2024.

Cabinet gave consideration to the exempt information at Agenda Item 18 (Minute No. 176 refers) prior to the determination of this item.)

### **RESOLVED –**

- 1) That approval be given to providing, in principle, a Dewsbury Revival Grant Scheme grant to Saleem Holdings Limited of £671k as owner towards the redevelopment of 6-10 Westgate project, as detailed in the exempt Appendices 5 and 6 of the report) and that details of the subsidy be published on the national transparency database,
- 2) That authority be delegated to the Strategic Director (Growth and Regeneration), in consultation with the Service Director (Legal, Governance and Commissioning) to agree the grant agreement and other documentation necessary to enable the project to proceed and for the Service Director (Legal, Governance and Commissioning) to enter into the documentation on behalf of the Council.

### **174 Proposed Acquisition of Affordable Homes off Owl Lane and Chidswell Lane, Dewsbury**

Cabinet gave consideration to a report which sought authority to acquire new build homes from a development site at Shaw Cross, Dewsbury, in order to enable the provision of additional affordable homes. The report set out the business case for the acquisition of fourteen one bedroom new build flats from Barratt Homes on a site off Owl Lane, Shaw Cross, to be owned by the Council and managed by the Homes and Neighbourhoods Service.

The report explained that the homes would be acquired using funds from the Housing Revenue Account Capital Plan Council Housebuilding Budget and managed within the Housing Revenue Account. It advised the Section 106 planning obligation relating to this site required the developer to provide affordable housing and that registered providers were enabled to acquire the stock at a significant discount to the open market value and build costs.

An exempt appendix to the report set out information regarding the financial and negotiating position. It was noted that, subject to approval, negotiations would progress with the aim of completing the purchase by the end of June 2023.

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Cabinet gave consideration to the exempt information at Agenda Item 19 (Minute No. 177 refers) prior to the determination of this item.)

### **RESOLVED –**

1) That approval be given to the acquisition of fourteen flats (as detailed in the report) (or similar types as may be submitted) at Shaw Cross, Dewsbury, and that authority be delegated to the Strategic Director (Growth and Regeneration) in consultation with the Service Director (Legal, Governance and Commissioning) to negotiate, draft and enter into contract with the vendor, and complete their purchase.

2) That authority be delegated to the Strategic Director (Growth and Regeneration), in consultation with the Service Director (Legal, Governance and Commissioning) to seek agreement from the Secretary of State or Homes England, as appropriate, to enable the Council to charge LHA rates in these properties, within the scope of the definition of Affordable Rent.

3) That it be agreed that, where agreement from the Secretary of State of Homes England is not granted, the Council shall charge target (social) rent for the dwellings.

4) That approval be given to the new dwellings vesting within the Housing Revenue Account and for the properties to be let at target rents of LHA rates within the scope of Affordable Rent.

### **175 Exclusion of the Public**

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

### **176 6-10 Westgate, Dewsbury - Dewsbury Revival Grant Scheme (DRGS) Grant offer**

(Exempt information in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 namely it contains information relating to the financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making.)

The exempt information was noted prior to the consideration of Agenda Item 15 (Minute No. 173 refers).

### **177 Proposed Acquisition of Affordable Homes off Owl Lane and Chidswell Lane, Dewsbury**

(Exempt information in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 namely it contains information relating to the financial and business affairs of any particular person (including the Authority holding that information). It is

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considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making.)

The exempt information was noted prior to the consideration of Agenda Item 16 (Minute No. 174 refers).