

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 27th June 2023

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

Observers: Councillor Charles Greaves
Councillor John Lawson

Apologies: Councillor Cathy Scott

1 Membership of Cabinet

Apologies for absence were received on behalf of Councillor Scott.

2 Minutes of Previous Meetings

RESOLVED – That the Minutes of the Meetings of Cabinet held on 14 March and 11 April 2003 be approved as a correct record.

3 Declarations of Interest

No interests were declared.

4 Admission of the Public

Cabinet noted that exempt information had been submitted at Agenda Item 16 (Minute No. 16 refers).

5 Deputations/Petitions

No deputations or petitions were received.

6 Questions by Members of the Public

No questions were asked.

7 Questions by Elected Members (Oral Questions)

Under the provision of Executive Procedure Rule 2.3, cabinet received the following questions;

Question from Councillor Greaves

“With regards to Schools S106 funding, will Cabinet commit to comply with legal obligations and release the monies to the rural schools so that they can pay for improvements that Kirklees won’t?”

Cabinet need to set out any change in policy and share this with Councillors, and if there is a policy to divert monies to other areas, it will face strong opposition. On the agenda today is schools’ capital budget, I hope that none of that is planned as being funded from diverting S106 from my schools.”

A response was provided by the Cabinet Member for Learning, Aspiration and Communities (Councillor Pattison).

Question from Councillor J Lawson

“Can I ask how you are going to reassure residents in Cleckheaton that it will not take another year for building issues at the town hall to be resolved and that Cleckheaton Folk Festival can have an assured place in the calendar?”

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

Question from Councillor J Lawson

“Is there an update on the resolution the ongoing Oakenshaw Cross issue?”

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

8 Appointment of Cabinet and Portfolios (Notice Under Article 7)

Cabinet received, for information, the schedule of appointment of Cabinet Members and associated portfolio responsibilities, in accordance with Articles 7.2.4 and 7.3.4 of the Constitution.

RESOLVED – That the appointment of Cabinet Portfolios, under the provision of Article 7.2.4 and 7.3.4 of the Constitution, be noted.

9 Council Financial Outturn and Rollover Report 2022/23

Cabinet gave consideration to a report, prior to its submission to Council, which set out information on the Council’s 2022/2023 financial outturn position for General Fund Revenue, Housing Revenue Account and Capital Plan, including proposals for revenue and capital rollover from 2022/2023 to 2023/2024. The report also included an annual review of Council Treasury Management activity.

The report advised that the Council’s revised General Fund controllable (net) revenue budget for 2022/2023 was £350.5m, including planned (net) revenue savings in-year of £2.5m. Cabinet noted that the revised budget was net of a number of planned transfers to and from reserves during the year, with the most significant being £2.7m from specific risk reserves, £2.1m from covid reserves,

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£2.1m from development funding reserves, £1.4m from the demand reserve and £1.3m from the social care reserve.

The report indicated that Council spend was at £377.5m in 2022/2023, reflecting an overspend of £27m, equivalent to 7.7%, which was attributable in part to cost of living pressures above budgeted assumptions. The revenue outturn position was set out at Appendix 1 of the report.

The report provided a breakdown of information relating to cost of living pressures, variances by Directorate, general fund reserves, the collection fund, housing revenue account, capital, capital rollover proposals and additional borrowing proposals.

It was noted that, subject to approval, capital rollover proposals and the update of the five year capital plan will be incorporated into the in year financial monitoring in 2023/2024, and reported to Cabinet from quarter 1 onwards.

RESOLVED –

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

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- 5) That the Review of Treasury Management activity 2022/2023 be noted.
- 6) That the report be referred to the meeting of Council on 12 July 2023.

10 **2023/24 to 2027/28 Council Capital Plan - Proposed allocation of capital funding from the Directorate for Children's Achieve and Aspire Strategic Priorities of the capital plan**

Cabinet gave consideration to a report which identified potential school capital projects to be funded from the 2023/2024 to 2027/2028 Children's Achieve and Aspire Strategic Priorities within the Capital Plan, to support the SEND transformation plan. The report advised that the capital projects to support the provision of sufficient places for children with special education needs and disabilities were proposed for (i) Netherhall St James (VC) CofE Infant and Nursery School (ii) Netherhall Learning Campus High School (iii) Old Bank Academy (iv) Beaumont Primary Academy (v) Carlinghow Academy (vi) Southgate Special School satellite provision at Newsome Academy and (vii) Woodley School and College post-16 satellite provision.

The report advised that the identified projects included work that required completion prior to the provision opening and that, in some cases, further capital works were expected at a later date. It was noted that work was already commencing to enable two additionally resourced provisions to have a projected implementation date of summer 2024, and that additional special school satellite opportunities were also being explored.

RESOLVED –

- 1) That approval be given to the proposed capital expenditure for the projects as set out on in the report at (i) Netherhall St James (VC) C of E Infant (ARP) and Nursery School (ii) Netherhall Learning Campus High School (ARP) (iii) Old Bank Academy (ARP) (iv) Beaumont Primary School (ARP) (v) Carlinghow Academy (ARP) (vi) Southgate Special School (satellite provision located at Newsome High School) and (v) Woodley School and College (post 16 satellite provision).
- 2) That in order to aid the implementation of further capital schemes associated with SEND Transformation Plan at pace, including facilities for additionally resources provision and satellite provision, it be noted that authority is provided to Service Directors (as set out in Financial Procedure Rule 3.12) to (i) transfer resources within a programme area without restrictions (ii) transfer resources within programme areas between any year within the approved capital plan and (iii) transfer resources between any project or programme area up to a maximum of £2,000,000 in any financial year, subject to compliance with Financial Procedure Rules 3.12 to 3.16.

11 **Housing Delivery Plan Update**

Cabinet received a report which provided an update on the progress of the Housing Delivery Plan and recommended amendments to delegations of authority for the disposal of sites in order to support the capital receipts target and secure housing growth outcomes. The report advised that progress had been made across the programme and a summary report at Appendix 1 provided detail on the projects

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currently underway, which included Bradley Park, Dewsbury Riverside and Daisy Hill, Dewsbury.

Paragraph 2.4 of the report set out information on potential site disposals, referring to the 41 sites as approved at the meeting of Cabinet on 29 August 2018, and sought authority for officers to dispose of any of these sites in consultation with the relevant Cabinet Member.

The overall delivery position was set out in Appendix 1. It was noted that 2,124 units were estimated to be delivered by 2030, and that work with partners in Homes England and WYCA would continue to minimise risk across the programme and secure resources to bolster the delivery of housing growth.

RESOLVED –

- 1) That approval be given to a capital funding allocation of £800,000 for Bradley Park to support preparation for next steps and delivery of phase 1, including additional feasibility and development activity.
- 2) That the progress of the Housing Delivery Plan, as set out at Appendix 1, be approved.
- 3) That authority be delegated to the Service Director (Development), in consultation with the relevant Cabinet Member, the Service Director (Finance) and the Service Director (Legal, Governance and Commissioning) to dispose of any of the 41 sites identified within the report (para 2.4 refers) irrespective of the value of the site and on such terms as officers deem most appropriate after consultation and the agreement of the relevant Cabinet Member, subject to all relevant policies and applicable legislation.
- 4) That, pursuant to (3) above, where any of the 41 sites in the housing growth programme are also identified in the report at Agenda Item 13 (Surplus Property Disposals) they be dealt with in line with the recommendations within that report.
- 5) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into all agreements necessary to effect any of the disposals referred to at (3) and (4) above.
- 6) That approval be given to the fee charging proposals as set out at Appendix 2 of the report.

12 Round 2 Levelling Up Funding (LUF2) and Local Centres Investment

Cabinet received a report which sought agreement to progress the next stages of the local centres programme. The report advised that both Batley and Marsden would receive significant sums of central government grant, totalling over £21m, including match funding, plus further private sector investment. The report also sought endorsement for identified projects in the centres of Heckmondwike, Cleckheaton and Holmfirth to progress to the project development stage using monies from the overall previously agreed allocation of £10m.

The report provided an overview of external funding sources in the delivery of projects and advised of the successful bids that had been achieved and which would assist in delivering the core masterplan objectives.

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Cabinet noted that, strategically, the Local Centres Programme had been successful so far and that the process had identified a series of interventions to strengthen individual towns. The development of the local centre masterplan had been informed by plac standard engagement exercises and had involved the engagement of town centre stakeholders, businesses and users to help shape the overall approach to redeveloping the identified areas.

RESOLVED –

- 1) That approval be given to accepting external LUF2 funding of £12.0032m from the Government to support delivery of the Batley Town Centre Levelling Up project, subject to the terms and conditions of the grant funding agreement.
- 2) That, pursuant to (1) above, match funding (para 3.1 refers) is authorised to be allocated to the project and used for development and delivery.
- 3) That approval be given to the acceptance of external LUF2 funding of £5.605m to support delivery of the Marsden Levelling Up project and for the Council to act as Accountable Body for the LUF2 grants, subject to the terms and conditions of any grant funding agreement.
- 4) That authority be delegated to the Strategic Director (Growth and Regeneration) and the Service Director (Legal, Governance and Commissioning) to finalise and execute all necessary legal agreements with the Council's project delivery partners and put in place the necessary governance and assurance arrangements to ensure that the projects identified are delivered.
- 5) That, pursuant to (1) and (2) above, the Service Director (Development) be authorised to develop and deliver the identified scheme for Batley.
- 6) That approval be given to utilise the identified UKSPF funding to develop a masterplan for Marsden that draws on recent place standard outcomes.
- 7) That the final sign off of any masterplan for Marsden is delegated to the Strategic Director (Growth and Regeneration) in conjunction with the Cabinet Member for Regeneration.
- 8) That the programme of priority projects in the local centres programme (table 2 refers) be noted that that approval be given to the continued development and delivery of these, and any other agreed as part of the Heckmondwike masterplan exercise, subject to the necessary funds being in place.
- 9) That, subject to funding being in place, Officers be authorised to develop and deliver any projects for Marsden that are agreed as part of the Masterplan process as outlined in (7) above.

13 Surplus Property Disposals 2023/24

Cabinet gave consideration to a report which sought approval to bring forward to the proposed Capital Receipts Schedule for 2023/2024, delivering a targeted level of capital receipts in alignment with the Corporate Property Strategy. The report advised that the property interests identified for disposal had been assembled to form the Capital Receipts Schedule, which was set out at Appendix A of the report.

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It was noted that the properties identified each required further evaluation to determine the appropriate legal process, market value and mode of disposal.

Cabinet were advised that, subject to approval, instruction would be issued to proceed at pace, with the required further evaluation, to form an accelerated programme for delivery. The report advised that, it was anticipated that a progress update and proposals for the 2024/2025 Capital Receipts Schedule would be integrated within the Council's budget setting process and used to inform the 2024/2025 budget report.

RESOLVED –

- 1) That authority be delegated to the Strategic Director (Growth and Regeneration) in consultation with the relevant Cabinet Member and Service Director (Legal, Governance and Commissioning) to dispose of any land and property identified in the Capital Receipts Schedule 2023/2024 to support the Council's income targets, irrespective of the value of the site and on such terms as deemed most appropriate.
- 2) That authority be delegated to the Service Director (Legal, Governance and Commissioning) to enter into all agreements necessary to affect any disposals referred to at (1) above.

14 Kirklees Cultural Heart - part of the Huddersfield Blueprint - Gateway 3

Cabinet received a report which provided an update on the progress of the Cultural Heart Programme which had now reached Gateway 3. The report sought approval to progress the delivery of parts of the adopted master plan to the next stage which would seek the commencement of construction and associated demolition works.

The report set out an overview of the progress of the blueprint since its launch in 2019. The report, and accompanying appendices, indicated the completion of work since Gateway 2 and matters associated the implementation of the overall masterplan which had been identified at that stage, along with the parts of the programme being proposed for early delivery. Cabinet were asked to note and approve a schedule of matters as listed within the report, in order to facilitate the next stage of delivery.

The report set out a number of key milestones, including the demolition and construction phase, and the completion of phase one, which was on target for 2025.

Cabinet gave consideration to the exempt information at Agenda Item 16 (Minute No. 16 refers) prior to the determination of this item.)

RESOLVED –

- 1) That approval be given to proceed in line with RIBA 3 and the associated developments for the master plan.
- 2) That approval be given to (i) the implementation of phasing and phase one (new library, food hall, events square, public realm and associated service areas) and (ii) the delegation of authority to the Strategic Director (Growth and Regeneration) in consultation with the Cabinet Member for Regeneration

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to make decisions on the programme timeline in order that the cultural heart master plan and associated objectives can be completed within an appropriate timescale, reflecting the Council's position.

- 3) That approval be given to extend the appointment of the Strategic Development Partner (Project Manager) to Gateway 4 under direct award from the NHS Shared Business Services Construction Consultancy Services framework in compliance with Contract Procedure Rules and Financial Procedure Rules.
- 4) That approval be given to extend the appointments of the architect and the engineer for the monitoring roles to Gateway 4 in compliance with Contract Procedure Rules and Financial Procedure Rules.
- 5) That approval be given to the allocation of necessary Council staff and resources to support the programme and it be noted that, in the absence of sufficient internal resources, additional external resources will be sourced from existing/future framework arrangements.
- 6) That agreement be given, in principle, to the combining of the museum and the gallery within the master plan.
- 7) That (i) approval be given to the exploration of interest from, and negotiation with, development partners to promote the alternative complimentary use for the Queen Street plot and (ii) authority be delegated to the Strategic Director (Growth and Regeneration) to progress and draft contractual agreements that will be submitted to Cabinet at a later date.
- 8) That approval be given to the reallocation of the existing approved budget of £5.620m to progress from Gateway 3 to Gateway 4.
- 9) That the service revenue and capital budgets be noted and that authority be delegated to the Strategic Director (Growth and Regeneration), the Strategic Director (Adults and Health) and the Strategic Director (Environment and Climate Change), in consultation with the Service Director (Finance) to determine the service budgets associated with phase one, with any additional budget provision required being met from savings elsewhere within the Council budget.
- 10) That authority be delegated to the Strategic Director (Growth and Regeneration), in consultation with the Cabinet Member for Regeneration and the Cabinet Member for Corporate Services to conclude the social value strategy for the Cultural Heart Trust Fund.
- 11) That authority be delegated to the Strategic Director (Growth and Regeneration) to work within approved budgets to deliver the programme to Gateway 4 including appointing third parties in compliance with Contract Procedure Rules and Financial Procedure Rules.

15 **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 item of business, on the grounds that it involves the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

- 16 **Kirklees Cultural Heart - part of the Huddersfield Blueprint - Gateway 3**
(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

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any particular person (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 14 (Minute No.14 refers).