

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 26th September 2023

Present: Councillor Cathy Scott (Chair)
Councillor Paul Davies
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Jackie Ramsay
Councillor Mussarat Pervaiz
Councillor Yusra Hussain

Observers: Councillor Beverley Addy
Councillor Bill Armer
Councillor Andrew Cooper
Councillor Harry McCarthy
Councillor Matthew McLoughlin
Councillor Joshua Sheard

Apologies: Councillor Elizabeth Reynolds
Councillor Graham Turner

48 Membership of Cabinet

Apologies for absence were received on behalf of Councillors E Reynolds and G Turner.

49 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 6 September 2023 be approved as a correct record.

50 Declaration of Interests

No interests were declared.

51 Admission of the Public

It was noted that all items would be considered in public session.

52 Deputations/Petitions

Cabinet received a petition from Batley East Residents regarding parking on Lydgate Road, requesting that the Council consider the issue of road safety in the area.

Cabinet received a deputation from Georgina Bottomley, on behalf of Unison, which raised concerns regarding the possible closures of three leisure centres, and the consequential impact upon communities, service users and potential job losses, and requested that councillors take back control of leisure services in Kirklees.

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A response was provided by the Cabinet Member for Adults and Health (Councillor Ramsay).

53 Questions by Members of the Public

No questions were asked.

54 Questions by Elected Members (Oral Questions)

Under the provision of Executive Procedure Rule 2.3, Cabinet received the following questions:

Question from Councillor Cooper

Newsome Councillors have not been consulted about Castle Grange, all our information has been from concerned relatives. There is no explanation in the report as to why these homes only have 57% occupancy compared with 87% for the independent sector. Has the Council already been reducing admissions with a mind to closing these homes? Will the Cabinet withdraw the report to commence consultation on the closure of Castle Grange and Claremont House?

A response was provided by the Portfolio Holder for Health and Adult Social Care (Councillor Ramsay).

Question from Councillor John Lawson

The Council has been through a series of reviews and decided on courses of action, and with every review there is an opportunity for learning. What has Cabinet done to learn from these opportunities and when will you be sharing this learning?

A response was provided by the Leader of the Council (Councillor Scott).

Question from Councillor McLoughlin

As always with austerity, what central Government save in not funding the leisure services, they will have to spend in the NHS with poorer health outcomes. Can I ask that the Council re-doubles its efforts to put pressure on central Government to produce a fair funding formula for local authorities so that we don't lose these vital community assets?

A response was provided by the Leader of the Council (Councillor Scott).

Question from Councillor Sheard

In relation to Batley Sports and Tennis Centre and the proposed closure of it, Howden Clough Football Club use the Astro turf as a base for operations. They were an original stakeholder along with Kirklees Active Leisure and the Football Association to purchase the Astro pitches. The club spent over £70k so if proposals regarding the closure are followed through, what type of compensation will they be given, and what help can be offered to support them in finding a new home along with the other community groups who use the location?

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A response was provided by the Leader of the Council (Councillor Scott).

55 **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 7.34 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.

56 **Kirklees Active Leisure Centre Offer 2024/25 - Consultation**

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Addy, McCarthy, McLoughlin and Sheard).

Cabinet considered a report which sought approval for a consultation in relation to the future leisure centre offer provided by Kirklees Active Leisure (KAL). Cabinet was also asked to consider the acceptance of grant aid from Sport England should applications be successful.

Cabinet was advised that due to a combination of salary cost pressures and more recent inflationary energy and other operational costs, the challenge for KAL to operate in a financially sustainable way had increased and there continued to be a financial challenge. The Council had indicated that it would make available a maximum grant/subsidy of £2.55m in 24/25 and that it was unable to provide additional financial support.

The report sought authorisation for a six-week public consultation programme to commence on 27 September to ask residents for their views about the future leisure centre offer in Kirklees. The consultation responses would be considered alongside Integrated Impact Assessments and economic, environmental, social, and legal data to inform the decision about the future of the leisure centre offer.

The report advised that a funding application had been submitted to Sport England for revenue funding from the Swimming Pool Support Funding (SPSF) for Scissett Baths and Leisure Centre and Huddersfield Leisure Centre. It was anticipated that a further application would be made to SPSF capital fund in October 2023 for Scissett Baths.

RESOLVED –

- 1) That approval be given for a consultation to commence in order to inform subsequent decision making.
- 2) That authority be delegated to the Strategic Director for Adults & Health, in consultation with the S151 Officer and relevant Cabinet members, to accept and use funding from Sport England, if awarded.

57 **Asset Review September 2023**

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

Cabinet considered a report which set out the working principles of an asset review for the optimisation, rationalisation, mothball, closure, and disposal of property assets and interests across the Council's estate.

The report outlined proposals in relation to the five town halls. Cabinet was advised that Batley Town Hall was identified as having available capacity to support wider council services including the opportunity of delivery of a modernised Library provision. This decision would release Batley Library building as surplus to organisational requirements, with the decision being subject to the outcome of non-statutory consultation.

The report advised that Cleckheaton Town Hall was currently closed pending specialist investigation due to significant emerging condition and health and safety issues. To allow a detailed assessment of the building to be undertaken, the whole building would therefore need to be mothballed.

Cabinet heard that in Dewsbury Town Centre, the Walsh Building had been identified as having available capacity to support wider council services, with the opportunity of delivering a modernised service hub, including a library and customer service centre. This decision would be subject to the outcome of a non-statutory consultation.

RESOLVED –

- 1) That Cleckheaton Town Hall be mothballed to allow for a detailed assessment of the building.
- 2) That authority be delegated to the Strategic Director for Adults and Health, in consultation with the Portfolio Holder for Corporate Services and the Portfolio Holder for Finance and Regeneration, to finalise plans for a non-statutory consultation relating to the library proposals in Batley including methodology and timescales.
- 3) That subject to the outcome of the consultation and any subsequent decision to move the library into the Batley Town Hall, Batley Library building be declared as surplus to organisation requirements and be prepared for disposal.
- 4) That pursuant to (3) above, the decision taken by Cabinet in November 2021 to demolish the Walsh building be revoked, given the buildings key position in supporting the delivery of services within Dewsbury.
- 5) That authority be delegated to the Strategic Director for Adults and Health, in consultation with the Portfolio Holder for Corporate Services and the Portfolio Holder for Finance and Regeneration, to finalise plans for non-statutory consultation regarding the library proposals in Dewsbury including methodology and timescales.
- 6) That subject to the outcome of the consultation and any subsequent decision regarding the library, it be moved into the Walsh building.

58 Proposed Closure of Castle Grange and Claremont House residential care homes

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Armer and Cooper).

Cabinet considered a report in relation to Castle Grange and Claremont House residential care homes.

The report sought approval, subject to formal public and staff consultation, for the Council to withdraw from the long stay residential care market and focus its direct care delivery in other parts of the care market, particularly those areas where there were fewer providers and options for people. Current users of Castle Grange, Newsome, and Claremont House, Heckmondwike would continue to receive a residential care service but through independent sector care homes instead.

The report advised that if, following the formal consultation process, Cabinet approved withdrawal from the homes, the properties would be passed to corporate assets for a decision on best use of the assets to support with wider Council priorities which could be re-purposing or disposal.

Cabinet noted that the proposal was to start the formal public and staff consultation process of 12 weeks immediately, with a view to returning to Cabinet in January 2024 for a final decision.

RESOLVED –

- 1) That authority be delegated to the Service Director Learning Disability and Mental Health to agree the scope and terms and enter into a 12 week consultation relating to the proposed closure of Castle Grange and Claremont House dementia residential care homes.
- 2) That all further admissions to the establishments be ceased, until the formal consultation process is complete, and a decision has been made on the proposals following consultation.
- 3) That the outcome of the consultation and proposed decision be considered at the meeting of Cabinet in January 2024.

59 Review the offer of council in-house supported living provision

Cabinet considered a report regarding a formal consultation process to review council in-house supported living services.

Cabinet was advised that a proposal to review arrangements at Brighton Court, Heckmondwike, The Mews, Mirfield and Wilton Terrace, Cleckheaton would be undertaken in line with the wider commissioning framework for Learning Disabilities Supported Living.

The report outlined that the proposal would involve re-assessing tenants' needs in order to provide suitable alternative accommodation and support services. This would likely mean that people, over the course of time, move into different accommodation that would also have support available to meet their needs. It

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would also involve consulting with staff and unions around the proposed changes to the services affected.

Cabinet was asked to approve a formal consultation process which would take place from October to December 2023 with the results being considered by Cabinet in early 2024 for final decision.

RESOLVED –

- 1) That authority be delegated to the Strategic Director for Adults and Health, in consultation with the relevant Portfolio Holder, to design a enter into a formal 12-week consultation process relating to supported living care and support services.
- 2) That the outcome of the consultation be considered at a future meeting for a decision on implementing potential service changes as outlined at paragraph 2.4 and 2.5 of the considered report.

60

Redesign of Short Break, Respite and Support Provision

Cabinet considered a report which sought approval to commence consultation on the redesign and reconfiguration of the short breaks, respite and support services for disabled children, young people and their families in Kirklees.

Cabinet was advised that in order to ensure the Council were offering a flexible and fit for purpose provision that met needs and achieved improved outcomes for children and families with additional needs, it was proposed to formally consult on what this might look like and how it could be delivered.

The report advised that the consultation would be in relation to redesigning existing provision (including short breaks, respite, and activities) to provide a greater level of flexible integrated, local provision. The proposals within the consultation would be in line with the corporate approach towards a place-based delivery of services. Integrating services would be expected to achieve efficiency savings of approximately £400,000.

Cabinet noted that the consultation would seek a wider view of the proposals from key stakeholders to inform options for service redesign. Stakeholders would include children and young people, parents and carers, staff working in internal services and across partnerships, ward members, wider community stakeholders and other interested parties.

RESOLVED –

- 1) That authority be delegated to the Strategic Director for Childrens Services, in consultation with the Portfolio Holder for Children's Services, to finalise plans for, and enter into, a six week consultation relating to the redesign and reconfiguration of the short breaks, respite and support services for disabled children, young people and their families.
- 2) That the outcome of the consultation be considered at a future meeting of Cabinet for decision.

61 Tenant Safety in Council Housing

Cabinet considered a report which updated it on the situation with tenant safety in council housing.

The report provided an update and information on activity relating to the 'big 6' areas of building safety being fire, asbestos, water, gas, electrical, and lifts but particularly fire where there had been and continued to have considerable focus.

Cabinet noted that in June 2021 the Council referred itself to the Regulator of Social Housing in relation to fire safety matters at high-rise blocks. Since then, the Council had focused on delivering programmes of fire safety works, inspections and re-inspections and developing longer term refurbishment and regeneration plans for these buildings. Regular contact was maintained with the Regulator and updates were provided on progress and issues.

The Council as landlord had numerous legal duties to ensure the safety of its tenants and leaseholders and to comply with regulatory standards of the Regulator of Social Housing and the Building Safety Regulator. The Council was also subject to oversight from the Housing Ombudsman in relation to council housing and the considered report set out how the Council was complying with regulation and ensuring the safety of its residents.

RESOLVED – That the report be noted.

62 Annual RIPA update

Cabinet gave consideration to a report on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) by the Council since the last report on use in March 2022.

The report advised that the Council was subject to the requirements of RIPA, which set out how and when a local authority could engage in covert surveillance.

Cabinet noted that RIPA regulated three types of surveillance, these being directed surveillance, the use of covert human intelligence and the obtaining of communications data. The current policy was adopted in January 2019 when it was amended in line with the implementation of GDPR and the Data Protection Act 2018.

Cabinet was advised that the RIPA policy had been reviewed and only one update had been made with a minor amendment, to change one of the Authorising Officers.

RESOLVED – That the updated RIPA policy be approved.