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KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Tuesday 5th December 2023

Present: Councillor Elizabeth Smaje (Chair)
Councillor Bill Armer
Councillor Andrew Cooper
Councillor Jo Lawson
Councillor Shabir Pandor

46 Membership of Committee

All members of the Committee were in attendance.

**47 Minutes of Previous Meeting
Resolved –**

That the minutes of the meeting of the Committee held on 24th October 2023 be approved as a correct record.

The Chair updated the Committee, in respect of questions put to the Director of West Yorkshire Joint Services, as follows:

(i) The feasibility of owning a tobacco sniffer-dog, instead of hiring dogs and handlers, had been explored but was considered unviable due to the set up and operational costs. These costs included the purchase of a trained dog, employment of the handler, kennel costs, vehicle transport costs, Security Industry Authority licence, operational running costs and the post-retirement cost for the whole life of the dog.

(ii) There were no remaining hard copies of the 'Big Book of Little Scams' and the external funding for printing was no longer available. There was, however, an electronic version of the last printed edition and the link would be shared with Members of the Committee. In addition, the West Yorkshire Fraud Prevention Advice and Training Team were currently sharing a booklet produced by a national charity 'Independent Age', which covered all the relevant information around scams and fraud. These were free to order, and this link would also be shared.

48 Declaration of Interests

No interests were declared.

49 Admission of the Public

All items were considered in public session.

50 Deputations/Petitions

No deputations or petitions were received.

51 Public Question Time

Under the provisions of Council Procedure Rule 11, the following questions were received:

1. During meetings with representatives of Kirklees Active Leisure (KAL) and Kirklees Council it was pointed out that the "Fair Price Forever" offered for many years by KAL seemed an unworkable business policy, this option has subsequently been revoked for future memberships as of 9th October 2023, it has been mentioned that KAL are looking at the legalities of retrospectively bringing members paying a lower outdated fee in line with today's pricing. Members at Colne valley Leisure Centre (CVLC) attending regular community meeting have stated their willingness to pay not only today's rate but even to be a trial for geographical pricing paying increased fees to help with future funding, will scrutiny recommend to Cabinet that this is given due consideration when making their decision on the future of CVLC.

2. During meetings with representatives of Kirklees Active Leisure (KAL) and Kirklees Council it was pointed out that members of the community using CVLC had advised payments had not been taken for fees and or activities, since pointing this out members have now reported that their memberships have been amended. Noting that KAL has improved its administration around collecting payments and is now working to ensure funds for running CVLC are maximised. will scrutiny recommend to Cabinet that this is given due consideration when making their decision on the future of CVLC.

3. During meetings with representatives of Kirklees Council it was pointed out that members of the community using CVLC would be willing to help fund raise to assist with the works required over the coming years, helping to maintain the facility and ensuring funding is in place for the future of CVLC. will scrutiny recommend to Cabinet that this is given due consideration when making their decision on the future of CVLC.

4. During initial research by members of the community using CVLC it was noted that as of March 2023 HMRC revised the treatment of VAT on in house leisure services for councils, this could benefit Kirklees Council spend on leisure centres, but also with a change in the relationship model between KAL and Kirklees Council it also has the possibility to benefit KAL's spend on leisure centres and therefore has the possibility to make greater funds available for the centres, this information has been passed to Kirklees Council representatives. will scrutiny recommend to Cabinet that this is given due consideration when making their decision on the future of CVLC.

Responses were given by the Chair of the Committee.

52 Kirklees Active Leisure - Update

A report was submitted which provided a briefing on the early analysis of the Leisure Centre Consultation.

The Committee's views were also sought in respect of the report to Cabinet about the future Leisure Centre offer, which had been published on 4th December 2023 and would be considered by Cabinet on 12th December 2023.

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Councillor Graham Turner, the Cabinet Member and Portfolio Holder, introduced the item. He expressed his thanks to; those staff involved in analysing the significant number of responses received to the consultation, within a very limited timeframe; those who had responded to the consultation; and to Kirklees Active Leisure (KAL) which had worked very closely with the Council over the last few months to reach the current position, which was a better outcome than originally envisaged.

Adele Poppleton – Service Director for Culture and Visitor Economy, accompanied by Richard Parry – Strategic Director for Adults and Health, gave a presentation, which highlighted the following points:

- The proposed offer that had been the subject of the consultation.
- An overview of the consultation, to which 17,860 responses had been received (both online and paper), and the efforts made to ensure that as many people as possible could take part. This had included drop-in sessions, focus groups for those with protected characteristics and targeted promotion.
- The geographical spread of the responses.
- A statistical breakdown of the responses.
- The key findings.
- The themes that had arisen in respect of; the impact of the proposals, the barriers to accessing different facilities, and suggestions for reducing the deficit and attracting alternative funding.
- The key stakeholders that had responded, both local and national.
- The proposed offer from KAL for 2024-25.
- A summary of the reduction in costs and increases in income.
- The assumptions used in the modelling for future income.
- The key financial changes since May 2023.
- The different ways of working identified, including the establishment of a number of new partnerships.
- The three sites where KAL would withdraw provision, and the proposals associated with those sites.

Questions and comments were invited from Committee Members, with the following issues being covered:

- Thanks were expressed to all the staff involved in this work and the improved offer for 2024-25 was welcomed.
- In terms of future sustainability, in light of the volatility of energy costs in particular, the level of headroom to deal with rises in costs was restricted. Any money from fundraising was not currently built into the budget and would assist, it would also be helpful for this money to be directed towards capital works.
- The financial detail was commercially sensitive, but could be shared with the Committee if required.
- It was questioned whether there was there any scope for further energy management measures to make savings, such as the improvement of energy efficiency and the use of renewable energy.
- It should be borne in mind that there may be alternative provision that schools could use to fulfil their curriculum requirements for swimming, at a lower cost, and this could potentially impact on KAL's income, although it was noted that there was limited supply of such provision at the current time and, to date, local

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schools had found that the quality of provision from KAL was better than other providers.

- The position in terms of VAT (as raised by one of the public questions) would be examined.
- The feasibility of retaining dry-side facilities at Dewsbury Sports Centre would be explored but there were a number of complexities, including the presence of RAAC, and the need for a new entrance, which may have implications for land not within the Council's ownership. It was also very important that the potential for a negative impact on the modelling for the future KAL offer was taken into account. Consideration of alternative provision within Dewsbury for health and wellbeing was in progress.
- Women-only facilities were offered at Batley Sports Centre and Spen Valley Leisure Centre.
- There was a need to maintain awareness of the need in those areas with the greatest levels of deprivation, and to have a plan to address this.
- The importance of effective communication with the public in relation to the issues affecting Dewsbury Sports Centre and the benefits of the current relationship model with KAL.
- A full de-brief had been programmed in respect of the consultation process and to ensure that any lessons were learned.
- Timelines had not yet been established for Phase 2 of the Leisure Centre Programme. Discussions were ongoing with potential partners and in respect of resources for the future.
- A conclusion in respect of the future of Deighton Sports Centre was anticipated earlier than the estimated 12-to-24-month timescale.
- The working relationship between the Council, KAL and partners would be strengthened, to assist in the early identification of potential issues with the budget in the future, where this was possible.

Resolved -

That the Committee:

- (i) Stresses the importance of:
 - Ensuring sustainability for the future and building headroom into the budget to respond to future challenges, such as a rise in energy costs.
 - The development of a forward plan for future capital investment across all sites.
 - Systems to ensure oversight by the Council and early identification of any future funding issues.
 - Developing and building upon the relationships and partnerships that have been established with community groups and other stakeholders in order to; maximise the possibilities for external funding opportunities and fundraising, and explore all options in respect of the future model, including pricing structure.
 - Effective communication with residents about the benefits of retaining the current partnership model and to ensure understanding of the issues and the implications of the proposals.
 - Establishing a timetable for the establishment of the future model.

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- The recognition that the facilities contribute to the health and wellbeing of the residents of Kirklees and have a positive impact in terms of social connectivity.
- (ii) Acknowledges the significant response to the consultation and the work undertaken to analyse the responses, and welcomes the proposed review to identify any lessons learned for future Council consultations.
- (iii) Recognises the benefits of fundraising by community groups being directed towards supporting capital projects.
- (iv) Notes:
 - That a future plan for physical activity across Dewsbury is to be developed and the feasibility of keeping dry-side facilities at Dewsbury Sports Centre will be explored, whilst balancing the sustainability of the whole of the model. It is recommended that timescales for this work should be put in place.
 - That Deighton Sports Arena will remain open, and continue to be operated by KAL, in the short term so that options to maintain community access to the facility can be explored.
 - That the position in respect of the revised treatment of VAT for leisure centres is to be explored.
 - The re-modelling of finances undertaken by KAL to increase income.

53 Financial Management - Update

The Committee received an update on the current position from Isabel Brittain, the Service Director, Finance, with reference to the Quarter 2, 2023-24 Corporate Financial Monitoring Report.

Councillor Graham Turner, the Cabinet Member and Portfolio Holder, introduced the presentation, which included a focus on the following points:

- An overview of the position in respect of revenue, which indicated an improved position in respect of the projected end-of-year overspend, the savings forecast to be delivered in-year, and the useable reserves.
- The monitoring and variance from Quarter 1 and the budget variances in each service area. It was noted that Childrens and Families was still under significant pressure.
- Arising issues were being incorporated as the medium-term financial plan was developed, and costs reduced wherever possible.
- An analysis of reserves and the balances at the end of Quarter 2.
- The position in respect of the Capital Budget; a re-profiling exercise was in progress and the changes would be included in the budget report to Council.

It was noted that the Housing Revenue Account was to be addressed in more detail at a future meeting of the Committee.

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Questions and comments were invited from Committee Members, with the following issues being covered:

- It was recognised that there was an issue in achieving income targets in respect of the town halls and these were being reviewed. It was noted that Cleckheaton having been closed for a period would have contributed to the deficit in income. A core asset strategy was in development which, amongst other things, would aim to maximise use of the town halls throughout the week, increase income and ensure viability.
- The Authority would not be issuing a Section 114 Notice and would do whatever it could to avoid that position and thus ensure that decisions were made at local level. Plans and controls were in place to reduce expenditure; this report indicated the position as at the end of September 2023 and there was confidence that this would improve further by the year-end and that there would be a suite of opportunities to facilitate a balanced budget for 2024/25 and to continue in a resilient manner.
- There would be challenges for 2025-26, although not as significant, and also 2026-27 as demand for statutory services continued to rise. The Administration would act accordingly and make decisions on the basis of the information available.
- It was acknowledged that there was a balance to be achieved in respect of the financial benefits of early intervention and non-statutory services in the long-term.
- Effective communication was again considered very important. The Communications Team was considered to very active in relaying information to local people and the Committee would be considering the latest strategy in a later agenda item.
- An explanation of the impact of re-profiling the Capital Programme on the cost of borrowing, the management of budgets and cash-flow.

The Cabinet Member and Service Director – Finance were thanked for their attendance and the progress report.

54 **Local Flood Risk Management Strategy**

A report was submitted in respect of the new Local Flood Risk Management Strategy 2024, which was being brought to the Committee, for pre-decision scrutiny, prior to its submission to the Cabinet for approval in early 2024.

Rashid Mahmood – Head of Major Projects and Paul Farndale – Flood Team Leader, Planning and Development gave a presentation focussing on:

- The background to, and vision behind, the development of the new strategy, which set out how the Council would undertake its flood risk management responsibilities to meet the requirements of the Flood and Water Management Act 2010.
- The key responsibilities of the Council as Lead Local Flood Authority in terms of leadership, strategy, mitigation, investigation and reporting on significant incidents, maintenance of a register of assets, and acting as statutory consultee on planning applications.
- A summary of the flood risk within Kirklees and the projected impact of climate change.

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- The five strategic objectives within the strategy; evidence, adaptability, innovation, sustainability, and communities and partnership.
- The extensive range of partners that the Council worked with and alongside.
- The four strategic themes; place-making, protect, response and recovery.
- Climate change and the modelling undertaken to project impact on the district.
- The Action Plan, separated into the four themes, and the sources of funding.

Councillor Graham Turner, the relevant Cabinet Member and Portfolio Holder, thanked officers for the significant work undertaken to produce the new strategy.

Questions and comments were invited from Committee Members, with the following issues being covered:

- There were a number of key performance indicators that were monitored on a monthly basis, such as the increase in asset data, number of properties/businesses that had been better protected, and educational campaigns. It was acknowledged that monitoring could be strengthened.
- Work was being undertaken to formalise the use of flood wardens/champions and community groups in the response to incidents, in a similar way to the snow warden initiative.
- Trials were being undertaken with the deployment of flood-sacks in high-risk locations. The focus of the Council's approach was on making more permanent changes to properties, so that dependence on the low-levels of defence, such as sandbags or flood-sacks, was reduced.
- In respect of learning from best practice, the team worked closely with colleagues from across West Yorkshire, with different districts taking a lead on particular issues and then sharing knowledge and best practice. There was also an established link with ICAS (the Institute for Climate and Atmospheric Science), based at Leeds University.
- The potential for the use of sustainable urban drainage systems (SUDS) in developments was affected by the gradient of land and soil content in a significant part of the district. There had also been an issue in the past associated with the adoption and maintenance of systems. There was a crossover with biodiversity and a move towards the use of detention basins/ponds on-site. The 2010 Act envisaged drainage being removed from the planning process and the Council becoming a SUDS approval body. The Council was a member of the relevant national association and groups.
- There were other measures that could be implemented to help manage surface water, such as green roofs and water butts.
- A new strategic flood risk assessment would be produced, based around site allocations, which would help to influence the review of the Local Plan.
- Regular engagement was undertaken with the Environment Agency and concerns raised where necessary. The team undertook studies to understand risks and assess which bodies were responsible and would work closely alongside a range of partners to ensure awareness of the authority's issues and concerns and to work supportively together to identify funding and deliver projects.
- Work was undertaken in conjunction with colleagues in other districts, in light of the potential impact of schemes in those areas on the surface water reaching the Kirklees catchment.

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- It was considered that local residents in high-risk locations often did not have the relevant information about who they should contact in the event of issues with surface water.

Resolved –

That it be recommended that reference within the strategy to the work and engagement undertaken with and alongside other local authorities in respect of surface water should be strengthened.

55 Communications Strategy Update 2024

Councillor Paul Davies, the Cabinet Member and Portfolio Holder, and Marcus Bowell – Head of Strategic Communications introduced a report in respect of the Communications Strategy Update 2024 and invited Members' comments.

The presentation outlined:

- The background to the current strategic approach to communications, prompted by the LGA (Local Government Association) Peer Review in 2019.
- The three pillars of the strategic communications approach: narrative; reach and engagement; and evaluation, and an explanation of each.
- The work undertaken under each pillar since the implementation of the original strategy, and the service development plan for 2024, which was tied to the Council Plan priorities.
- An example to illustrate the impact and results of a specific campaign.

Questions and comments were invited from Committee Members, with the following issues being covered:

- In response to a suggestion that TikTok might help to reach the younger demographic, this would be considered, although it might be a difficult channel for a local authority to utilise with credibility.
- Whilst there may be a wish for the team to promote and support the work undertaken in particular places and wards, this would have a resource implication.
- Assurance was given that the more traditional methods of communication, such as paper leaflets/booklets, outdoor advertising, such as banners on buses, and posters were still part of the approach, so that they were accessible to those who did not use social media.
- Consideration could be given to strengthening communications in respect of providing updates further to a decision being taken.
- The mission statement had been retained from 2022/23 as the development of the service was considered to be a long-term process and communications was something that constantly changed and evolved. It was suggested that it would be helpful for this explanation to be reflected within the strategy document.

Councillor Davies welcomed the change in approach to provide more of a narrative and create a conversation, rather than a focus on information relayed through press releases.

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Resolved –

That the comments made by the Committee be taken into account in taking the Communications Strategy forward.

56 Lead Members' Updates

The Lead Members for the Environment and Climate Change Scrutiny Panel and the Growth and Regeneration Scrutiny Panel provided an update for the Committee on the work being undertaken by their panels.

57 Work Programme 2023/24

The latest version of the Committee's Work Programme for 2023/24 was considered.

58. Any Other Business

The Chair noted that a 'Notice of Concern' had been issued in respect of the report to Cabinet in relation to Car Parking Charges. This issue was to be the subject of a call-in at the Environment and Climate Change Scrutiny Panel the following day.