

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 9th July 2024

Present: Councillor Cathy Scott (Chair)
Councillor Masood Ahmed
Councillor Yusra Hussain
Councillor Habiban Zaman

Observers:
Councillor Tanisha Bramwell
Councillor Moses Crook
Councillor David Hall
Councillor Zahid Kahut
Councillor Viv Kendrick
Councillor Jo Lawson
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Graham Turner
Councillor Alison Munro

- 1 Membership of Cabinet**
Councillor A Zaman was absent from the meeting.
- 2 Minutes of Previous Meeting**
Approved as a correct record.
- 3 Declaration of Interests**
No Interests were declared.
- 4 Admission of the Public**
Cabinet noted exempt information was provided under items 9 and 11.
- 5 Deputations/Petitions**
There were no deputations or petitions.
- 6 Questions by Members of the Public**
No questions were asked.
- 7 Questions by Elected Members (Oral Questions)**
Cabinet received oral questions under Executive Procedure Rule 2.3

Question from Councillor D Hall

“My question is regarding Heritage buildings in the centre of the village of Gomersal being Red House, the Public Hall, the old Gomersal First School and Grove Chapel

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with three of them either in serious dilapidation or in danger of becoming so. Could I have an update as to how we are proceeding with these Heritage buildings, given that the Council has some control of three of these buildings?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Y Hussain)

Question from Councillor V Kendrick

“There is an ambition in Children's Services that every child and young person should have the best start in life. The last government expanded the range of free childcare to much younger ages, but these places are not being taken up by families on low income, and particularly SGO Carers. What do you think can be done to increase take up?”

A response was provided by the Cabinet member for Children's Services (Councillor H Zaman)

Question from Councillor G Turner

“I notice on the Health and Safety Service Plan report, there is no portfolio holder. It is my understanding that the portfolio holder should have undertaken the requisite training. Do we know when this position might be filled and when they will complete the training?”

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

Question from Councillor T Bramwell

“The closure of Dewsbury Sports Centre has had a serious impact on residents with many Members wanting to see it reopen. Several schools are seeing antisocial behaviour and gang related activity. Grass roots organisations utilised the Sports Centre and were able to set up play schemes that intervened and worked on preventative measures with young people. I would like to ask if it is a priority of this cabinet is to see the doors reopen”

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

Question from Councillor C Pattison

“The Government has announced that it wants 3000 new nursery places available in schools. Does the current policy on SENDIF funding take into account this, as there are costs associated with providing the places in schools, along with staffing arrangements. How are we going to meet that new demand of 3,000 places for children, especially children with Special Educational Needs?”

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

Question from Councillor Z Kahut

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“In relation to Batley Library, has a decision been made about its relocation to a setting where space is limited? What are some of the factors being considered in making that decision?”

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

Question from Councillor Z Kahut

“In relation to Dewsbury Sports Centre, when will we see the report regarding the further investigations of RAC within the building?”

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

Question from Councillor Jo Lawson

“In the Netherton ward, like other areas, we see parks and play areas that are overgrown, where the play equipment is not safe and playing fields where the grass is not getting cut. I have been informed that there are 19 out of 72 park staff facing redundancy and I understand that Unison have been waiting over a year for a redundancy policy, when will that be put in place?”

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

Question from Councillor Z Kahut

“There seems to be a disparity of service between areas, specifically Pavilion Bowling Green where the grass is no longer cut to a good enough standard. There is an absence of regular maintenance, which is resulting in a lack of use, are there any plans to rectify the level of service needed?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Y Hussain)

Question from Councillor V Kendrick

“The four bowling clubs that use Firth Park Bowling Green in Heckmondwike have been informed that they will no longer have their grass cut by the Council and that the community must do this themselves. However, we have previously been told that the grass cutting was a specialist job and I’m not sure how the community will be able to do it. This is affecting our communities; can some thought be given to looking at the number of staff employed?”

A response was provided by the Cabinet Member for Culture and Greener Kirklees (Councillor Y Hussain)

Question from Councillor T Bramwell

“In relation to the reduction in services to libraries and community buildings, when these are done in areas of high deprivation, where some members of the community are working 40 – 60 hours per week to make ends meet, when are they able to find the time to engage and volunteer, and how do we get them to do this?”

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

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 **Special Educational Needs and Disabilities (SEND) - Capital investment in the rebuild of two special schools**

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

Cabinet considered a report which sought approval to draw down and spend a proportion of the £48.3m capital allocation from the Aspire & Achieve - Strategic Priorities section of the Capital Plan approved by Council to enable the provision of two new build, expanded special schools to replace the existing school sites.

The report advised that the rebuild of the two special schools continued to deliver on the Council's priorities in (i) addressing financial challenges (ii) transforming services (iii) delivering a greener, healthier Kirklees and (iv) investment in towns and villages.

The rebuild of the special schools would provide more places locally for children and young people with SEND and help to improve their educational outcomes alongside a more cost-effective alternative solution to independent provision.

RESOLVED –

- 1) That approval be given for the draw down of capital funds as outlined in Appendix 4 of the considered report to enable the appointment of a building contractor to construct a new build 132 place SEMH school on the former Deighton centre site, Deighton Road, Huddersfield.
- 2) That approval be given to the draw down of capital funds as outlined in Appendix 4 to enable the appointment of a specialist contractor to undertake the site clearance of all buildings on the former high school site on Fernside Avenue, Almondbury, Huddersfield.
- 3) That approval be given to the draw down of capital funds to facilitate the settlement of the exit of the former school site on Fernside Avenue from the PPP1 contract as detailed in Appendix 4.
- 4) That the allocation of government grant for High Needs Provision from the Department for Education (DfE) of £7,056m for Financial Year 2024/25, and which may be used as a contribution towards the budget for the two new build schools, be noted.

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- 5) That to enable the delivery of the schemes without returning to Cabinet, the delegated powers contained in the Council's Financial Procedure Rules (FPRs) 3.9-3.12, dated June 2024, may be used to:
 - (i) Transfer resources within a programme area without restrictions.
 - (ii) Transfer resources between any project or programme area up to a maximum of £2m in any financial year.
 - (iii) Transfer resources within programme areas between any year within the approved capital plan, subject to compliance with FPRs 3.9 - 3.12 and notification to the relevant Cabinet Member and appropriate Ward Members.

- 6) That it be noted, approval to tender and award a contract for the new build school will be sought in late 2024 once detailed design of the new Woodley School and College had occurred, and a pre-tender estimate had been calculated.

10 Special Educational Needs and Disabilities Inclusion Fund Policy Update
Cabinet considered a report which outlined changes to the national approach to funding of support to children with Special Educational Needs and Disabilities (SEND) in childcare settings.

The report presented the outcome of the consultation on proposed changes to the SEND Inclusion Fund (SENDIF) policy and sought approval to implement the policy to reflect the changes to the national approach which ensured SENDIF eligibility mirrored the expanded free childcare offer. The new approach changed the way SENDIF was calculated ensured it continued to support children with SEND in early years settings whilst the eligibility criteria and allocation process remained fair. The policy would provide a more efficient, flexible, and straightforward for providers, along with maintaining its current financial envelope.

RESOLVED –

- 1) That approval be given to the revised policy for the Special Educational Needs and Disabilities Inclusion Fund (SENDIF).
- 2) That authority be delegated to Service Director Learning & Early Support to:
 - (i) Align SENDIF to reflect the Council's expanded duties under the government's expansion of free childcare hours for eligible children aged from 9 months to 4 years old.
 - (ii) Ensure children in early years education can continue to benefit from additional support funded by SENDIF and that the eligibility criteria and allocation process remain fair.
 - (iii) Ensure the budget for SENDIF operates within its financial envelope and note if a decision was taken to continue with SENDIF+ (Kirklees voluntary provision), there was no identified budget.

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- (iv) Reflect Cabinet's decision in January to approve changes to process, after January 2024's consultation, for the allocation of funding and remove the old process from the policy.

11 **Special Educational Needs and Disabilities (SEND) - Mainstream High Needs Funding**

Consideration was given to a report which sought approval to move to a new mainstream cluster funding model and way of working to support children and young people with additional needs reflecting the arrangement with a revised funding model.

The report advised that the new model would enable children to receive funded support at the earliest opportunity and for support to be delivered at a local level. The model would improve collective capacity to meet the needs of pupils by sharing expertise across school clusters, along with providing greater consistency and high quality. This approach would, over time, enable children to be supported in their mainstream school, as well as supporting the delivery of the High Needs Safety Valve Agreement and the Council's SEND Big Plan.

RESOLVED –

- 1) That the new funding model to support children with special educational needs and disabilities (SEND) in mainstream schools be approved.
- 2) That it be noted, the new model would devolve high needs funding to schools at a cluster and area level to meet the needs of children at the earliest opportunity and that multiagency support would ensure the right support was offered in the right place at the right time.
- 3) That it be noted, the new model would allow clusters and areas to use the funding more flexibly to support children with SEND, no longer tying funding only to those children with an Education Health and Care (EHC) plan.
- 4) That authority be delegated to the Service Director for Learning and Early Support to implement the new model from September 2024.

12 **Kirklees Environment Strategy: Everyday Life (Reference to Council)**

Cabinet received the draft 'Environment Strategy: Everyday Life' for consideration and recommendation to Council as a key strategy within the four top-tier strategies.

The report outlined the strategy would achieve 'our Vision' and 'Shared Outcomes' outlined within the Council Plan 2024/25 alongside the priority for delivering a greener Kirklees and addressing the environmental challenge faced in relation to the climate emergency.

Cabinet noted the strategy was developed via a process of co-design which involved residents, partner organisations, businesses, institutions, and community groups across Kirklees to ensure it delivered a strong ambitious and successful strategy which was both realistic and achievable.

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- 1) That the 'Environment Strategy: Everyday, Life,' be recommended to 17 July 2024 Council meeting for adoption.
- 2) That should Council approve the Environment Strategy, authority be delegated to the Strategic Director for Corporate Strategy, Commissioning & Public Health, in consultation with the Portfolio Holder for Culture and Greener Kirklees to:
 - (i) Establish the Partnership Pledge and associated monitoring and evaluation process via the Environment Strategy Partnership Group.
 - (ii) Establish the governance structure, associated board and necessary policies and procedures to effectively govern the implementation of the strategy within the Council.
 - (iii) To deliver any future minor alternations for the strategy.
 - (iv) To meet the ambition (targets and objectives) outlined within the 'Environment Strategy, Everyday life.'
 - (v) To apply for and accept external funding for the implementation of the partnership pledge process and any actions associated with achieving the strategies targets.
 - (vi) To collect and analyse data for the monitoring and evaluation of the strategy, with the support of necessary service areas which hold, or have responsibility for collecting this information.

13 **Food Safety Service Delivery Plan 2024**

Cabinet received the Food Safety Service Plan 2024, which outlined the function and activity of the Health and Safety Team within Environmental Health and present for adoption their Service Plan detailing activity over April 2023 to March 2024 and priorities and activity for the following 12 months until March 2025.

The report advised that service priorities had been set in conjunction with national guidelines from the Health and Safety Executive. Both national and local intelligence had been used to form the service priorities, with neighbouring authorities critically reviewing these priorities to ensure consistency with national guidance.

RESOLVED – That approval be given to the Food Safety Service Plan 2024 and direct officers to publish the plan on the Council's Website.

14 **Statutory Health & Safety Service Plan 24-25**

Cabinet considered a report which outlined the function and activity of the Health and Safety Team within Environmental Health, and appended for adoption the Service Plan detailing activity over April 2023 to March 2024 and priorities and activity for the following 12 months until March 2025.

The report highlighted the continued priority to investigate all major injuries, accidents and serious complaints and notification of disease. The report also saw new priorities for 24/25 which were (i) to reduce work related ill health from stress and depression by raising awareness amongst employers within the retail sector (ii) planned preventive maintenance within tyre and exhaust retailers (iii) raising awareness of pressure vessels in coffee machines and (iv) carbon monoxide in commercial premises.

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RESOLVED – That approval be given to the Health & Safety Service Plan 24-25.

15 **Highways 2 year detailed Capital Plan allocation 2024/25 and 2025/26**

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Munro, Kendrick and Crook).

Cabinet considered the intended delivery programme for the Highways Capital Plan allocation for the years 2024/25 & 2025/26 and planned highways projects for 2024/25 and indicative programme for 2025/26.

The report provided a breakdown of new additional budget since 6th March 2024, and sought approval to allocate and spend any additional budget income awarded since 6th March 2024. The works would be delivered through a combination of in-house contractors and external specialist contractors ensuring value for money was achieved.

Cabinet noted the projects and programme of works had been developed in consideration of statutory requirements and available budgets to offer the most efficient, sustainable, and cost-effective intervention that could be delivered within the 2024/25 financial year.

RESOLVED –

- 1) That approval be given to the budget and programme / scheme allocations within the detailed 2-year Highways Capital Plan to the sum of £24,265,806 and £17,174,575 for 2024/25 and 2025/26, respectively.
- 2) That authority be delegated to the Strategic Director Growth & Regeneration or Service Director for Highways & Streetscene and in consultation with the Leader of the Council, to manage the implementation of the programme and to enable any amendments to identified schemes, the addition of future schemes, and to award funding (within the £24,265,806) for those schemes.
- 3) That approval be given, where necessary, to accelerate spend of the City Regional Sustainable Transport Settlement (CRSTS) and accelerate the two year forward programme.
- 4) That authority be delegated to Service Director for Highways and Streetscene, in consultation with the Service Director for Legal, Governance and Commissioning, to negotiate, agree, and enter into the terms of any applicable funding agreements (and associated documentation) to enable individual projects and schemes to proceed.

16 **2024/25 - 2025/26 Corporate Landlord Capital Plans - Proposed allocation of capital funding**

Cabinet gave consideration to a report which sought approval for potential projects, to be funded from the 2024/25 – 2025/26 Corporate Landlord baseline programmes in the Council's Capital Plan, and for officers of the council to receive delegated powers to manage the programmes.

The report outlined the funding allocations for the Corporate Landlord baseline programmes as (i) asset Investment baseline of £9.888M for 2024/25 and £8.160M

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for 2025/26 (ii) compliance baseline of £1.891M for 2024/25 and £1M for 2025/26 and (iii) wellbeing baseline of £1.118M in 2024/25 and £1M in 2025/26.

Cabinet noted the proposed programme themes for the next financial years as outlined at Appendix A of the considered report, understanding that without the investment, buildings would close or be unable to provide residents with the services they need. The report highlighted that before any investment was made, the long-term future of the asset was considered to ensure that it fit with the Council's needs moving forward.

RESOLVED –

- 1) That the themes of work for 2024/25 – 2025/26 as detailed in Appendix A of the considered report be approved.
- 2) That authority be delegated to Service Director - Development to:
 - (i) Add or delete projects from the programmes without prior approval provided that the total cost of the programmes remains within the approved capital allocations set by Council.
 - (ii) Transfer resources between the Corporate Landlord programmes without restrictions to enable efficient delivery of projects.
 - (iii) Slip, delete or reallocate budget between projects during the two financial years providing that the total cost of the programmes remains within the approved capital allocations set by Council to enable the effective management of the programmes concerned over the two-year period.
- 3) That the virement of £68K in capital funding from the Children's and Families Strategic Priorities Woodley Special School new build to the Corporate Landlord budget be approved.
- 4) That authority be delegated to officers of the Council to identify, design, tender and implement the delivery of projects aligned with the work themes identified.

17 **Financial Outturn Report 2023/2024, to include the Revenue, Capital and Housing Revenue Account Outturn Position and Annual Report on Treasury Management**

Cabinet gave consideration to a report, prior to its submission to Council, which set out information on the Council's 2023/2024 financial outturn position for General Fund Revenue, Housing Revenue Account and Capital Plan, including proposals for revenue and capital rollover from 2023/2024 to 2024/2025.

The report advised that the outturn position improved significantly to +£7.3m overspend from a projected overspend at Q1 of £20.3m, due to the spend controls and savings in capital financing costs from a Minimum Revenue Provision review and capital programme slippage.

The slides contained within the considered report provided a detailed breakdown of the outturn financial monitoring position in relation to (i) General Fund revenue outturn position in 2023/24 by service area (ii) General Fund reserves and balances

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movements in-year (iii) HRA revenue outturn position including movements in HRA reserves in year (iv) Capital outturn position in 2023/24 (v) the Council's Corporate Risk 'Heat Map' and summary and (vi) Treasury management prudential indicators.

It was noted that, subject to approval, capital slippage proposals and the update of the multi-year capital plan would be incorporated into in year financial monitoring in 2024/25 and reported quarterly to Cabinet from Q1 onwards.

RESOLVED –

- 1) That in relation to the General Fund, the revenue outturn position of +£7.3m overspend for 2023/24 be noted.
- 2) That the year-end position on reserves and balances of £61.2m (excluding Statutory Reserves), particularly that the level of general reserve at £25m is the desirable level on a risk-based approach as presented to Members in the 2024/25 budget report be noted.
- 3) That the application of the Councils flexible capital receipts strategy to the value of £3.3m applied against eligible transformation costs in 2023/24 be noted.
- 4) That the regular monitoring and review of corporate reserves in 2024/25 to be reported to Cabinet as part of the Quarterly financial monitoring cycle be noted.
- 5) That the year-end deficit position on the Collection Fund of £8m, along with the position on the DSG as part of the Council's Safety Valve agreement be noted.
- 6) That in relation to the Housing Revenue Account, the HRA revenue outturn position of +£1m deficit for 2023/24 and the year-end reserves balance of £33.9m be noted.
- 7) That in relation to Capital, the Council capital outturn position at £148.2m for 2023/24 be noted.
- 8) That the £22.3m capital slippage from 2023/24 to 2024/25 (as outlined at paragraph 3.6.13) of the considered report be noted.
- 9) That the revised capital plan for the period 2024/25 onwards, after taking into account the re-phasing of schemes and additional grant funding assumptions, be noted.
- 10) That it be recommended to 17 July 2024 Council meeting for the £0.75m additional borrowing for the in-house fleet for home to school transport pilot.
- 11) That the extension of the existing Property Investment Fund loan facility for Kingsgate shopping centre for a further 9 months, at the prevailing interest rate (cost neutral for the Council) be recommended for approval to 17 July 2024 Council meeting.
- 12) That the use of £0.14m Libraries Improvement Grant Fund towards spend on the Kirklees Open Access pilot project be recommended for approval to 17 July 2024 Council meeting.
- 13) That the Review of Treasury Management activity for 2023/24 be noted.

- 18 Annual Complaints Performance and Service Improvement Report 2023/24**
Cabinet considered the mandatory 'Annual Complaints Performance and Service Improvement' report for 2023/24 along with the Council's self-assessment against the Housing Ombudsman Complaint Handling Code.

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Cabinet noted that for 2023/24, the Annual Report, as considered at Appendix 1a of the considered report indicated that complaints had increased from 554 in 2022/23 to 826 last year. In part, this was due to the council making it easier to complaint with more routes to do so, along with promoting the role of the Housing Ombudsman in relevant correspondence. However, the level of complaints that were upheld signalled that, as a landlord, the Council was still not getting things right.

The report included the Annual Self-Assessment for 2023/24, at Appendix 1b, which showed that the council was compliant with the new Code, save for one exception relating to keeping records of reasonable adjustments.

RESOLVED –

- 1) That it be noted the draft Annual Complaints Performance and Service Improvement Report 2023/24, and self-assessment was submitted by 30th June 2024.
- 2) That the draft Annual Complaints Performance and Service Improvement Report 2023/24, which includes the self-assessment against the Code, be noted.
- 3) That the self-assessment against the Code was an accurate reflection of the Council's position and that the areas in which the Council had fallen short, namely 'reasonable adjustments under the Equality Act 2010' was noted and, that plans to rectify this were in place and being progressed.
- 4) That approval be given to publish the final report including Cabinet's response and the self-assessment, on the Council's website, post submission.