

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 10th December 2024

Present: Councillor Carole Pattison (Chair)
Councillor Moses Crook
Councillor Beverley Addy
Councillor Munir Ahmed
Councillor Tyler Hawkins
Councillor Viv Kendrick
Councillor Amanda Pinnock
Councillor Graham Turner

Observers: Councillor Itrat Ali
Councillor Tanisha Bramwell
Councillor Andrew Cooper
Councillor Yusra Hussain
Councillor John Lawson
Councillor Paul Moore
Councillor Alison Munro
Councillor Andrew Pinnock
Councillor Kath Pinnock
Councillor Imran Safdar
Councillor Cathy Scott
Councillor Elizabeth Smaje
Councillor Mohan Sokhal

65 Membership of Cabinet

All Members of Cabinet were present.

66 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 5 November 2024 be approved as a correct record.

67 Declaration of Interests

No interests were declared.

68 Admission of the Public

It was noted that Agenda Items 8 and 9 contained exempt information (Minute Nos. 72 and 73 refer).

69 Deputations/Petitions

No deputations or petitions were received.

70 Questions by Members of the Public

Cabinet received the following questions under the provision of Council Procedure Rule 11;

Question from Mike Forster

“In relation to Agenda Item 8, under 2.9f) of the report, the Cabinet is proposing to abandon the WYPF for transferring employees; so what pension arrangements are on offer instead, or will there be none?”

A response was provided by the Cabinet Member for Adult Social Care and Health (Councillor Addy).

Question from Mike Forster

“In relation to Agenda Item 8, under 3.3.6, the report states the following: "The transferee employer will need to inform the transferor Council of any 'measures' that it proposes regarding transferring employees following the transfer."

What other 'measures' can the provider introduce and have there been any discussions about that and has the Council sought any guarantees about staffing levels other than what is mentioned in 4.10?”

A response was provided by the Cabinet Member for Adult Social Care and Health (Councillor Addy).

Question from Avalon Rawling

“In relation to Agenda Item 8, the whole case for privatisation hinges on the council's assertion that the homes are not viable, but we have already seen one example of a serious omission in regards to the income (circa £1m) due to the homes.

Another serious flaw is that the financial basis for the proposed privatisation of the two care homes relies on a single year of data. This doesn't account for one-off expenditure, trends, and exceptional circumstances; a multi-year analysis should have been conducted in line with good business analysis practice. An example of a comprehensive analysis of both ongoing costs and of the estimated private sector contributions has been attached to this email.

This fails to take into account all the relevant information, in order to ensure a sound and evidence-based decision, and challenges the Reasons for Recommendations bullet point 2, which states that "The homes represent a comparative loss of more than £0.8 m per annum of direct costs and may well require further capital investment in the near future."

Will the Cabinet therefore vote to proceed with delegating authority to officers to proceed with privatisation despite there being insufficient proof that these stated savings can indeed be made?”

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A response was provided by the Cabinet Member for Adult Social Care and Health (Councillor Addy).

Question from Collette Senior

“Both Castle Grange and Claremont House offer an excellent high standard of care already, has Kirklees looked at alternative ways which would keep the homes open and still under Kirklees Council and why are these options not viable?”

A response was provided by the Cabinet Member for Adult Social Care and Health (Councillor Addy).

Question from Sara Blagborough

“I’d like to draw your attention to Kirklees Councils core values and behaviours; (i) Kindness; We are kind so that our behaviour makes each other feel included, happy and well, We work with each other and are friendly, considerate and appreciative, We *'do with, not to'*, showing kindness to each other and our citizens (ii) Inclusion; We provide equal access to opportunities and resources for all people, We achieve inclusion by removing barriers, discrimination and prejudice, We value and promote a culture of inclusion and diversity (iii) Pride; We work with pride to achieve positive outcomes for colleagues, citizens and our places, We have self-respect, dignity and take satisfaction from our achievements and those of our colleagues, We are proud of what we do as individuals, together as a council, and together with our citizens and places. Our behaviours are honest, positive, flexible, Respectful, Communicative and Supportive. Can you explain to me how this proposal fits in with the Council's core values and behaviours?”

A response was provided by the Cabinet Member for Adult Social Care and Health (Councillor Addy).

Question from Donna Mallinson

“If Kirklees is successful in ‘disposing’ of the homes Kirklees claim they will be disposed of as going concerns & the transfer to an alternative provider will ensure continuation of care. But as there will be no care contracts or requirement to maintain current costs, continuation of care cannot be ensured. Will the Cabinet vote to proceed with privatisation despite there being no guarantee of continuation of care for residents in the homes?”

A response was provided by the Cabinet Member for Adult Social Care and Health (Councillor Addy).

71 Questions by Elected Members (Oral Questions)

Question from Councillor Bramwell

“Why should my residents and residents across Kirklees continue to physically, emotionally and financially pay for the Council’s mistakes? What concrete plans does the Council have in place to effectively address the issue of flytipping,

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especially considering the likelihood that the proposal to reduce the size of bins may fail to achieve its intended goals?”

A response was provided by the Deputy Leader of the Council (Councillor Crook) and the Cabinet Member for Finance and Regeneration (Councillor Turner).

Question from Councillor J C Lawson

“Regarding grey bins, would there be an element of voluntary adoption for those that would find it useful to have a smaller grey bin?”

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

Question from Councillor Scott

“Cabinet proposes to replace 160,000 bins – what will happen to the ones that are collected in? This is creating a massive carbon footprint. Can the portfolio holder put a freeze on the proposal and think about the costs to the taxpayers?”

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

Question from Councillor Moore

“Given that the proposal to reduce household bin sizes appears to be a primarily a cost cutting measure, rather than a comprehensive strategy for waste reduction, how does the Labour Cabinet justify this approach, particularly when it will lead to increased fly tipping, public health risks, and disproportionately impact larger families and vulnerable residents? What steps will the Council take to ensure that any waste reduction strategy is both effective and fair without placing undue burdens on those least able to cope?”

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

Question from Councillor Safdar

“This Government have promised £1billion for Councils with a large number of special needs children. Will this SEND extra funding be seen by local schools, or will it be there to cover the debts that exist in most Councils? There are serious concerns about school budgets across Kirklees that there is not enough money to cover the basics. Can the Cabinet take these serious concerns to the DfE and can we try to get funding for the SENCO teachers in Kirklees?”

A response was provided by the Cabinet Member for Education and Communities (Councillor A U Pinnock)

Question from Councillor Cooper

“Regarding grey bins and the capital investment required to purchase the bins, what is the payback period likely to be, so we are able to judge whether the use of funding the Council is making could be better spent elsewhere?”

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

Question from Councillor Safdar

“I sympathise with the financial situation the Council is in, but there is concern among the Muslim community regarding burial spaces. What can you do to reassure us about the Hale Lane site and can we have an update on the position in Dewsbury and Batley regarding burial spaces?”

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

Question from Councillor Hussain

“How much will it cost to reduce the bin size for 160,000 residents?”

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

72 Future of Council Operated Dementia Care Home Provision (Castle Grange and Claremont House)

(The report included 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 considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely affect overall value for money and could compromise the commercial confidentiality of the bidding organisations and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including greater accountability, transparency and openness in Council decision making. Cabinet gave consideration to the exempt information prior to the determination of this item.)

(Under the provision of Council Procedure Rule 37, Cabinet received representations from Collette Senior, Sara Blagborough, Donna Mallinson, Mike Forster, Avalon Rawling.)

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Ali Bramwell, Cooper, J C Lawson, Munro, Safdar and Scott).

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Cabinet gave consideration to a report which advised on the progress of identifying potential new operators for Castle Grange and Claremont House residential dementia care homes.

The report set out options based upon (i) maintaining the current operation and retaining the care homes (ii) transferring both care homes to a third party bidder as a going concern following a robust expression of interest exercise, subject to evaluation of price and quality and (iii) the closure of both homes in accordance with best practice guidance.

Cabinet were asked to approve option (ii) and advised that the concerns that had been raised during the consultation process did not provide substantial or significant reasons as to why the homes should be retained as directly operated facilities. The report indicated that the homes represented a comparative loss of more than £0.8m per annum of direct costs and may require further capital investment in the near future. Cabinet were advised that five bids had been received.

The report set out the progress that had been made since the Cabinet decisions of 12 March 2024 and 8 October 2024. It advised that (i) a six week consultation period had since been undertaken with service users and relatives regarding the transfer option, and that meetings had also taken place with staff (ii) the sites had been marketed to parties who had experienced an interest (iii) detailed information about the homes had been prepared and shared, including staffing, financial and property information (iv) interested providers had visited both premises and (v) formal offers had now been received for both homes, which would be examined.

The report set out a breakdown of information relating to (i) consultation with families (ii) engagement with private providers (iii) the existing and future financial position (iv) implications for the Council, including financial and legal implications and (v) the consultation process and overview of themes raised.

The report recommended that option (ii) would enable the Council to better manage current financial challenges and that, subject to approval Officers would pursue further engagement with interested parties through a best and final offer process, which would seek to secure a transfer agreement in January 2025.

RESOLVED –

- 1) That the outcome of the consultation as at Appendix 1 and 2 of the considered report be noted.
- 2) That the content of the Integrated Impact Assessment, including mitigating factors, be noted.
- 3) That approval be given to pursue the transfer of the homes as a going concern.
- 4) That authority be delegated to the Executive Director for Adults and Health, in consultation with (i) the Cabinet Member for Adult Social Care (ii) the Cabinet Member for Finance and Regeneration (iii) the Service Director – Legal, Governance and Commissioning and (iv) the Service Director – Finance to:

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- (i) progress negotiations with potential bidders through a Best and Final Offer stage and select a preferred bidder
 - (ii) complete the legal transfer of two residential care homes as a going concern, subject to the satisfactory outcome to negotiations with the preferred bidder.
- 5) That authority be delegated to the Service Director - Legal Governance and Commissioning to enter into formal legal agreements and other documentation required to implement the decision of Cabinet.
- 6) That, in the absence of a successful outcome of the Best and Final Offer stage of the transfer process a further report be considered by Cabinet.

73

Consideration of Options for the future of Cleckheaton Town Hall

(The report included exempt information in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 as it contains details relating to the financial or business affairs of any person including the Council and it is considered that it would not be in the public interest to disclose the information contained in the private appendices, revealing the information could potentially hinder the Council's ability to secure value for money, compromise the commercial confidentiality of the entities mentioned within the report, and ultimately be detrimental to the Council's financial and business interests. These concerns are considered to surpass the benefits of increased public accountability, transparency in the expenditure of public funds and openness in the Council's decision making process. Cabinet gave consideration to the exempt information prior to the determination of this item.)

(Under the provision of Council Procedure Rule 37, Cabinet received representations from Christian Burke (on behalf of Kim Leadbeater MP), Francesca Whittlestone and Erica Amende.)

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors J C Lawson, Moore, A Pinnock, K Pinnock and Smaje.)

Cabinet gave consideration to a report which presented options to inform a decision regarding the future of Cleckheaton Town Hall. The report set out options of (i) take no action and retain the site in its current mothballed state (ii) re open the site with limited refurbishment for health and safety works, and other works in future years (iii) reopen the site following a full refurbishment of the building (iv) permanently close and dispose of the site/building and (v) pursue a community management arrangement, via a full repair and insurance lease following agreement of a revenue and capital investment business case.

Cabinet were asked to approve option (iv), whereby a successful community group would manage the building and cover the revenue costs under a full repair and insurance lease, following the provision of a business plan outlining how revenue running costs and capital investment into Cleckheaton Town Hall could be secured through external sources. The report explained that this recommendation was based on several critical factors; (i) the need for the Council to reduce its long term revenue costs due to the financial constraints it is facing (ii) the need to restrict

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capital expenditure and (iii) the acknowledgement that the town hall is an important asset for the community and an opportunity needs to be provided for the community to become actively responsible for the day to day operation and revenue costs.

Cabinet were advised that a full appraisal of the condition of the town hall had been undertaken, and that a report had been issued during the summer which had identified multiple issues with regards to the condition of the town hall, estimated the cost of a full refurbishment to be £7.183m. The report was attached at Appendix A of the report.

The report requested that Cabinet give consideration to the options as set out in section two of the report, which presented a range of potential approaches for the future of the town hall, noting the capital and revenue implications of each approach. A development appraisal was attached at Appendix B of the report (exempt).

Cabinet noted the suggestion from local residents and Elected Members for some flexibility to be applied to the timescales set out in the report and that consideration also be given to the potential use and allocation of funding from Town and Village Funds.

The report advised that, subject to approval, a process would be undertaken to identify a potential group with a viable revenue and capital investment plan and that a further report would be submitted to a future meeting of Cabinet.

RESOLVED –

- 1) That the detailed options, as outlined in Section 2 of the considered report, be noted.
- 2) That the capital and revenue implications of each considered option, along with the condition information and development appraisal (Appendix A and B), be noted.
- 3) That approval be given to Option 5, which seeks to engage the community in the day to day management, running and operation of Cleckheaton Town Hall, through a full repair and insurance lease, which commits the successful community group to cover the revenue operational costs of the building, and requests that the group identify a capital investment plan with appropriate sources of funding, whereby ownership would be retained by the Council.
- 4) That authority be delegated to the Executive Director of Place, in consultation with the (i) Cabinet Member for Regeneration and Finance (ii) the Service Director - Finance and the (iii) Service Director - Legal and Commissioning to:
 - (i) Consider and award, if required, a revenue grant in accordance with the Council's Financial Procedure Rules to interested community group(s) to support the development of an appropriate business plan.
 - (ii) Manage and review progress against the development of a revenue and capital business plan and the timeframes shown below during the three stages of the process - (1) Expression of Interest within one month of the invitation being advertised followed by (2) an application with Business Case within a further three months and (3) preparation

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- of a report to return to Cabinet for consideration of the outcomes of the first two stages within a further two months.
- (iii) Ensure adequate provision is in place for all revenue and capital expenditure required to support the successful business plan.
 - (iv) Negotiate and agree terms of the management agreement and/or full repair and insurance lease and any other documentation required.
- 5) That approval be given to the continued retention of the building in a mothballed state during 2025, as necessary, to enable the community to bring forward a successful business case for the future operation of the town hall.
 - 6) That Officers be diligent in their consideration of any business cases submitted ensuring that any potential detrimental impact on other existing Council and 3rd sector operated facilities and venues was clearly shown and mitigations identified, if possible, to lessen the impact.
 - 7) That it be noted that Officers will submit a report to Cabinet in line with the stated timescales for further consideration and a decision following receipt of any applications and business cases from group(s) interested in moving forward with Option 5 as described within the report.
 - 8) That considerable flexibility be applied to the timescales that are set out in the report, as appropriate.
 - 9) That consideration be given to the potential use and allocation of Town and Village funding for scheme.

74

Council Budget Report 2025/2026; incorporating Capital, Treasury Management, General Fund Revenue and Housing Revenue Account (Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Cooper and Smaje.)

Cabinet gave consideration to a report which set out the Council's proposed budget for 2025/2026, for consultation, including Capital, General Fund Revenue and the Housing Revenue Account. The report set out details of the overall budget position prior to the submission of a final budget to Council in March 2025.

The report explained the application of financial strategy and that the proposed budget included estimated changes to the Council's main sources of income, corporate expenditure and service pressures based upon current information. Cabinet noted that, given the ongoing financial challenges, the focus of setting a balanced budget has been based upon detailed up to date estimates of all pressures and developing savings proposals.

The report advised that a public consultation on the proposals would take place from 11 December 2024 to 15 January 2025 and that a summary of the outcome would be presented at Cabinet on 11 February 2025, alongside the final version of the budget following the release of the Local Government Finance Settlement.

RESOLVED –

- 1) That it be noted that in relation to the General Fund Revenue, the Proposed Budget for 2025/26 presented within the considered report is based on the

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- approval and delivery of £11.4m of new savings for 2025/26 as set out at Appendix D.
- 2) That it be noted, that at this stage, based on assumptions arising from the Chancellor's budget and the subsequent policy statement, the budget is balanced.
 - 3) That in noting that a balanced budget must be set no later than 10 March 2025, should the final local government finance settlement vary from the assumptions at (2) above, then further savings may be required.
 - 4) That approval be given to a consultation on the Proposed Budget for 2025/26, including a proposed 2.99% increase in core Council Tax and a 2% increase in the Adult Social Care precept.
 - 5) That the forecast spending and funding plans for the 2025-26 period as set out at Appendix B, be noted.
 - 6) That the forecast levels of statutory and other Council reserves, as set out at Appendix C be noted.
 - 7) That the Council's participation in the Leeds City Region Business Rates Pool for 2025/26 be noted.
 - 8) That, pursuant to (7) above, authority be delegated to the Chief Executive and Service Director – Finance, in consultation with the Leader and Cabinet Member, to agree the governance arrangements for 2025/26, for approval through the Business Rates Joint Committee as outlined in section 2.6 of the considered report.
 - 9) That in relation to Capital, approval be given for consultation on the updated Capital Plan for 2024-32 as set out at Appendix E.
 - 10) That in relation to the Housing Revenue Account, the proposed budget including rent and service charges increases for the Housing Revenue Account, as set out at Agenda Item 11, be noted.

75 Housing Revenue Account Rent and Service Charge Inflationary Uplift and HRA Budget

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

Cabinet gave consideration to a report which provided the financial context and basis for the annual rent and service charges inflationary uplift for 2025-2026, which would form part of the Housing Revenue Account budget proposals.

The report advised that, if approved, the recommendations would maximise rent and service charge income to comply with the requirements of the Local Government and Housing Act 1989 to achieve a balanced Housing Revenue Account, propose a balanced Housing Revenue Account revenue and capital budget for 2025-2026, and hold reserves at a level which is set at £500 per property at circa £10m.

Cabinet were advised that the proposed Housing Revenue Account budget was £110m, whereby 29% was budgeted to be spent on repairs and maintenance, with 28% being spent on management and community facility costs, 11% to be spent on extra care schemes, 22% to contribute to the cost of capital and major works, 7% for financing costs and 3% for other provisions and taxes.

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The report advised that, subject to approval, the charges would be implemented from 1 April 2025, as set out at Appendix 1 of the report, and notifications would be issued to tenants in accordance with the statutory four week notice period.

RESOLVED –

- 1) That approval be given to the uplift of the proposed rents by an average of £2.30 per week (2.7%) and service charges payable by between 0.01p and £0.48 per week (2.7%) for social housing from 1st April 2025.
- 2) That approval be given to introduce a service charge for communal grounds maintenance services capped at £1.00 per week each year until full cost recovery is achieved.
- 3) That approval be given to the charges for Extra Care Services – Intensive Housing Management to be uplifted by between £1.92 and £4.90 (6.7%) and Extra Care Services – Night Care Service to be uplifted by £1.48 per week (6.7%).
- 4) That the national and local financial challenges outlined as part of the HRA budget proposals for 2025-26 be noted.
- 5) That authority be delegated to the Executive Director of Place in consultation with the Deputy Leader of the Council (Cabinet Member for Transport and Housing) to approve the rate for personal charges for Sheltered Heating and District Heating.
- 6) That the updated Capital Plan for 2024-2033, as set out at Appendix 3 of the considered report, be recommended to Council for approval.
- 7) That the draft HRA Budget for 2025/2026, as set out at Appendix 2 of the considered report, be recommended to Council for approval.

76

Corporate Financial Monitoring Report; Quarter 2 for 2024-25

Cabinet received a report which set out financial monitoring information for General Fund Revenue, Housing Revenue Account and Capital Plan, as at Quarter 2 (Month 6). The report advised that the forecast outturn position at Quarter 2 is an overspend of £13m which, after the use of earmarked reserves and contingencies, reduces to £9.9m, reflecting an improvement of £2.9m from Quarter 1, mainly from application of reserves to fund some slippage in savings plans and release of pay inflation budget no longer required.

Cabinet noted that savings were forecast to be delivered at 79%, against a target of £42.6m, and total useable reserves were forecast to be c£56.6m at 31 March 2025 of which unallocated reserves were forecast to be £22m (excluding in year overspend) and earmarked reserves were forecast to be £34.6m.

The report provided a breakdown of the projected outturn financial monitoring position in terms of (i) forecast general fund revenue outturn position in 2024/2025 by service area (ii) general fund reserves and balances movements in year (iii) forecast Housing Revenue Account outturn position including movements in the Housing Revenue Account reserves in-year (iv) forecast capital outturn position in 2024/2025 and (v) treasury management prudential indicators.

RESOLVED –

- 1) That the forecast revenue outturn position at Quarter 2 for 2024/25 (£9.9m overspend) be noted, and that Executive Directors bring forward sustainable proposals to reduce the overspend to bring the budget back into balance.
- 2) That it be noted the DSG deficit was forecast to increase by £20.6m in 2024/25 as set out in the Quarter 2 forecast.
- 3) That the Quarter 2 forecast HRA position (£72k surplus) and forecast year-end reserves position of £20m be noted.
- 4) That in noting the Quarter 2 forecast capital monitoring position for 2024/25, approval be given to the re-profiling of £67.6m (£62.9m General Fund and £4.7m HRA) of the 2024/25 capital plan into future years.
- 5) That approval be given to the £2.4m net increase in the overall capital plan due to £4.7m increased grant and to reduce borrowing by £2.3m (£1.8m 2024/25, £0.5m 2025/26) as set out at Appendices 1 and 3 of the considered report,
- 6) That the Quarter 2 treasury management prudential indicators as set out at Appendix 1 of the report, be noted.

77 Quarter 2, 2024/25 Council Plan and Performance Update Report

Cabinet gave consideration to the Quarter 2 2024/2025 Council Plan and Performance Update Report which provided information on progress against the 2024/2025 Council Plan priorities, and performance against the 2024/2025 Council key measures.

The report set out an update on the 12 month deliverables outlined within the 2024/2025 Council Plan, up until the end of September 2024. The deliverables related to the four priorities as outlined in the Council Plan; (i) address the financial position in a fair and balanced way (ii) strive to transform Council services to become more efficient, effective and modern (iii) deliver a greener, healthier Kirklees and address the challenges of climate change and (iv) continue to invest and regenerate our towns and villages to support our diverse places and communities to flourish.

It was noted that updates would be shared on a quarterly basis to enable progress against key priorities to be monitored and enact any required changes to maximise improvements and outcomes.

RESOLVED – That the Quarter 2 (2024/2025) Council Plan and Performance Update Report be noted.

78 Corporate Risk - Quarterly Report 2 2024/2025

Cabinet received the Corporate Risk Quarterly Report (2) 2024/2025 which provided information about an assessment of risks faced by the Council at a significant corporate level.

The report highlighted the importance of having effective risk management arrangements for part of a strong assurance and governance framework and it was noted that identifying current and potential future controls played a key role in this.

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The report advised that, during the quarter, no new risks had been raised, no risks had been removed, and there had been no increases to risk scores this quarter. It was noted that there would be continual monitoring and reporting through the Council's governance and management processes.

RESOLVED – That the Quarter 2 (2024/2025) Corporate Risk Report be noted.

79

Annual RIPA Update

Cabinet received a report which provided an update on the use of the Regulation of Investigatory Powers Act 2000 since the previous update in September 2023.

The report advised that the annual return to the Investigatory Powers Commissioners Office for 2023 had been completed and that only one update had been made to the policy this year. Cabinet had noted that no RIPA authorisations had been granted since the previous annual report. It was also noted that no issues had been identified by the Regulator during the IPCO inspection which had taken place in Autumn 2023.

RESOLVED – That the Annual RIPA report be noted.