

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

CABINET

Tuesday 21st January 2025

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

Observers: Councillor Andrew Cooper
Councillor Alison Munro
Councillor Josh Sheard
Councillor Elizabeth Smaje
Councillor Mohan Sokhal

Apologies: Councillor Beverley Addy
Councillor Munir Ahmed

80 Membership of Cabinet

Apologies for absence were received on behalf of Councillor Addy and Councillor Munir Ahmed.

81 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting of Cabinet held on 10 December 2024 be approved as a correct record.

82 Declaration of Interests

No interests were declared.

83 Admission of the Public

It was noted that exempt information had been submitted in relation to Agenda Item 8 (Minute No. 87 refers).

84 Deputations/Petitions

No deputations or petitions were received.

85 Questions by Members of the Public

No questions were received.

86 Questions by Elected Members (Oral Questions)

Question from Councillor Cooper

“The decision by scrutiny that you look again at whether or not to privatise our dementia care homes gives you some time to reconsider this proposal. Next year, with the introduction of the fair funding formula for local government, Kirklees should be better off and this is an opportunity in the forthcoming budget to not prioritise the homes and find the £850k needed to bridge the gap with a view to mainstreaming and maintain the homes within Council control. Trying to push this through in this way will undermine people faith in local politics and in the way that we are governed. Do you agree with me that its time to abandon the proposals to privatise these care homes?”

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

Question from Councillor Sheard

“With regard to war grave burials in Dewsbury cemetery, will the Cabinet object to the Law Commission’s proposal to reuse graves and support the petition that has been supported by community activists to stop the Law Commission’s plans?”

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

Question from Councillor Sheard

Since closing Nab Lane tip, the facility of Dewsbury is experiencing delays of 45mins with traffic back logged through Saville Town. What action is the Council taking to make sure that congestion through Savile Town to Weaving Lane and Dewsbury tip is reduced?

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

87 Our Cultural Heart, part of the Huddersfield Blueprint - Phase 2 Gateway 3

(The report included exempt information in accordance with Schedule 12A of the Local Government Act 1972 (Access to Information) (Variation) Order 2006, namely it contains information relating to financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority’s decision making, and where the information is subject to an obligation to confidentiality. Cabinet gave consideration to the exempt information prior to the determination of this item).

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

Cabinet gave consideration to a report which sought approval to progress the design and pre-construction works for the Cultural Heart, Phase 2 (incorporating the

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combined museum, art gallery, public realm and basement) from Gateway 3 to Gateway 4.

The report provided an update on Phase 1 of the development, which included the library and food hall, pursuant to the commencement of construction on site, and an overview of the remaining phases within the rest of the master plan. The report also outlined the reallocation of some of the allocated budget of £262m within the capital development budget for design and construction, and provided an update on the budgets for pre and post opening costs in the preparation of opening and operating the facilities within the cultural heart. It was noted that the costs would continue to be reviewed within the update reports submitted to Cabinet.

Paragraph six of the report set out the timelines of the project, and it was noted that Phase 1 was expected to be complete, and open to the public, during summer 2026.

RESOLVED -

- 1) That in regard to the Combined Museum & Gallery, Phase 2 RIBA 3, authority be delegated to the Executive Director of Place in consultation with the Leader and the Portfolio Holder for Finance & Regeneration to approve the Royal Institute of British Architects stage 3 design (RIBA 3) for the museum and gallery.
- 2) That in regard to the Combined Museum & Gallery, Phase 2 Gateway 4 Budget, the museum and gallery construction budget be noted and funding to progress from this Gateway 3 to Phase 2 Gateway 4 be approved.
- 3) That in regard to the Construction Partner, Phase 2, Pre Construction Services Agreement (PCSA) authority be delegated to the Executive Director of Place in consultation with the Portfolio Holder for Finance & Regeneration, the Director of Legal Governance & Commissioning, the Service Director Finance and the Head of Procurement to make the decision to enter into the Pre-PCSA, and subsequently award the PCSA and instruct any surveys and enabling works that may be necessary prior to the contract sum being agreed subject to compliance with Contract Procedure Rules.
- 4) That in regard to SDP, Architect and Engineer Services, Phase 2 Gateway 3 to Gateway 4, subject to agreement on fees, compliance with the procurement process and Contract Procedure Rules, approval be given to continue the services being provided by the Client delivery team (SDP, architect and the engineer) to progress from this Gateway 3 to Phase 2 to Gateway 4.
- 5) That in regard to Construction Capital Development Council Resources approval be given to the allocation of necessary council staff and resources to support the construction programme and it be noted that, in the absence of sufficient internal resources, additional external resources will be sourced from the existing appointments and/or from existing/future framework agreements, subject to compliance with procurement process and the Contract Procedure Rules.

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- 6) That in regard to the Construction Budget, Phase 1 Gateway 5, Phase 2 Gateway 4 & Master Plan Allowances, approval be given to the further drawdown of £5.663m (Phase 2, £5.413m & Master Plan, £250k) thereby increasing the committed funding for the programme from £73.329m to £78.992m.
- 7) That in regard to the reallocation of budget to the Combined Museum and Gallery Service Pre-opening Capital Costs, approval be given, subject to no other sources of funding being available, the reallocation of funding from the Our Cultural Heart construction budget future phases to fund the museum and gallery pre-opening capital costs including the fit out of the building.
- 8) That in regard to the reallocation of budget to operational services,

approval be given, subject to no other sources of funding being available, the reallocation of funding from the Our Cultural Heart construction budget future phases to fund the West Yorkshire Archive Service (£371k) and the Events team (£50k) pre-opening capital costs.
- 9) That authority be delegated to the Executive Director of Place, in consultation with the Portfolio Holder for Finance & Regeneration, the Service Director for Culture and Visitor Economy and the Service Director Finance to explore ways of replenishing the construction budget following any reallocation of budget without exposing the council to any additional capital borrowing commitments.
- 10) That in regard to the Phase 5 Venue and Car Park Review, authority be delegated to the Executive Director of Place, in consultation with the Service Director Finance and the Portfolio Holder for Finance & Regeneration, and subject to agreeing the terms of reference to utilise part of the master plan feasibility budget to carry out the review of Phase 5.
- 11) That authority be delegated to the Executive Director of Place to work within approved budgets to deliver the design and construction of the programme to Phase 1 Gateway 5, Phase 2 Gateway 4 and develop the master plan including appointing third parties which for Phase 1 includes the food hall operator in compliance with the Contract Procedure Rules and the Financial Procedure Rules.
- 12) That in regard to Operational Services Additional Budgets Phase 1 & Phase 2 it be agreed that the Executive Directors of Place, Adults and Health and Corporate Resources, in consultation with the Service Director – Finance, work to identify the relevant service pre and post opening costs of the various phases of the Our Cultural Heart programme. The Service Director – Finance shall ensure that estimates are added to the Council's Medium Term Financial Plan and be refined as updated information becomes available.

88 Surplus Property Disposals 2025/2026

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

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Cabinet gave consideration to a report which sought approval of the proposed 2025/2026 capital receipts schedule for 2025/2026, as set out at Appendix A of the report, which aimed to deliver a targeted level of capital receipts in alignment with the Council's approved budget and capital strategy. Cabinet were also asked to consider an objection that had been received following the advertisement of the intention to dispose of open space at the former Gomersal First School, Oxford Road, Gomersal, as shown at Appendix B of the report and to determine whether to dispose of the open space.

Cabinet were advised that the proposal supported the requirement for capital receipts as part of the Council budget strategy and would help to reduce long term revenue commitments through the disposal of surplus buildings and land. The report advised that, in regards to the objection received to the former Gomersal First School, the objection did not highlight any current use or value of the open space and the concerns raised were associated with potential future development and use of the site, which would be considered as part of the statutory planning process.

The report explained that, subject to approval, work would progress the proposals to formulate an accelerated programme for delivery.

RESOLVED –

- 1) That authority be delegated to the Executive Director for Place to dispose of any land and property identified within the Capital Receipts Schedule 2025/2026 (Appendix A refers) to support the Council's income targets, in line with the legal requirements as outlined at paragraph 3.7.1 of the report, on such terms as Officers deem most appropriate.
- 2) That authority be delegated to the Executive Director for Place to dispose of the former Gomersal First School land (Appendix B refers) and that the objection not be upheld.
- 3) That the Service Director (Legal, Governance and Commissioning) be delegate authority to enter into all agreements necessary to affect any of those disposals referred to (1) and (2) above.

89 Kirklees' School Funding Arrangements for Financial Year 2025-26

Cabinet gave consideration to a report which sought approval for funding arrangements for the Dedicated Schools Grant for the 2025/2026 financial year, including allocations across four funding blocks; schools block, high needs block, early years block and central schools and services block.

The report advised that (i) the schools block per pupil funding rates had increased to £5,548 for primary and £7,201 for secondary, and that the Kirklees school block allocation had increased to £397.2m (ii) the high needs block for Kirklees had been allocated £72.02m for 2025/2026 and that a £3.6m transfer from the schools block would help support a range of investment measures as part of the broader Kirklees SEND transformation plan (iii) the early years block had received an allocation of 2025/2026 of £68.3m and (iv) the central school services block had been allocated at £43.38 per pupil, totalling £2.8m.

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Cabinet noted that the Schools Forum would continue to help shape school funding arrangements, prior to the deadline for the submission of the school funding allocations on 22 January 2025. It was noted that it was expected that maintained schools would be informed of their budget shares by 28 February 2025 and that academies would be advised by 31 March 2025.

RESOLVED –

- 1) That approval be given to the local formula factors for the distribution of Dedicated Schools Grant (DSG) Schools Block Funding for 2025/2026 (Appendix A refers).
- 2) That the decisions made by the Schools Forum in terms of central budgets, de-delegated budgets and a fund for significant growth for 2025/2026 be noted.
- 3) That approval be given to the submission of the Schools' local funding formula to the ESFA for 2025/2026.
- 4) That the disapplication request made to the Education Skills and Funding Agency be noted.
- 5) That the ESFA approved exceptions application be noted.
- 6) That authority be delegated to the Executive Director for Children's Services, in consultation with the Cabinet Members for Children's Services, and Education and Communities, to take account of the outcomes of the provider consultation, the views of the Early Years and Childcare Reference Group and Schools Forum, and make a final decision on the Early Years local funding formula 2025/2026 value of the Special Education Needs and Disability Inclusion Fund and frequency of early years funding payments.

90 Approval of acceptance and expenditure of external grant funding on preliminary development enabling works

Cabinet gave consideration to a report which sought authority to spend £1.25m of One Public Estate Brownfield Land Release funding on Estate Buildings in order to prepare the building for future development. The report advised that utilising external funding on enabling works for the building would help to reduce costs for a future developer, making the building more attractive to potential developers, and assisting the development of this landmark building and the delivery of the Huddersfield Blueprint. Cabinet noted that the proposed capital works would be funded by the One Public Estate brownfield land release grant.

The report advised that the One Public Estate Brownfield Land Release funding focused upon the release of surplus buildings and land in order to facilitate development for housing and that the successful bid would facilitate the future development of the building. Cabinet agreement was therefore sought for the spend of the grant upon the specified works. A cost breakdown of the capital works was set out at paragraph two of the report. It was noted that the funding agreement required the work to be in contract by 31 March 2025 with a view to delivering homes by 31 March 2028 to meet the funding conditions.

RESOLVED – That approval be given to expenditure of £1.25m of external grant funding from One Public Estate on Estates Building to facilitate its future development.

91 Half Yearly Monitoring Report on Treasury Management Activities 2024/2025 (Reference to Council)

Cabinet gave consideration to a report which set out treasury management performance during the first half of 2024/2025, prior to the submission of the report to Council on 12 February 2025.

The report provided reassurance that the treasury management function was being managed prudently and pro-actively and that the treasury management prudential indicators were being complied with. The report indicated that (i) external investments averaged £61.6m at an average rate of 5.06% (ii) the Council's net borrowing increased by 25.2m in the 6 month period from £668.2m at 31 March 2024 to £693.4m at 30 September 2024 (iii) all treasury management activity undertaken complied fully with the approved Treasury Management Strategy, and the principles of the Treasury Management Code (and (iv) the treasury management revenue budget for 2024/2025 was £27.1m.

Cabinet noted the content of the report which set out information on (i) economy and interest rates (ii) local context (iii) investment activity (iv) borrowing update and activity and (v) risk and compliance issues.

RESOLVED – That the half yearly monitoring report on treasury management activity 2024/2025 be noted and that the report be submitted to the meeting of Council on 12 February 2025.