

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 11th February 2025

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 Ali Arshad
Councillor Andrew Cooper
Councillor Jo Lawson
Councillor John Lawson
Councillor Susan Lee-Richards
Councillor Alison Munro
Councillor Imran Safdar
Councillor Cathy Scott
Councillor Habiban Zaman

92 Membership of Cabinet

All Members of Cabinet were present.

93 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting of Cabinet held on 21 January 2025 be approved as a correct record.

94 Declaration of Interest

No interests were declared.

95 Admission of the Public

It was noted that exempt information had been submitted in relation to Agenda Item 11 (Minute No. 102 refers).

96 Deputations/Petitions

No deputations or petitions were received.

97 Questions by Members of the Public

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

Question from Avalon Rawling

Cabinet - 11 February 2025

"The campaign group formed of families and friends of residents at Castle Grange and Claremont House have been asking questions and raising concerns about the proposal to privatise the homes for five months.

We have sent over 50 emails, submitted more than 10 questions to cabinet and council, and brought deputations, petitions, and press coverage to this chamber.

But we are still here, asking questions, and raising concerns; evidently the decision to proceed with privatisation still does not make sense to members of the public, to a large number of elected councillors, and even to legal professionals.

What will the chief exec, the leader, officers, and cabinet members, learn about public communication and engagement, based on your experience of the last five months?"

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

Question from Michael Forster

"The cabinet report says the Council has been 'robust and transparent' so why can you not break down for us the £0.8m savings you claim to be making in selling off these homes? And how does this plan offer 'long term sustainability'?"

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

Question from Collette Senior

"In a previous report and in other meetings including cabinet meetings, Kirklees have said there would be no short, medium or long care contracts if the homes were to be privatised. In other words, no guarantees of any continuation of care.

In the report for this meeting, Kirklees states that the Council intend to 'restrict the use of the properties to certain social care services for a period of 5 years from point of sale'

Despite this being important and relevant information, the details of the restrictions aren't given in the report.

This information is needed now so it can be considered as part of the decision. What are these restrictions?"

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

Question from Susie Pavey on behalf of UNISON

"The cabinet report says the following, 3.3.6: "Minimum pension rights/benefits must be protected under the Pensions Act 2004 and the Transfer of Employment (Pension Protection) Regulations 2005. At this stage we are aware that none of the potential operators wish to join the LGPS. Affected staff and Trade Unions will be consulted as part of the decision-making process at the appropriate time. The transferee employer will need to inform the transferor (i.e. the Council) of any "measures" that it proposes regarding transferring employees following the transfer.

The TUPE legislation states that staff should transfer on 'no less favourable terms', so how can a dilution of pension rights be 'no less favourable'? When do you anticipate consultation taking place with the trade unions? At 4.6.6, the report also states that: " Staffing levels will be at the discretion of any new provider." What exactly does this mean and if hours or staff are going to be cut, will you refuse to entertain the potential provider?"

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

Question from Sara Blagbrough

"Councillor Addy, in a written response you sent to me on 31 Jan, you stated that 'the negotiated terms include a period of 5 years where the homes must continue to provide these services'. These negotiated terms have not been shared with relatives prior to this response and the most recent cabinet report. Can you detail what other terms have been negotiated and share with me what action Kirklees Council will take if the private provider does not honour these terms?"

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

Question from Donna Mallinson

The Council has made it clear that any increase in fees will be at the discretion of the new provider. The Council also claims that the Homes cannot be run on the current fees being charged. So, we can all be sure that fees will be increased significantly as a private owner will want to make as much profit as possible.

The Council says they will continue to 'contribute to care costs for low income residents based on the outcome of a financial assessment' & based on the information provided by the Council, this will apply to the majority of the Residents.

The word contribute is significant because Kirklees will pay a certain amount of the fee required by the private owner, not the full amount. The difference between what Kirklees will pay & what the new owner requires will be charged to families of the Resident in the form of a Third Party Top Up Fee. This will be hundreds of pounds per week & families will not be able to afford it.

I would like a precise answer to a straight question & my question is:-

What will happen to those residents whose families cannot afford the top up fee?

This information is needed now because without it, none of us, whether we are a family member, or a Cllr have all the information so an informed decision on the future of the Homes cannot be made. Avoidance by Kirklees to answer this extremely important question so far indicates this top up fee will not be covered by Kirklees, so the resident will have to move. But as all the Homes will be privately owned, & therefore requiring a top up fee, there won't be anywhere for them to live, never mind the fact that a move would be detrimental to them.

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

98 Questions by Elected Members (Oral Questions)

Cabinet received oral questions under Executive Procedure Rule 2.3;

Question from Councillor A Munro

“A planning application was submitted in December 2024 for Castle Hill; however the supporting documents have not been published, and public comments have not been uploaded. How can the public have faith in the decisions made in the planning department when there is a lack of transparency?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor G Turner).

Question from Councillor H Zaman

“I wonder whether the whole initiative in relation to the Care Homes has been properly evaluated, including whether the impact on residents and impact on the wider community? In line with some of the questions asked here today, can you explain about the payment, where does that payment go; does that income go to the Council or to the providers? It is not clear where that income goes, how does that work?”

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

Question from Councillor I Safdar

“How can the Council be sure of the cost of provision, when numbers have been based on an average of care homes, some of whom don't provide dementia care, and some have been rated as 'inadequate' or 'requires improvement'?”

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

99 Long Stay Dementia Residential Homes

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

(Under the provision of Council Procedure Rule 36 (1), Cabinet received representations from Councillors Jo Lawson, A Cooper, A Arshad, John Lawson, C Scott and A Munro).

Cabinet considered a report which provided details of the future of Council operated care home provision at Castle Grange and Claremont House. Within the report, Cabinet was advised that three options for the care homes had to be carefully considered, being (i) to do nothing and retain the care homes, (ii) pursue the transfer the care homes as going concern businesses and (iii) to close the homes, although it was noted that option (iii) had been rejected previously following a comprehensive public consultation.

Cabinet noted the potential revenue cost savings of more than £0.8m each year and the recommended option to pursue the transfer, would ensure minimal disruption to residents and their families, along with a transfer of employment arrangements for staff. The transfer would also enable the Council to better manage the financial position it faced, and to focus resource on specialist activity where there were market gaps or where only the Council could play a market facilitating role, such as for dementia day service facilities.

RESOLVED –

- 1) That the outcome and recommendations of the Health and Adult Social Care Scrutiny Panel in respect of the future of Council operated dementia care home provision be noted.
- 2) That the detailed financial analysis as at appendix 3 of the considered report in relation to:
 - (i) the 5-year summary of actual direct and net direct costs of operating these care homes under Council control,
 - (ii) historical and future comparisons of budgeted and actual direct costs (deficit) of operating the care homes,
 - (iii) historical and future comparisons of budgeted and actual income for both care homes,
 - (iv) historical and future comparisons of budgeted and actual net costs (deficit) and the real term potential saving to the Council for 2025/26, be noted.
- 3) To re-affirm the decision made by cabinet at its meeting on 10 December 2024 to progress with the sale and business transfer of Castle Grange and Claremont House as going concerns.
- 4) That authority be delegated to the Executive Director for Adults and Health, in consultation with the Cabinet Member for Adult Social Care, the Service Director - Finance, and the Service Director – Legal, Governance & Commissioning, to select and finalise negotiations and agree the terms of the freehold transfers and Business Transfer Agreement with a preferred bidder.
- 5) That pursuant to (4) authority be delegated to the Service Director -Legal, Governance and Commissioning to execute and enter into all necessary documentation to effect the transfer of the care homes as going concerns.

100 Council Plan - 2025/2026 (Reference to Council)

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

Cabinet considered the 2025/26 Council Plan which set out the commitment to the long-term vision, shared outcomes, council priorities, areas of focus for the 2025/26 financial year, and was considered alongside the 2025/26 annual budget (Minute No. 101 refers).

Cabinet noted the changes within the plan which set out the direction and priorities of the Council and included (i) getting the basics right, (ii) protecting the vulnerable and achieving inclusion, (iii) thriving people and communities and (iv) local economic growth.

The report advised that should Council adopt the Plan on 5 March 2025, it would move to implementation and be used across all council directorates to guide and prioritise planning, along with activities relating to the delivery of services. The Plan would then be communicated internally and externally to ensure wider awareness and engagement.

RESOLVED –

- 1) That the comments of the Overview and Scrutiny Management Committee, as outlined at section 5 of the considered report, be noted.
- 2) That the results of the public engagement as detailed at appendix L of the 2025/26 Budget Report be noted.
- 3) That the 2025/26 Council Plan be submitted to the meeting of Council on 5 March 2025 with a recommendation to adopt.

101 Council Annual Budget Report 2025-2026 and following years; incorporating Capital, Treasury Management, General Fund, Revenue and Housing Revenue Account (Reference to Council)

(The report gave notice to Cabinet Members of the requirements of Section 106 of the Local Government and Finance Act 1992 in relation to voting and participation in the meeting).

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

Cabinet considered the Council Budget Report 2025/2026 and future years, incorporating General Fund Revenue, Treasury Management, Capital, and Housing Revenue Account prior to its submission to Council on 5 March 2025.

The report provided a summary of the overall budget position along with information on the financial strategy and medium-term financial strategy update 2025/2026 to 2027/2028. The report set out an overview of spending plans in each Directorate and provided information in regard to (i) central budgets (ii) West Yorkshire Combined Authority funding (iii) treasury management (iv) flexible capital receipts

Cabinet - 11 February 2025

(v) budget savings (vi) monitoring and challenge (vii) reserves (viii) schools funding – dedicated schools grant (ix) housing revenue account and (x) capital.

Paragraphs 2.23.2 to 2.23.16 of the report set out the Section 25 Statement from the Section 151 Officer.

Having considered the content of the report and the accompanying appendices, it was agreed that the proposed budget be submitted to the meeting of Council for determination.

RESOLVED -

- 1) That the comments of the Overview and Scrutiny Management Committee, as outlined at section 5 of the considered report, be noted.
- 2) That the Motion be submitted to the Meeting of Council on 5 March 2025 with a recommendation that;
 - (i) General Fund Revenue
 - the Revenue Budget for 2025-2026, to deliver a balanced position, as attached at Appendix F, be approved
 - the forecast spending and funding plans for the 2025-2026 and 2026-2027 period, as set out at Appendix A, be noted.
 - the forecast levels of statutory and other council reserves, as set out at Appendix C, be noted
 - the strategy for the use of balances and reserves (paragraph 2.18 refers) be approved
 - that the Council's flexible capital receipts policy for 2025-2026, as set out at paragraph 2.25/Appendix G, be approved.
 - the Council tax requirement for 2025/2026, as set out at Appendix M, be approved.
 - the Council's Statutory 151 Officer's positive assurance statement as to the robustness of the forecasts and estimates and adequacy of financial reserves, as set out at paragraph 2.23, be noted.
 - authority be delegated to the Council's statutory s151 Officer to amend how the finally approved precepts are recorded in the Council's revenue budget in line with the final notifications received following decisions by the West Yorkshire Mayor Police and Crime Commissioner, the Fire and Rescue Authority and the Parish Councils, should these be received after 5 March 2025 (paragraph 3.1.3 refers)
 - (ii) Treasury Management
 - the borrowing strategy be approved (paragraphs 2.16 to 2.29 refer)
 - the investment strategy be approved (paragraphs 2.30 to 2.38 and Appendices A and B refer)
 - the policy for provision of repayment of debt (minimum revenue provision) be approved (paragraphs 2.39 to 2.40, Appendix C refers)
 - the treasury management prudential indicators be approved (Appendix D refers)

- the investment strategy (non-treasury investments) be approved (Appendix F refers)

(iii) Capital

- the updated Capital Plan 2024-2032 be approved (Appendix F refers)
- the Capital Strategy (including prudential indicators) be approved (Appendix I refers)

(iv) Housing Revenue Account

- the draft Housing Revenue Account Budget for 2025-2026 be approved (Appendix K refers)
- the strategy for the use of the Housing Revenue Account reserves be approved (Appendix K refers)

102 Leasehold Acquisition of housing properties in order to provide Temporary Accommodation for Homeless Households

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

Cabinet considered a report which sought approval to enter into longer term lease agreements with private landlords to increase the level of the Council's temporary accommodation stock for homeless households.

Cabinet was advised that an increase in the Council's stock of temporary accommodation would reduce the reliance on Hotel and Bed & Breakfast (B&B) accommodation and would provide better quality accommodation, whilst reducing the Council's net spend on this provision.

Cabinet noted that the Council had a statutory duty to prevent and relieve homelessness through the provision of temporary accommodation, and that demand significantly outweighed the stock of Council owned premises. This resulted in the use of Hotel and B&B accommodation, which was expensive, with only a small proportion of the cost being able to be claimed from Housing Benefit.

The report advised that a site of existing properties which would provide up to 38 family units had been identified, and information regarding the lease of these properties could be found within the considered private appendix.

RESOLVED –

- 1) That the strategic leasehold acquisition of the temporary accommodation as considered in the Private Appendix and on the terms contained in the Private Appendix, be approved.
- 2) That authority be delegated to the Executive Director for Place in consultation with the Service Director – Legal, Governance and Commissioning, the Section 151 Officer and the Portfolio Holder, to negotiate future leasehold property arrangements to increase the Councils stock of temporary accommodation that can be used for homeless households and reduce the Councils net spend on temporary accommodation.

- 3) That pursuant to (1) and (2), authority be delegated to the Service Director – Legal, Governance and Commissioning to enter into all agreements necessary to effect the arrangements.

103 Determination of School Admission Arrangements for 2025/2026

Cabinet considered a report which sought to determine admission arrangements for all Kirklees Community and Voluntary Controlled Schools for the 2026-2027 year. It was noted that arrangements needed to be determined by 28 February 2025, to comply with the requirements of the Schools Admission Code.

The proposals for community and voluntary controlled schools for the 2026/27 admissions year included reducing the PAN (i) from 89 to 60 for Crossley Fields J & I School (ii) for the Reception year group from 66 to 60 at Honley C of E (VC) J I & N School (iii) from 90 to 60 at Hyrstmount Junior School (iv) from 45 to 30 at Linthwaite Clough J I & EY School (v) from 75 to 55 at Netherhall Learning Campus Junior School (vi) from 49 to 30 at Pentland I & N School and from 90 to 60 at Staincliffe CE (VC) Junior School.

Cabinet noted that all proposed arrangements and schemes were the subject of a statutory six week consultation between 22 October 2024 and 2 December 2024.

RESOLVED –

- 1) That approval be given Kirklees co-ordinated admission schemes for 2026/27 including in-year admissions, as set out in Appendix 2.
- 2) That approval be given to the admission arrangements for Kirklees community and voluntary controlled schools as detailed in Appendix 1C.
- 3) That approval be given for the Published Admission Numbers (PAN) for each community and voluntary controlled school set out in appendix 1D of the considered report which include:
 - (i) Crossley Fields J & I School – PAN decrease from 89 to 60 in 2026/27.
 - (ii) Hyrstmount Junior School – PAN decrease from 90 to 60 in 2026/27.
 - (iii) Linthwaite Clough J I & EY School – PAN decrease from 45 to 30 in 2026/27.
 - (iv) Netherhall Learning Campus Junior School – PAN decrease from 75 to 55 in 2026/27.
 - (v) Pentland I & N School – PAN decrease from 49 to 30 in 2026/27.
 - (vi) Staincliffe CE (VC) Junior School – PAN decrease from 90 to 60 in 2026/27.
 - (vii) Honley C of E (VC) J I & N School – PAN decrease from 66 to 60 and removal of historic mismatch between KS1 and KS2 places in 2026/27

104 Draft Kirklees Transport Strategy, Policy Themes and Consultation Plan

Cabinet gave consideration to a report which contained the draft Transport Strategy and sought authority to commence public consultation.

Cabinet - 11 February 2025

The report advised that a better approach to transport in Kirklees would help to deliver against core Council priorities as good transport was a core factor in the support of investment and regeneration, and it helped places to thrive and allowed communities to become more connected. A stronger focus on more sustainable forms of transport would help to deliver a greener, healthier Kirklees and work in tandem with the Council's Net Zero ambitions.

Cabinet noted that following the public consultation, a final Transport Strategy would be considered by Cabinet in Spring 2024 with the aim to publish the document by Summer 2024. Once adopted, the Strategy would establish the Council's transport ambition, support decision making, direct future funding bids, project activity and spend and would align with the key priorities detail in the Council Plan.

RESOLVED –

- 1) That the draft Kirklees Transport Strategy, as at Appendix 1 of the considered report, be approved.
- 2) That authority be given to commence public consultation for a period of eight weeks from 3 March 2025.
- 3) That authority be given to commission a report detailing the outcome of the public consultation for further consideration at a future meeting of Cabinet.