

CABINET, Monday, 10th July, 2023

PRESENT: Councillor Scullion (Chair)

Councillors: T Swift MBE, Courtney, Dacre, Fenton-Glynn, Lynn, Patient and Wilkinson

20 APOLOGIES FOR ABSENCE

No apologies for absence were received.

(The meeting ended at 16:40).

21 MEMBERS' INTERESTS

Councillor T Swift MBE declared a non-pecuniary interest in Item 15 - The Piece Hall Funding Report as he was a Council appointed Trustee of the Piece Hall Trust. He confirmed that he would not participate in the voting.

22 ADMISSION OF THE PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the stated paragraphs of Part 1 of Schedule 12A of the Act, namely:-

Item 12 – The Piece Hall Funding Report - Paragraph 3 - Financial or business affairs.

23 MINUTES OF THE MEETING HELD ON 12TH JUNE 2023

RESOLVED that the Minutes of the meeting of the Cabinet held on 12th June 2023, be approved as a correct record and signed by the Chair.

24 QUESTION TIME

The Leader, Councillor Scullion, invited members of the public and Councillors to ask questions of the Leader and of the other Cabinet Members. An oral response would, if possible, be provided at the meeting, but if this was not possible a written response would be provided to the questioner within 7 working days. The full details of questions asked, and answers provided would also be published on the Council's website.

(a) A question was asked by Penny Hutchinson in relation to the opening of the Halifax Leisure Centre and the options for the site that were being reviewed.

In response, the Leader, Councillor Scullion advised that the question had been received prior to the media announcement confirming the restart of the work on the Halifax Leisure Centre. Councillor Scullion shared some of the challenges that had caused the works to be put on hold which included the rise in inflation and building costs. She advised that whilst work had physically ceased 9 months ago, Officers had continued to work in the background to ensure that the

Levelling-up funds would remain available, reassessed the decision to not go ahead with the development of the Clare Road site and looked at the plans for the North Bridge Site.

Councillor Scullion further explained that to keep the cost within budget the plans for the Halifax Leisure Centre had changed slightly and it was hoped the centre would be opened in Spring 2025.

- (b) A question was asked by Councillor Carr in relation to workmanship of City Fibre during the recent upgrades.

Councillor Lynn, Cabinet Member with responsibility for Public Services and Communities, responded and advised that a written response would be provided.

25 TO RECEIVE REPORTS FROM SCRUTINY BOARDS

No reports were received.

26 REVIEW OF FIXED PENALTY NOTICE CHARGES

Councillor Lynn, Cabinet Member with responsibility for Public Services and Communities, presented a written report of the Director, Public Services which provided information for a review of Fixed Penalty Notice (FPN) Charges. FPN charges and associated penalty tariffs in relations to dealing with environmental offences including littering, fly-tipping and dog fouling Public Space Protection Orders (PSPOs) and Community Protection Notices (CPNs).

The Council recognised the importance of the local environment to everyone in Calderdale as reflected in our Vision 2024. Following the Council's Enforcement Review in 2018 the serving of FPNs for anti-social behaviour and most nuisance and environmental offences had been undertaken by the Community Protection Team. As the FPN strategy had been in place for 13 years, and new areas of enforcement added it was appropriate that a review was undertaken of the level of fines that Calderdale Council imposed for the various behaviours. The Review would provide a framework which would assist the ongoing use of FPNs for the Community Protection Team. Approval of the Strategy by the Council would:

- i. Signal the commitment of the Council to protect the Environment and tackle the harm caused by anti-social behaviour by using fixed penalties to deal with anti-social behaviour, environmental nuisance and crime in the Borough.
- ii. Improve service delivery in an area that the public regarded as important.
- iii. Continue to ensure that the Fixed Penalties Notice regime in Calderdale was delivered in accordance with DEFRA guidance.

The report outlined background information, options considered, financial, legal, human resources and organisational development, environmental, health and economic implications.

During discussions Members welcomed the report and explained that people did take pride in where they lived and would welcome enforcement for when people fly-tipped.

***RESOLVED that it be recommended to Council that:**

(a) A review of the Fixed Penalty Notice Charges set out in the Director, Public Services written report having regard to guidance issued by DEFRA on the use of fixed penalties be approved;

(b) the tariffs for Fixed Penalty Notices and the associated discounts for early payment listed in Appendix 1 of the Director, Public Services written report be approved; and

(c) the Director, Public Services, in consultation with the Cabinet Member with responsibility for Public Services and Communities be given delegated authority for reviewing Fixed Penalty Notice Charges.

27 HOUSING ENFORCEMENT POLICY

Councillor Lynn, Cabinet Member with responsibility for Public Services and Communities, presented a written report of the Director, Public Services which provided an up-to-date Housing Enforcement Policy. Several highly significant issues had arisen within the housing arena within the past few years, and the provision of good quality housing had been a focus of government since. It was generally accepted that there were several occupants within the Borough who were severely affected by poor housing conditions, thereby making them vulnerable. This had caused the creation of multiple significant changes in housing legislation. Consequently, there was a need for the Community Protection Team to introduce an up-to-date Housing Enforcement Policy which considered the new Acts and Regulations made therein, in an effort to protect occupants and keep them safe.

The Community Protection Team came into being in September 2019, and as part of the enforcement review which occurred at that time, the Director, Public Services gave commitment to deal with offenders swiftly and effectively, and to make smarter use of the Council's resources whilst doing so, by having "the right resource in the right place at the right time." Housing enforcement was specifically considered as part of that enforcement review, so this new Policy extends and supports that commitment and objective.

Adoption and approval of the new Policy would enable authorised Officers to deliver a robust and effective regulatory regime against landlords, agents and tenants using a range of statutory powers. It would ultimately create greater effectiveness within the Community Protection Team and would enable officers to tackle significant housing issues by means of various regulatory responses, whilst simultaneously educating tenants and landlords and through delivery of proactive campaigns and focussed, targeted areas of work.

The report outlined background information, options considered, financial, legal, human resources and organisational development, environmental, health and economic implications.

During discussions Members welcomed the report and reinforced how important it was for people to live in well maintained accommodation. Members also noted that

housing covered many directorates including public health, adults and children's services.

***RESOLVED that it be recommended to Council that:**

(a) the new Housing Enforcement Policy in its current form be approved and adopted; and

(b) the Director, Public Services, in consultation with the Cabinet Member with responsibility for Public Services and Communities be given delegated authority for implementing any future operational changes to the Policy.

28 ADOPTION OF ANTI-RACISM CHARTER

Councillor Dacre, Cabinet Member with responsibility for Resources presented a written report of the Interim Head of Human Resources and Organisational Development which outlined the Adoption of an Anti-Racism Charter. Achieving equity at the Council was driven by equality legislation and the moral and ethical reasons around ensuring fairness. There were also the clear business benefits of having a diverse and equitable workforce. This strengthened our support for communities, helped our workforce to understand our communities (70% of our workforce were also residents of the Borough) and helped our communities access our services. The Anti-Racism Charter supported our ongoing commitment to Equity and gave us a clear framework to support and advance the equality agenda, supported our existing policies, procedures and practices and progressed actions to address disparities.

Calderdale had a proud history of supporting the Equalities agenda and in seeking to tackle inequalities and racism, supported by its well-established Policies, procedures and approach for addressing issues. To support this in the future, signing up to the Anti-Racism Charter sends out a clear message to the Workforce, the Community and the Borough and was a key part of our overall approach to Equality, Diversity and Inclusion. The report sought to gain support for the adoption/sign up to the Anti-Racism Charter to ensure the Council continued to focus on Tackling Inequality and tackling racism.

The report outlined background information, options considered, financial, legal, human resources and organisational development, environmental, health and economic implications.

Councillor Dacre explained that Charter was provided by Unison and had the support from other unions and that Officers had worked closely with them, and she reinforced how important it was for the Council to adopt the Charter.

During discussions Members welcomed the report and agreed that the Council was a proud champion of diversity, equality, and inclusion. The Charter would show that the Council was not only committed to its staff but to the citizens of the Borough, and that the Charter was a great first step in promoting anti-racism.

***RESOLVED that it be recommended to Council that the Anti-Racism Charter be adopted.**

29 ANNUAL CORPORATE PERFORMANCE REPORT

Councillor Dacre, Cabinet Member with responsibility for Resources, presented a written report of the Interim Chief Finance Officer on the Annual Corporate Performance. As we approached the final year of our Vision 2024, Calderdale Council was committed to deliver against its aims and objectives and our three strategic priorities to reduce inequalities, develop thriving towns and tackle the climate emergency. The corporate performance framework provided transparency and evidence of our ability to deliver these changes and meet current and future challenges and improve the lives of our residents, businesses, and visitors.

The report detailed the Council's performance against its key indicators, for the period January 2023 to March 2023, and the annual summary for 2022/23 (Appendix A). Cabinet received a half year and annual report which gave assurance that action and delivery against the priorities of the Council were being achieved. This year the Council had continued to feel the effects of the global economic and political events in recent years, most notably issues that remained in the post pandemic era and the ongoing economic impacts on global supply chains and energy prices caused by the war in Ukraine.

The Council had faced these challenges at the same time with continued pressure on Council services and the health and care system, workforce challenges and the ongoing impact of the climate crisis. Even in this context, during 2022/23 the Council could reflect and be assured that it had achieved a great deal. This was not just anecdotal and could be evidenced, in how services had performed well against our local and comparable Chartered Institute of Public Finance and Accountancy (CIPFA) neighbouring authorities in respect of the Corporate Performance framework. A transparent, publicly accessible, and robust framework benchmarked against another local authorities to report council performance. It should also be acknowledged that the performance and ability to influence these in many areas was underpinned by other external factors and/or collaboration with other partner agencies at a local and/or regional level.

The further evidence of the Councils achievements and progress in 2022/23 could be seen by the external and independent recognition of this as recorded in the Corporate Peer Challenge review in February 2023. We were of course equally aware and encouraged by the areas of improvement which the review identified to enable us to target activity and support in these areas to deliver further improvement, a significant element of which had already commenced.

The report outlined background information, options considered, financial, legal, human resources and organisational development, environmental, health and economic implications.

During discussions Members noted that the report was important as it held Cabinet to account and focussed Members on the areas within the Council that needed further improvement.

Members explained the action undertaken within their directorates to address performance which included the increase in the number of children on Child Protection Plans, people who were admitted to care homes between the age of 18 to

64 and the unacceptable level of litter and detritus on the Borough's Roads, and how directorates were addressing the areas for improvement. Officers were commended for their continued hard work.

RESOLVED that:

(a) the progress on performance during 2022/23 and the improvements to further enhance outcome(s), performance and finance in our corporate reporting going forward be noted; and

(a) it be requested that the report be presented to the Strategy and Performance Scrutiny Board.

30 FINAL ACCOUNTS 2022/23 - REVENUE & CAPITAL OUTTURN

Councillor Dacre, Cabinet Member with responsibility for Resources, presented a written report of the Interim Chief Finance Officer which outlined the Final Accounts 2022/23, Revenue and Capital Outturn Position. The report summarises the revenue and capital outturn position and the impact on balances and reserves following the closure of the 2022/23 accounts. The appendix attached provided a comprehensive breakdown of the outturn position and provides insight into the reasoning behind variances.

Under the Council's Financial Procedure Rules, a report covering the final outturn position must be presented to Cabinet each year for formal approval. Members were invited to request any further reports on outturn performance in relation to directorate budgets, and to determine any action required considering the overall outturn position and levels of unallocated balances.

The report provided background information, options considered and financial implications.

During discussions Members provided information of the challenges that their directorates faced, including the high cost of both adults and children's services and explained the measures that were being put in place to address the overspends.

Members praised the report in the way that it had been presented and thanked the Interim Chief Finance Officer for the work that she had undertaken to support directorates to provide a balanced budget.

The Leader, Councillor Scullion advised that the Council had to provide a balanced budget and explained that it had been difficult to do this due to central government providing one and two year settlements, which made planning ahead difficult. The Leader advised that managing the big spending budgets was difficult due to inflation and demand.

Councillor Leigh MBE attended the meeting and addressed Cabinet. He advised that the report identified 3 areas where projected income streams had not been met, off-street parking, sports revenue and the overspend in planning. He asked how much work had been done to analyse projected income streams within the budget process? There was an overspend of £500,000 within planning department, what was the money spent on? In response, the Leader, Councillor Scullion advised that the

questions covered a number of directorates, and due to the question not being submitted prior to the meeting it would be difficult to provide a detailed answer. The Leader confirmed that a written response would be provided by Councillor Dacre in collaboration with her Cabinet colleagues.

RESOLVED that:

- (a) the analysis of the 2022/23 revenue outturn position, the impact on available balances and reserves, and the underlying budget pressures faced by directorates be noted;
- (b) the 2022/23 capital outturn position and budgets for 2023/24 and 2024/25 including carry forwards from underspends be noted;
- (c) retaining general fund balances at the current level to provide flexibility in response to issues the Council was likely to face be agreed; and
- (d) the Interim Chief Finance Officer be requested to present this report to the Strategy and Performance Scrutiny Board.

31 THE PIECE HALL FUNDING REPORT - EXEMPT

Councillor Dacre, Cabinet Member with responsibility for Resources, presented a written report of the Interim Chief Finance Officer seeking consideration of the Piece Hall Funding. The report set out a recommendation for the Calderdale Council funding contribution to the Piece Hall over the next two years. The Appendices attached were the investment request received from the Piece Hall Trust and detailed the reasoning behind the initial request. Under the Council's Financial Procedure Rules, the additional funding requirement would need to be added and considered within the Council's Medium Term Financial Planning process. This process would commence during the summer so agreement of this additional funding would need to be factored into the overall budget for future years.

The Piece Hall was an integral part of Calderdale's cultural offering especially as we head into the 2024 Year of Culture, and this was recognised in the level of support the Council was intending to provide. The recent Local Government Association Peer Review raised the impact of culture as a driver for economic change and considered it as a lever for longer term investment in the surrounding area. The Piece Hall attracted visitors locally, regionally, and nationally and this all provided a positive impact on the economic viability of the town.

Details of the business case evidence and the original request were attached at Appendix A. The uncertainty of Local Government funding in recent years had led to a prudent approach to this funding, ensuring that resources within the Council were managed and used in a robust way taking account of the outcomes delivered by such an investment.

The report outlined background information, options considered, financial, legal, human resources and organisational development, environmental, health and economic implications.

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During discussions Members understood that there had been some challenges following the opening of the Piece Hall and commented on the positive effect the Piece Hall has had on Calderdale. It was recognised nationally as a heritage site, and the Piece Hall would play a key part in the 2024 Year of Culture.

Members explained that there needed to be continue free access to the Piece Hall to allow the public access to the library which was a state of the art library and hosted many exhibitions.

***RESOLVED that it be recommended to Council that:**

(a) the contributions detailed within the report to the Piece Hall be added to the budget for 2024-25 and 2025-26; and

(b) the contributions be included within the Medium-Term Financial Strategy.