

CABINET, Monday, 6th June, 2022

PRESENT: Councillor T Swift MBE (Chair)
Councillors: Scullion, Courtney, Lynn and Patient

1 APOLOGIES FOR ABSENCE

Apologies were received from the following Councillors Dacre, Fenton-Glynn and Wilkinson.

(The meeting closed at 19:26).

2 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated paragraphs of Part 1 of Schedule 12A of the Act, namely:-

Item 11 - Public Health Restructure - Paragraph 4 – Labour Relations, Consultation or Negotiation.

Item 12 - Review of Corporate Asset and Facilities Management Service - Paragraph 4 – Labour Relations, Consultation or Negotiation.

3 MINUTES OF THE MEETING HELD ON 28TH MARCH 2022 TO BE AGREED AS A CORRECT RECORD AND SIGNED BY THE CHAIR.

RESOLVED that the Minutes of the meeting of the meeting held on 28th March 2022, be approved as a correct record and signed by the Chair.

4 QUESTION TIME

The Leader, Councillor T Swift MBE, 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 Mr E Greenwood.

Councillor Scullion, Deputy Leader and Cabinet Member with responsibility for Regeneration and Strategy responded and advised that a written response would be provided to the question.

5 PETITION - MAKE WEST VALE AN AIR QUALITY MANAGEMENT AREA (AQMA)

Councillor Patient, Cabinet Member with responsibility for Climate Change and Resilience presented a written report of the Director, Public Services which provided

Monday, 6th June, 2022

information so that a considered decision could be made as to whether West Vale should be declared an Air Quality Management Area (AQMA).

A Petition titled "Make West Vale an Air Quality Management Area" was received and heard by the Place Scrutiny Board on the 3rd March 2022 where it was recommended that:

(a) the petitioners be thanked for attending the meeting and presenting the petition;

(b) the Assistant Director, Neighbourhoods, be requested to provide the following information to Members of the Board:

i. why the monitors were switched off for 3 months in 2018;

ii. why a national reduction factor was applied to data in 2018; and

iii. why the number of air quality monitors had been reduced from 5 to 2; and

c) it be recommended to Cabinet that West Vale be declared an Air Quality Management Area.

The report provided detailed information on the response to recommendations from the Place Scrutiny Board, and additional information around legal obligations placed on Councils with respect to Local Air Quality Management (LAQM), and the reasons why West Vale had not been declared an AQMA in the context of the Environment Act .

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

Councillor Bellenger attended the meeting and addressed Cabinet. He advised that he welcomed parts of the report and was pleased to see that West Vale would be considered for the use of Green Screens around schools. Councillor Bellenger noted that the report did not provide information on the test of Particulate Matter (PM) PM2.5 or PM10 and asked Cabinet to look to improve how air quality was monitored in West Vale, by testing for particulate matter and not only nitrogen dioxide. Councillor Bellenger referenced another area in the Borough where this testing was being undertaken and explained that residents could monitor air quality via their mobile phones.

Ms Ashton attended the meeting and addressed Cabinet. She advised that whilst some areas of the Borough had benefitted from air quality improvements, West Vale's nitrogen dioxide levels had remained constant and were close to exceeding the legal limit. She advised that one of the testing areas within West Vale was directly outside West Vale Primary School, a location with the most human exposure and some of the most vulnerable in society. She asked why the Council had not chosen to monitor the air quality that children were breathing in the community and stated that within the recommendations of report why was the Council denying access to reliable monitoring?

Ms Ashton advised that the report explained how the local reduction factor was calculated and the data used was collected at Huddersfield Road. She explained that

Monday, 6th June, 2022

the topography at Huddersfield Road could not be compared to West Vale which sat at the valley bottom where air pollution could not escape.

She asked that the air quality in West Vale be accurately monitored so that residents could have access to the real facts of the quality of air that children and adults were breathing. She explained that air pollution had a detrimental effect on children and that the World Health Organisation (WHO) had reduced its recommendations on nitrogen dioxide limits per cubic metre.

Ms Ashton noted that the report identified air quality modelling had been undertaken for the Local Plan and that it was based on traffic modelling. She questioned the validity of the modelling as it predicted a reduction in car journeys following large scale developments in the area. She also asked for confirmation of which modelling was used within the report, why the Council did not use data collected at Sowerby Bridge rather than falling back to the national reduction factor and questioned what was the benefit to the people of Calderdale using a national average.

Ms Ashton explained the use of diffusion tubes was not accurate in measuring air quality and advised that the tubes at West Vale were placed at 2.5 metres above ground. A freedom of information request had identified that diffusion tubes placed above 1.5 metres underestimated the concentration of nitrogen dioxide that the public was exposed to, and that the public was likely to be breathing in exceedance of the legal limit. She explained that Members of the Place Scrutiny Board understood the risk to young people and asked Cabinet for the same integrity.

Councillor Patient responded and thanked Councillor Bellenger and Ms Ashton for attending. He advised that the Local Plan, which had yet to be passed, was outside his area of expertise though he did note that any planning application would be subject to all supplementary planning documents. He advised that the 2020 measurements were taken within the pandemic and that more recent figures would become available. He explained that the WHO were constantly reviewing statistics and figures and confirmed that he would look into some of the comments made around where monitoring equipment was placed.

In response to Ms Ashton's comments on West Vale Primary School, Councillor Patient advised that the Council cared deeply about children and young people and advised that monitoring was undertaken at many schools across the Borough and noted the work around School Streets Projects. Councillor Patient advised that AQMA's were not a panacea for air pollution monitoring and confirmed that reliable source monitoring did occur in areas of the Borough without an AQMA.

In terms of the reduction of car journeys, Councillor Patient advised that more people working from home would have been a factor in the number of journeys taken.

During discussions Members thanked Councillor Bellenger and Ms Ashton for attending and advised that Cabinet was extremely concerned for the welfare of children and young people, including air quality in and around the Borough's Schools. Members did not agree with the comments made in terms of the description of Cabinet as being toxic and advised that Cabinet worked within the parameters set by Central Government governing the declaration of AQMA's. Members explained people have changed how they work with many people now sharing time at work and

home. Members advised that the Council encouraged active travel and for residents to use their cars to tackle air pollution.

Councillor Scullion, Cabinet Member with responsibility for Regeneration and Strategy confirmed that she would provide a written answer to Ms Ashton in relation to the traffic modelling and Local Plan comments.

Members were in support of the recommendations.

Councillor Leigh MBE attended the meeting and addressed Cabinet. He explained that he had attended many Local Plan Hearings and felt that many of the concerns raised at the hearings had not been answered and that was why questions were still being raised. He explained that he did not agree with the recommendations within the report and supported the implementation of an AQMA.

RESOLVED:

- a) to not declare an Air Quality Management Area in West Vale as annual mean NO₂ concentrations have remained below the air quality standard of 40 µg/m³ over the past five-year period;
- b) that the Council continues to develop appropriate interventions, including those set out in this report; and
- c) that air quality conditions in West Vale to continue to be monitored, including PM 2.5 and PM 10, and the Council's Air Quality Strategic Group be requested to keep all monitoring arrangements in the Borough under review.

6 ESTABLISHING A CALDERDALE CLIMATE CHANGE PARTNERSHIP

Councillor Patient, Cabinet Member with responsibility for Climate Change and Resilience presented a written report which sought the establishment of a Calderdale Climate Change Partnership.

Calderdale Council declared a Climate Emergency on 30 January 2019. Cabinet subsequently established a Cabinet Climate Change Working Party to provide leadership of action to achieve the net zero goal. The Working Party officially met for the first time on 10 July 2019.

Following the publication of an Emissions Reduction Pathway (ERP) setting out the scale of the carbon reduction challenge, the Climate Change Working Party decided to begin a process of developing and consulting on a Climate Action Plan, and as part of this process, to undertake a review of the Working Party. The aim was to review the role, membership, operation of Cabinet Climate Change Working Party (CCCWP) to enable it to provide leadership to the delivery of strategic action and policy to achieve Calderdale's carbon reduction target.

This report summarised the outcome of the review and sets out the recommendations made by the Working Party to develop a Climate Change Partnership and multi-agency task groups to ensure the delivery of Calderdale's developing Climate Action Plan

Monday, 6th June, 2022

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

Councillor Leigh MBE attended the meeting and addressed Cabinet. He advised he was in support of the report, though did share his concerns around the voting rights of the partnership and the political balance of the partnership.

During discussions Members were supportive of the report and noted the importance of engagement and participation of partnership organisations together with the voluntary sector.

RESOLVED that:

- (a) the recommendations of the Review of the Cabinet Climate Change Working Party be approved, specifically:
- the status of the group changes from a Cabinet Working Party to a multi-agency Calderdale Climate Change Partnership;
 - the overall role of the multi-agency Calderdale Climate Change Partnership be to provide oversight of the development and delivery of Calderdale's place based multi-agency Climate Action Plan. A draft term of reference for the Partnership was set out in Appendix 1 of the report;
 - the Calderdale Climate Change Partnership be requested to formally report on progress with the delivery of Calderdale Climate Action Plan to Cabinet through an annual report;
 - That members of the Calderdale Climate Change Partnership have full membership status and voting rights. Options for the balance of voting members which had been considered were set out in section 5 of the report;
 - Cabinet and political groups, appoint Elected Members to the Climate Change Partnership each municipal year to reflect the political balance of the Council, with 4 Councillors from the leading group and 3 Councillors from opposition groups;
 - The membership of the Calderdale Climate Change Partnership be reflective of Calderdale's climate action stakeholders including communities and businesses (proposed membership shown in the Terms of Reference in Appendix 1 of the report);
 - a programme of formal meetings open to the public to take place every three months be scheduled at the beginning of each municipal year. In between the formal meetings, informal meetings of the group (which may not be in public take place, with the dates set out in advance. These would include face-to-face and hybrid meetings in locations across the borough; and

- Thematic Task Groups be established, reporting to the Calderdale Climate Change Partnership to lead and co-ordinate the delivery of elements of the Climate Action Plan.

7 HIGHWAYS CAPITAL PROGRAMME 2022 / 23

Councillor Scullion, Deputy Leader and Cabinet Member with responsibility for Regeneration and Strategy presented a written report of the Director, Regeneration and Strategy that provided information on the 2022/23 Capital Programmes for Highway Maintenance and Integrated Transport. The report identified that whilst addressing the basics of highway maintenance and road safety within the constraints of the available funding, the programme took forward the Council's agenda of responding to climate change and public health issues by supporting active travel and carbon reduction wherever possible. Better connectivity was also an important tool in the Council's ambition to reduce inequalities and build strong sustainable towns.

Improved and well-maintained highways were an essential element of the progress towards the delivery of Vision 2024, strengthening resilience and providing a platform for talents and enterprise to flourish.

Calderdale (in common with the other West Yorkshire Authorities) had received highway funding through a variety of Department for Transport funding sources. However, due to the fact that Calderdale was now part of a Mayoral Combined Authority (MCA), the majority of funding was now rolled over into a single fund – City Region Sustainable Transport Settlement (CRSTS) programme.

CRSTS was a five year allocation which was intended to ensure that MCA's could manage their highway programmes effectively and plan for the future with some certainty. A breakdown of Calderdale funding for the initial year was detailed at 4.2 of the report.

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

Councillor Scullion advised that she had received a question from Councillor Barnes in relation to installation of new smart traffic lights and confirmed that she would provide a written answer, he asked:

'would the junctions be yellow boxed and would they have cameras installed to enforce illegal driving including sitting in the yellow box and if not, why not? What was the cost of including them and will the new systems be future proofed at the outset, than retro-fitted at a later date?'

Councillor Leigh MBE attended the meeting and addressed Cabinet. He advised that at a recent Audit Committee there had been some critical comments of the Highways Department. He explained that during discussions within the Conservative Group it was raised that they did not know the criteria for the choice of major projects year on year. It was requested that a report of projects be circulated to all Members. In response, Councillor Scullion advised that she had spoken with the Highways Department on many occasions and suggested that an All Members Briefing would

be beneficial to advise Members to demonstrate what stages, and technical processes were required to prioritise projects in terms of the capital programme.

RESOLVED that:

- (a) that the City Region Sustainable Transport Settlement (CRSTS) Programme for the financial year 2022/23, as set out in the body and appendices to the report, be approved; and
- (b) the Assistant Director, Strategic infrastructure, in consultation with the Cabinet Member with responsibility for the Regeneration and Strategy be authorised to agree any minor changes in the programmes which may become necessary.

8 APPOINTMENT OF MEMBERS TO SERVE ON JOINT COMMITTEES

The Leader, Councillor T Swift MBE, presented a written report of the Head of Legal and Democratic Services seeking consideration to the appointment of Members to serve on the Yorkshire Purchasing Organisation Management Committee and the West and North Yorkshire Business Rates Pool Joint Committee which were Joint Committees exercising executive functions under Section 101(j) of the Local Government Act 1972 and to consider the appointment of Members to serve on the Calderdale Admissions Forum, falling under paragraph 3.2.1(iv) of the Calderdale Admissions Forum's Constitution "nomination by Calderdale's Cabinet".

RESOLVED that

- (a) in relation to the Yorkshire Purchasing Organisation (YPO):
 - I. Councillor Barnes be appointed to serve on the YPO Management Committee, and that Councillor Monteith be appointed as substitute.
 - II. Councillor Barnes be appointed as Director, on YPO Procurement Holdings Ltd; and
 - III. Approval be given to waive the political balance rules which apply to the YPO Joint Committee in accordance with Section 17 of the Local Government and Housing act 1989;
- (b) in relation to the Leeds City Region Business Rates Pool Joint Committee, the Leader of the Council be appointed to serve as the Council's Member;
- (c) delegated authority be given to the Head of Legal and Democratic Services to action any changes, and or to fill any vacancies to the Membership of the Yorkshire Purchasing Organisation Management Committee; and
- (d) Councillors Blagbrough, Evans, M Swift and Tremayne, M Swift be appointed to the Calderdale Schools Admissions Forum.

9 ESTABLISHMENT OF WORKING PARTIES AND OTHER BODIES

The Leader, Councillor T Swift MBE, presented a written report of the Head of Legal and Democratic Services, seeking consideration to the establishment of and

appointment of Members to serve on working parties and other bodies for the 2022/23 Municipal Year.

RESOLVED that:

(a) Members be appointed to serve on the working parties indicated for the 2022/23 Municipal Year as follows and its meetings be open to the public under the Access to Information Procedure Rules at Part 4 of the Council's Constitution. (paragraph 4.1 and 4.2) of the report:

Cabinet Climate Change Working Party	Councillor Patient (Chair) (Cabinet Member for Climate Change and Resilience) 3 x Labour vacancies 2 x Conservative vacancies Councillor Baker
--------------------------------------	---

Cabinet Local Plan Working Party	Labour Vacancy x 4 Conservative Vacancy x2 Councillor Bellenger
----------------------------------	---

Cabinet Markets Working Party	Councillor A Smith (NAMBA Member) Labour Vacancy x 3 Conservative Vacancy x 2 Councillor Parsons-Hulse
-------------------------------	---

(Nominations to include a National Association of British Markets Authorities Member)

CAFM Asset Management Board	Councillor Scullion (Cabinet Member for Regeneration and Strategy) Labour Vacancy x 2 Conservative Vacancy x2 Councillor Bellenger
-----------------------------	---

Calderdale Flood Recovery and Resilience Programme Board	Councillor T Swift MBE (Leader) (Chair) Councillor Scullion (Cabinet Member for Regeneration and Resources) Councillor Patient (Cabinet Member for Climate Change and Resilience) Labour Vacancy x 1 Conservative Vacancy x 2 Councillor Holdsworth
--	--

Monday, 6th June, 2022

(b) Members be appointed to serve on the other bodies indicated for the 2021/22 Municipal year as follows:

Fostering Panel (2 Panels)	Labour Tremayne (Member) Labour Vacancy (Substitute) Vacancy (Member) Vacancy (Substitute)
The Adoption Panel (As agreed by One Adoption West Yorkshire)	Yet to be advised by One Adoption West Yorkshire if Calderdale is eligible for appointments.
Regulation 44 and Recommendation 41 Visits	Members may be approved by the Head of Legal and Democratic Services, in consultation with the Leader, and subject to confirmation that they have completed the relevant checks and necessary training.
Corporate Parenting Panel	Councillor Wilkinson (Cabinet Member for Children and Young People Services) Councillor Evans (Chair of CYPS Scrutiny Board) Conservative Vacancy Councillor Parsons-Hulse (all remaining Members of the Council to be appointed as substitutes)
Calderdale Cares	2 x Vacancies (for each Locality): North South Upper Valley Lower Valley Central
Community Services Small Grants Panel	Labour vacancy x 3 Conservative Vacancy Councillor Evans
Museums Collections Advisory Group	Labour vacancy x 3 Conservative Vacancy Councillor Holdsworth
Calderdale Tourism Board	Councillor T Swift MBE, Leader Councillor Scullion (as Cabinet Member for Regeneration and

				Strategy) Labour Vacancy x2 Conservative Vacancy x 2 Councillor Prashad
Town Development Board Brighouse		Board	–	To be appointed to as follows: Councillor T Swift MBE, Leader Councillor Scullion (as Cabinet Member for Regeneration and Strategy) Councillor Blagbrough Councillor Benton Councillor Monteith 1 x Rastrick Ward Councillor 1 x Hipperholme and Lightcliffe Ward Councillor
Town Development Board – Elland				Councillor T Swift MBE, Leader Councillor Scullion (as Cabinet Member for Regeneration and Strategy) Councillor Porritt Councillor Gallagher Councillor Ford
Town Development Board – Halifax				Councillor T Swift MBE, Leader Councillor Scullion (Cabinet Member for Regeneration and Strategy) Councillor MK Swift Councillor Thompson Labour Vacancy x4 Conservative Vacancy x 2 Councillor Baker
Town Development Board – Hebden Bridge and Mytholmroyd				Councillor T Swift MBE, Leader Councillor Scullion (as Cabinet Member for Regeneration and Strategy) 2 x Calder Ward Councillors 2 x Luddendenfoot Ward Councillors
Town Development Board – Sowerby Bridge				Councillor T Swift MBE, Leader Councillor Scullion (as Cabinet Member for Regeneration and Strategy) Councillor Wilkinson Councillor Foster Councillor A Smith
Town Development Board		Board	-	Councillor Lynn (as Cabinet

Todmorden

Member for Public Services and Communities),
Councillor Scullion (as Cabinet Member for Regeneration and Strategy)
2 x Todmorden Ward Councillors
1 x Calder Ward Councillors

(c) authority be delegated to the Head of Legal and Democratic Services to action any changes and to fill any vacancies to the Membership of the Cabinet Working Parties and Other Bodies outlined in part (a) and (b) of this resolution.

10 PUBLIC HEALTH RESTRUCTURE

Councillor Courtney, Cabinet Member with responsibility for Towns, Engagement and Public Health presented a written report of the Director, Public Health which set out a series of key drivers that informed proposed revisions to the structure of the Public Health Team, as the basis for consultation with staff and recognised trade unions.

The Public Health function transferred to Calderdale Council from the NHS Primary Care Trust in April 2013 and had become an integral part of the organisation; taking on additional functions and investing public health resources in Council services to embed action to improve health and wellbeing across the organisation. The Public Health team needed to play a central role in leading, facilitating and supporting the delivery of Calderdale's Wellbeing Strategy which sets out the priority outcomes to be achieved for residents to have the health that they need to live the larger life, we aspire to in Vision 2024.

Calderdale Council had a very small core public health team and responding to the Covid-19 pandemic had taken up most of the capacity of the team since March 2020. During the pandemic team members have embraced working flexibly, beyond their existing job roles, learning new skills and developing new relationships. However, the pandemic had also highlighted limitations in the resilience of the team to respond to sustained public health emergencies. To do this, a structure was needed with the flexibility to adapt and be resilient to future challenges, and the capacity to support the achievement of priority health and wellbeing outcomes for Calderdale residents.

Approval was sought to commence statutory consultation with staff, which was outside officers' delegation. The proposed structure would increase the number of posts in the public health team so it was not anticipated that there would be any redundancies. However, the proposed public health team structure would change the way that the public health team was organised, change the establishment of the public health team, and change the job descriptions of staff who were in scope, and as such the new structure required a Cabinet Decision in order for the restructure process to commence.

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

RESOLVED that:

(a) the requirement to undertake formal consultation with employees in scope and the recognised Trade Unions on the proposed public health restructure be approved; and

(b) delegated authority be given to the Director, Public Health, in consultation with the Cabinet Member with responsibility for Towns, Engagement and Public Health, to implement the proposed structure at Appendix 3 of the report, subject to the outcome of the consultation process.

11 REVIEW OF CORPORATE ASSET AND FACILITIES MANAGEMENT SERVICE

Councillor Scullion, Deputy Leader and Cabinet Member with responsibility for Regeneration and Strategy presented a written report of the Director, Regeneration and Strategy which set out a series of key drivers that informed proposed revisions to the structure of the Corporate Asset and Facilities Management (CAFM) Service, as the basis for consultation with staff and recognised trade unions.

The aim of this review, which involved two parallel realignments and consultation processes, was to respond in advance of a significant number of potential retirements, to build resilience and strengthen key areas of activity, to develop a succession plan with clear opportunities for existing and new staff, securing future delivery arrangements cost-effectively.

Approval was sought to commence statutory consultation with staff, which was outside officers' delegation.

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

RESOLVED that:

(a) the commencement of the minimum 45-day consultation period with those placed at risk of redundancy and with the recognised trade unions, on the structures proposed in Appendix B and Appendix D be approved; and

(b) delegate authority be given to the Director, Regeneration and Strategy, in consultation with the Cabinet Member with responsibility for Resources, to implement the proposed structures at Appendix B and Appendix D, subject to the outcome of the consultation processes.