

## **CABINET, Monday, 11th July, 2022**

**PRESENT:** Councillor T Swift MBE (Chair)

Councillors: Scullion, Courtney, Dacre, Fenton-Glynn, Lynn, Patient and Wilkinson

### **12 APOLOGIES FOR ABSENCE**

No apologies for absence were received.

### **13 MINUTES OF THE MEETING HELD ON 6TH JUNE 2022 TO BE AGREED AS A CORRECT RECORD AND SIGNED BY THE CHAIR.**

**RESOLVED** that the Minutes of the meeting held on 6<sup>th</sup> June 2022, be approved as a correct record and signed by the Chair.

### **14 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 G Walker.

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.

- (b) A question was asked by G Maslen.

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.

- (c) A question was asked by L Maslen.

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.

- (d) A question was asked by L Ashton.

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.

- (e) A question was asked by Councillor Robinson.

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

- (f) A question was asked by Councillor Bellenger.

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.

**15 PLACE SCRUTINY BOARD - RECOMMENDATIONS ON THE PLANNING SERVICE IMPROVEMENT PLAN**

The Leader, Councillor T Swift MBE, invited Councillor Robinson to present a written report of the Senior Scrutiny Officer. The report advised that Place Scrutiny Board considered a report including the draft Planning Service Improvement Plan at a meeting on 16th June 2022.

The Planning Service commissioned a peer review from the Planning Officers Society (POS), which was undertaken in 2021 and reported to Place Scrutiny Board in January 2022. The report outlined the recommendations Place Scrutiny Board made when it discussed the peer review on 20th January 2022. Place Scrutiny Board considered that the Planning Service Improvement Plan was a key part of the process for bringing about the improvements in the Planning Service identified in the peer review.

The report set out the recommendations which Place Scrutiny Board considered would both add to the Improvement Plan and facilitate its implementation.

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

Councillor Robinson advised that the review had been fairly critical of Calderdale Council's performance of planning. He thanked Officers for the time which had been spent working on the Planning Service Improvement Plan, and thanked Cabinet for appreciating the role which scrutiny had to play.

During discussions, Members thanked Councillor Robinson and the Place Scrutiny Board. Members were pleased with the recommendations and were happy to accept them. Members commented that the ambition should be quantifiable with clear deadlines and improvements. The commitment of Cabinet to improvement was important, especially in light of the Local Plan. Members highlighted some of the changes which had already taken place to improve planning.

The Chief Executive thanked Councillor Robinson as the Chair of the Place Scrutiny Board, and the Scrutiny Team. He commented that this was a model of a scrutiny enquiry into an issue and should be looked at as a piece of best practice.

**RESOLVED** that the 8 recommendations set out in Section 3 of the report be adopted.

**16 DELIVERING OUR AMBITION TO BE A REAL LIVING WAGE AND ETHICAL CARE COMMISSIONER IN CALDERDALE**

Councillor Fenton-Glynn, Cabinet Member with responsibility for Adult Services and Wellbeing presented a written report of the Director of Adult Services and Wellbeing.

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The report advised that Calderdale aspired to improve the wages and the terms and conditions of the local care workforce. The ambition to become a regional leader in terms of pay and support for care workers would help with the recruitment and retention of staff, ensure people received care and support in a timely way, bring greater stability to the local care market and improve the quality of care delivered in Calderdale.

The report set out the current issues facing social care including recruitment and retention which was closely linked to salaries and the funding of social care. The report outlined the principles of the real living wage and the financial envelope required to implement this in Calderdale to support Calderdale's social care market.

The report outlined the ambition for Calderdale Council to work towards the further implementation of ethical care and outlined Calderdale's approach to ensuring that the care which was commissioned was ethical.

The report set out the recommendations of Adult Services and Wellbeing to commit to the implementation of the Real Living Wage in Calderdale and increase the uplift identified in the Medium-Term Financial Strategy to facilitate this commitment.

The report outlined background information, options considered, financial, legal, environmental, health, economic, equality, and diversity implications.

Councillor Fenton-Glynn paid tribute to Iain Baines, Director of Adult Service and Wellbeing, who was retiring in August. He advised that his career in care was an inspiration, and that this report was his legacy. The Leader, Councillor T Swift MBE, added that Iain Baines had been an important server of the borough, and had made a big difference during a challenging period.

Councillor T Swift MBE, advised that a question had been received from Jenny Shepherd to be asked at Question Time, it was felt it was more appropriate to ask at the item itself and Councillor Fenton-Glynn confirmed that a written response would be provided.

During discussions, Members were supportive of the report, and noted that people wanted the carers of their loved ones to be paid a real living wage. Members commented on the wider economic benefit of an increase, as people who worked in the care sector lived, and would spend, locally, benefitting the local economy.

**RESOLVED:**

- (a) to commit to reaching a fee rate which allowed providers to pay the Real Living Wage in Calderdale, helping to address the recruitment and retention issues faced by the social care market;
- (b) that Calderdale Council work towards the continued implementation of the principles set out in the GMB and Unison Ethical Care Charters;
- (c) that authority be delegated to the Director and Portfolio Holder in consultation with the section 151 officer for the implementation of the increased payments to providers;

(d) that the Medium-Term Financial Strategy be reviewed and additional funding to meet Calderdale's ambition to be leading council in committing to the payment of the Real Living Wage for care workers be allocated; and

(e) that Option C be approved: To take an incremental approach to the implementation of The Real Living Wage (based on a projection of £10.45 per hour from April to October and £11.00 per hour from November to March in 2023/24) at an estimated cost of £1,505,538 over and above the existing percentage uplift allocated in the Medium-Term Financial Strategy.

## **17 FIRE SAFETY UPDATE AND FIRE SAFETY ACTION PLAN 2022-27**

Councillor Dacre, Cabinet Member with responsibility for Resources presented a written report of the Director of Regeneration and Strategy. The report provided an update on the good progress which had been made to improve the fire safety of buildings in the Council's corporate estate and those of its partners in the Fire Safety Working Group since the last review in 2018.

A Fire Safety Policy Statement was approved in November 2016. The Fire Safety Review was approved in 2017 as a result of the Grenfell Fire. Considerable progress had been made in implementing the action plan and there was a need to update Members on the progress made over the last five years and the development the next five-year action plan.

The report outlined the achievements made in Fire Safety to date, set out the emerging issues, and presented for approval a Fire Safety Action Plan, to be implemented over the next five years.

The Fire Action Plan went beyond the minimum required to comply with legal responsibilities. This had relevance to the Council's Corporate priorities to 'Develop Sustainable Towns' and to 'Reduce Inequalities and Address Local Poverty', creating up to standard housing for both social and private rented housing.

The report outlined options considered, financial, legal, environmental, health and economic implications.

Councillor Patient, Cabinet Member with responsibility for Climate Change and Resilience, added that the Grenfell Fire was a failing of health and safety. The Fire Safety Action Plan created equality for those who would lack the resource to deal with the aftermath of such an event.

Councillor Leigh MBE attended the meeting and addressed Cabinet. He advised that he had previously sought assurance from Cabinet that there was no Aluminium Composite Material (ACM) cladding in Calderdale. New legislation had reduced the height at which ACM cladding could legally be used. Councillor Leigh MBE requested a written response to confirm that Calderdale was compliant with the new legislation. Councillor Leigh MBE also commented on the importance of Personal Emergency Evacuation Plans.

**RESOLVED** that:

- (a) progress on Fire Safety with regard to the Council's Corporate Estate and that of its partners be noted; and
- (b) the recommended changes to the Fire Safety Action Plan to carry forward the work on Fire Safety over the next five years be endorsed.

## **18 APPROPRIATION OF LAND AT WHARF STREET SOWERBY BRIDGE**

Councillor Scullion, Deputy Leader and Cabinet Member with responsibility for Regeneration and Strategy presented a written report of the Director of Regeneration and Strategy. The report requested that Cabinet consider the appropriation of Council owned land at Wharf Street, Sowerby Bridge, that was to comprise open space for use as a community square, ad hoc markets and public events. Cabinet approval was required so that the holding power correctly reflected the future use of the land.

The report advised that in July 2020 Cabinet agreed to the demolition of Sowerby Bridge Market and the construction of a new high quality public square as envisioned by the Sowerby Bridge Master Plan ("the Scheme"). On or before completion of the Scheme the land would need to be appropriated from its present statutory purpose to another statutory purpose, being for an open space for use as a community square, ad hoc markets and public events.

The report outlined background information, options considered, financial and legal implications.

During discussions, Members commented that it was good to see the Scheme progressing. The market had not been successful since its move to the current location.

**RESOLVED** that appropriation of the land (shown edged red on the plan attached at Appendix 1), from the existing general holding powers under the Local Government Act 1972 to open space under the Open Spaces Act 1906 be approved.

## **19 LOCAL PLAN - MAIN MODIFICATIONS CONSULTATION**

Councillor Scullion, Deputy Leader and Cabinet Member with responsibility for Regeneration and Strategy presented a written report of the Director of Regeneration and Strategy. The report outlined the Main Modifications to the draft Calderdale Local Plan (CLP) that the independent Planning Inspector deemed necessary to make the CLP sound and legally compliant.

The report advised that the CLP was fundamental to all three of the Council's Corporate priorities to 'Act on the Climate Emergency', 'Reduce Inequalities and Address Local Poverty', and 'Develop Sustainable Towns'. In relation to this the CLP would help to ensure that everyone had access to a decent home; that there were opportunities for fulfilling employment; that people could move around the district and travel beyond safely, sustainably and conveniently; and that the environment was protected and enhanced for future generations.

The report aimed to provide Cabinet with the information required to consider the Main Modifications to the CLP, and the recommendation to agree to these and proceed to a public consultation as the next steps towards Adoption of the CLP.

The report outlined background information, options considered, financial, legal, environmental, health, economic, equality, and diversity implications.

Councillor Hey attended the meeting and addressed Cabinet. He expressed disappointment that there were no main modifications to the building plans in Northowram and Shelf. He commented that the 2021 National Census did not reflect the population growth forecast by the Local Plan, and that policy changes could not drive this level of change. He suggested that adjustments should be made given the level of impact on the greenbelt.

Councillor Scullion responded and thanked Councillor Hey for attending. She advised that Calderdale had failed to provide the housing required by Central Government for the last decade. The lack of housing, and in particular quality housing, was one of the reasons for the low increase in population. There was a need to rebalance the age structure of the population and the level of affordable housing in order to sustain economic growth.

Councillor Leigh MBE attended the meeting and addressed Cabinet. He noted that Cabinet had decided not to hold meetings for discussion of the main modifications by interested parties based on the expectation that the modifications would be accepted. He advised that the percentage of the new homes which were affordable was extremely low. It was necessary to have an appropriate number of houses based on the likely events to take place, and that the numbers proposed bore no resemblance to the tests. He commented that an 8-week consultation period did not allow for fair opposition, given the length of the document, the necessary reading of additional documents referenced and the need to come up with alternative options. He requested that Cabinet consider extending the consultation period to at least 3 months.

The Leader, Councillor T Swift MBE, advised that the statutory requirement was to provide 6 weeks for consultation, an extension to 8 weeks had already been added. The documents had been published a further 3 weeks ahead of the beginning of the consultation period, and the majority of the material was not new. He advised that it was damaging to Calderdale not to have a Local Plan in place.

Councillor Scullion rejected the point that the numbers of proposed housing bore no resemblance to the tests. She further advised that if the plan was not approved by the Planning Inspector, Calderdale could lose its power over housing.

**RESOLVED** that:

- (a) the Inspector's judgement on the necessary Main Modifications to the CLP as set out in the Post Hearings letter (23 March 2022, Appendix 8) along with the findings of the Sustainability Appraisal and Habitat Regulation Assessment be noted and the Main Modifications and associated documents for public consultation be approved;
- (b) The Calderdale Local Plan: Main Modifications (Appendix 1 & 2), the modifications to the Policies Map (Appendix 7), and the updated Sustainability Appraisal (Appendix 3) and Habitats Regulations Assessment Statement (Appendix 4) be published for the purpose of representations to be made commencing on or around the 29th July 2022;

- (c) The Calderdale Local Plan: Minor Modifications (Appendix 5 & 6) be published alongside the Main Modifications for information and comment;
- (d) the Director of Regeneration and Strategy be given delegated authority to make any typographical or presentational/format changes to the Main Modifications, the Sustainability Appraisal, the Habitats Regulation Assessment and the Minor Modifications to address any errors and/or improve clarity prior to the start of the consultation period; and
- (e) all responses received be reviewed by Planning Officers and forwarded directly to the Planning Inspectorate on behalf of the Secretary of State for consideration.

## **20 ANNUAL CORPORATE PERFORMANCE REPORT**

Councillor Dacre, Cabinet Member with responsibility for Resources, presented a written report of the Head of Finance. The report detailed the Council's performance against its key indicators, for the period January 2022 to March 2022, and the annual summary for 2021/22 (Appendix A). With the significant challenges in the last 2 years and emerging from the global pandemic, there were unprecedented cost of living rises and other economic/geopolitical challenges facing our residents. It was therefore important to reflect in this context on how well we have performed in meeting these pressures.

Cabinet received an annual report which gave assurance that action and delivery against the priorities of the Council were being achieved. It also provided information and evidence to Cabinet to challenge performance, and direct changes to strategic focus where appropriate. Annual summary reports had been provided since 2013/14. Through Vision 2024 which sought to raise our aspirations, instil hope, and would enable us all to work together to support the people of Calderdale to reach their potential.

Approximately 90 key performance indicators were measured which provided evidence of how well the Council performed against its ambitions, and against other local authorities of similar size and demography. This helped to celebrate and learn from success, as well as identifying areas that needed improvement. A selection of these were treated as super key performance indicators (SKPI) as they had the biggest impact on the people of Calderdale and were aligned to our priorities. It was evident that nearly 60% of our super key performance indicators were ranked within the top/second quartile of councils when measured against the Chartered Institute of Public Finance and Accountancy (CIPFA).

Councillor Wilkinson, Cabinet Member with responsibility for Children and Young People's Services, commented on the statistics on secondary school attendance, noting that the Covid-19 Pandemic was not an ordinary period of time in which to measure attendance, however this was being taken seriously and would be closely watched.

**RESOLVED** that the progress on performance during 2021/22 and the improvements to further enhance outcome(s), performance and finance in our corporate reporting going forward be noted.

## **21 FINAL ACCOUNTS 2021/22 – REVENUE OUTTURN POSITION**

Councillor Dacre, Cabinet Member with responsibility for Resources, presented a written report of the Head of Finance. The report summarises the revenue outturn position and the impact on balances and reserves following the closure of the 2021/22 accounts. There are three main sections covering:

- An overview of directorate under and overspends and variances on centrally controlled budgets during the year.
- The impact of the above on the level of available general fund balances carried forward into future years, and recommendations as to their use.
- The net movement in reserves used to support services in the current year, or set aside to manage service costs in future years.

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.

Councillor Scullion, Deputy Leader and Cabinet Member with responsibility for Regeneration and Strategy, commented on the tremendous achievement of having pulled back from potential overspends during a difficult year in terms of monies managed. She made a request to Members for extra money to be centralised into reserves.

Councillor Leigh MBE attended the meeting and addressed Cabinet. He noted that Council had an obligation to make the data as transparent and understandable as possible and argued that the presentation of this data could be improved.

**RESOLVED** that:

- (a) the summary analysis of the 2021/22 outturn position, the impact on available balances and reserves, and the underlying budget pressures faced by directorates be noted;
- (b) retaining balances above the minimum level to provide flexibility in response to issues the Council is likely to face (paragraph 5.3) be agreed to; and
- (c) it be requested that this report be presented to the Strategy and Performance Scrutiny Board.