

CABINET, 27th April 2020

PRESENT: Councillor T Swift MBE (Leader, In the Chair)
Councillors Metcalfe, Patient, Press, Scullion and Wilkinson.

128 APOLOGIES FOR ABSENCE

There were no apologies for absence.

(The meeting closed at 19:45 hours).

129 MINUTES OF THE MEETING OF CABINET HELD ON 16TH MARCH 2020

RESOLVED that the Minutes of the meeting of Cabinet held on 16th March 2020 be noted as a correct record and signed by the Chair.

130 COVID-19 PANDEMIC

The Leader, Councillor T Swift MBE opened the meeting and welcomed those attending and watching the Council's first virtual Cabinet meeting. He advised that Calderdale was the first Council in West Yorkshire to hold a Cabinet meeting since Covid-19 had gripped our lives and expressed that the coronavirus had been one of the greatest challenges that the country had faced since the Second World War.

Figures had shown a modest reduction in the number of people admitted to hospital, and the Leader confirmed the pace of reduction of cases would be slower than the initial infection rate in March and April.

The Council had followed the 'ten point plan' which was set out at the previous Cabinet meeting and continued to monitor and update actions weekly in response to the pandemic; these were uploaded to the Council website when updated. Some of the highlights included:

- The Council had paid over 4,000 business grants;
- 115,000 items of Personal Protective Equipment had been distributed to social care providers;
- Staff and volunteers had helped up to 2,000 people; and
- The Council had recruited 800 volunteers to support the effort.

The Leader paid tribute to Council staff, NHS workers, key workers and volunteers for their commitment and dedication through the challenging and difficult times. Looking ahead the Council would like to see leadership and progress in the key areas from the government following the Prime Minister's return to work after recovering from Covid-19, in particular clarity around the plans for lifting lockdown so that the Council could plan ahead.

It was clear that a new future for public services would be required and he confirmed that the Council had started to think about recovery and would reassess what was required as we all looked to finding a new normal as we all lived with Covid-19 in the coming months and in the longer term. The Council would encourage conversations with residents and businesses across Calderdale that tapped into the existing talent and enterprise of Calderdale's own.

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131 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 J Saville:

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

(b) Two questions were asked by Jenny Shepherd:

Councillor Scullion, Deputy Leader and Cabinet Member for Regeneration and Resources responded and advised that a written response would be provided to the questions.

(c) A question was asked by Councillor Leigh MBE:

The Leader, Councillor T Swift MBE responded and advised that a written response would be provided to the question.

(d) A question was asked by Councillor Baker.

Councillor Metcalfe, Cabinet Member for Adult Services and Wellbeing responded and advised that a written response would be provided to the question.

(e) A question was asked by Councillor Bellenger in relation to the opening of recycling centres:

Councillor Press, Cabinet Member for Public Services and Communities responded and advised discussions were being held between Cabinet and Suez (the contracted provider) and hoped that the centres would open in the near future in a strategic way to ensure that waste was managed safely.

The Chief Executive advised that within the clear and unprecedented circumstances no Council in Yorkshire or Humber had opened their recycling centres. For the small number of Council's which had opened centres they were faced with queues of over one hour. The opening of centres would need to be closely managed, that included traffic management to ensure the safety of the staff and visitors. The government's guidance was at the forefront of Officers minds, and was at the centre of all decision making undertaken by the Council.

132 COUNCIL TAX REDUCTION SCHEME

Councillor Press, Cabinet Member for Public Services and Communities presented a written report of the Director of Public Services that provided information on how the Council hoped to mitigate some of the impacts felt by people due to the Covid-19 pandemic. HM Revenue and Customs (HMRC) had agreed to award an extra twenty pounds weekly to households that received working tax credit for a period of 12 months.

The Department for Work and Pensions (DWP) had already passed legislation to permit an increase in the additional earnings disregard to offset any reduction in housing benefit (HB) due to the increase in household income. The Minister for Housing, Communities and Local Government (MHCLG) had confirmed that they would not be changing the Council Tax Reduction (CTR) default scheme in a similar way that the DWP had with housing benefit. The Council's CTR scheme was largely based upon the MHCLG default scheme which came into effect in April 2012 with any differences requiring public consultation in order to change the scheme.

Calderdale's CTR scheme was a means tested scheme based upon the household's income with an earnings disregard built in which provided support to people in work. In most scenarios if the household income increased then the amount of CTR received would reduce. Once HMRC had agreed a tax credit award or an increase to a current award the Council was automatically advised via the secure data sharing links so that the calculation for HB and CTR could be reassessed promptly.

The recent action taken by HMRC and the DWP was a temporary arrangement which addressed the current financial pressures felt by working households and would run for one year ending on 4 April 2021. Calderdale had 1,121 households who were due to receive the twenty pounds increase in tax credit. The earnings disregard update would be managed by a simple parameter change within the Council's in-house Benefits system. The system would auto-update and an automatic recalculation of the appropriate cases undertaken. Resulting award notification and council tax bills to be despatched as part of Covid-19 postal arrangements.

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

Councillor Press advised the funding that had been received would reduce council tax paid in working age households who were currently receiving a reduction by £150.00. Future payments would automatically be recalculated.

Councillor Scullion welcomed the report and noted that it raised the issue of the financial difficulties that households faced and how the Council would monitor this moving forward.

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RESOLVED that:

(a) the need for a public consultation be waived for a period of 12 months that enabled a rapid response to the welfare issues that arose from Covid-19, be agreed; and

(b) the Council mirrored the Department of Work and Pension action and increases the additional earnings disregard to remove any reduction in the current award of Council Tax Reduction.

133 FINANCIAL UPDATE

The Leader, Councillor T Swift MBE presented a written report of the Head of Finance that provided an initial view of the potential financial implications of the Covid-19 pandemic upon the Council's overall financial position and highlighted the types and severity of measures which would be required if further government support was not available. It further provided information of the funding that had been given to the Council in response to the pandemic to aid residents and local businesses.

The report set out the financial implications for the Council in the short term and the position would need to be updated on a regular basis. What was clear was that the initial additional government support would not be sufficient to meet the additional costs and loss of income which would be experienced by the Council. If additional government support was not forthcoming then action would be required to reduce Council spend substantially and immediately in order to sustain the Council's financial position.

This would involve:

- Implementation of all agreed savings accelerating pace of delivery where possible;
- a review of all our discretionary spending, ceasing spend outside of business critical areas;
- work on reshaping the Council towards a business critical only delivery model until the financial sustainability of the organisation improves based around services currently operating.

Further updates and monitoring reports would be prepared for Cabinet during the course of the year; an action plan incorporating the above measures would be prepared for the next Cabinet meeting.

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

Councillor Scullion acknowledged the importance of local government as central government was channelling a great deal of support for businesses through local structures that knew their area and needs. She advised that Cabinet was asked to note the report and emphasised its seriousness, if the income received reduced substantially and the uncertainty of future income what would be the impact on the

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Council. The Council would need to reshape its financial plans and hoped that a Section 114 report would not need to be submitted. Conversations with the government needed to take place to re-emphasise the importance of local government and to continue to lobby Calderdale's MPs for their support.

Councillor Baker advised that local government was on the front line in the response to the pandemic alongside partners in the NHS and emergency services. The spending that was being incurred was essential to protect the people of Calderdale. The increased deficit of Government, who were already missing the target before the crisis, and their increased borrowing, he felt it was startling how small the £1.6 billion was that was given to local government in contrast to the sum of money given to other sectors of the economy. He confirmed the Liberal Democrat party would support Cabinet in any calls to the government to provide essential funding that enabled local government to continue to provide front line services to Calderdale residents.

Councillor Baker acknowledged that the Council would have to make drastic decisions if funding was not available, and some of the decisions would not be subject to a similar degree of democratic participation and oversight. Did Cabinet have plans to include as many people as possible if difficult decisions were needed to be made in the coming months? In response, the Leader agreed that it was something that would be looked at and thought about in terms of Members and that also included wider dialogue with the public.

Councillor Scullion thanked Councillor Baker for the support and agreed that difficult decisions would be made throughout the remainder of the year. In terms of the plans which had already been made in the Medium Term Financial Strategy, the Council would need to work hard in terms of keeping on top of the financial challenges that were being faced.

RESOLVED that:

(a) the financial position and the potential financial implications to the Council be noted; and

(b) the Head of Finance be requested to submit a further update and action plan to next Cabinet meeting.

134 WEST YORKSHIRE-PLUS TRANSPORT FUND WY+TF) A58/A647; A646/A6033 CORRIDOR IMPROVEMENT PROGRAMME – LAND ACQUISITION AND DEPLOYMENT OF COMPULSORY PURCHASE POWERS, SIDE ROADS ORDER AS NECESSARY

Councillor Scullion, Deputy Leader and Cabinet Member for Regeneration and Resources presented a written report of the Interim Director, Regeneration and Strategy seeking approval to acquire land to facilitate improvements to the A646/A6033 (Burnley Road) and A58/A6033 (Junction 22 through Sowerby Bridge to Halifax) transport corridors(the Corridor Improvement Programme (CIP)). Members were asked to approve the commencement of negotiations by Officers in order to purchase the plots specified in Appendix A, with a total estimated value of up to £80,000, required for the successful implementation of the CIP.

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The making of a Side Roads Order was required, under Section 14 and 125 of the Highways Act 1980, for the implementation of the CIP, together with use of the Compulsory Purchase Powers under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980.

As part of Calderdale's ambition to be the Best Borough in the North and to deliver on its Vision 2024, and in light of the declared climate emergency, significant improvements were planned to both of these routes. The improvements would be delivered as part of the WY CIP, a major highways programme delivered through WY+TF. This sought to deliver multi-modal journey-time improvements across the West Yorkshire Key Route Network (WYKRN), those roads which carried greater than 20,000 vehicles per day or provided significant connectivity across the region. Their overall importance was specifically recognised within the proposed devolution deal.

The Calderdale interventions focused on improved access to the district centres and Halifax. The Council were seeking to deliver an 8% reduction in journey times for all vehicles and a 12% reduction in journey-times for buses. The Council were also seeking to improve air quality and reduce the number of road deaths. These were challenging objectives that required a transformational approach. The CIP therefore brought forward proposals that were intended to improve journey times, reduce pollution and road collisions, increased walking and cycling and also improved public transport links.

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

Councillor Wilkinson commented that he was pleased to see Blackwall Lane in Sowerby Bridge was omitted from the plans and that it showed residents that the Council did listen to their concerns when raised within the consultation process. The concerns raised by Mr Saville in Question Time about the parking in the Tower Hill area in Sowerby Bridge, if it was to be dropped from the scheme the benefits would be lost from the CIP for the area in terms of traffic and air pollution. He understood the concerns for that area and noted the importance of resolving the parking issues.

Councillor Mrs Carter confirmed that she had submitted a question to Councillor Scullion relating to the land within the Ryburn Ward and asked for clarity around the quantity of land that would be purchased. Councillor Mrs Carter also raised her concerns around the proposed HGV turning circle at Brig Royd, pedestrian safety and the diversionary route to Leeds within the Transport Improvement Plan, in particular the A58 east bound route. Councillor Mrs Carter did not believe the proposals were in the best interest of the residents of Ryburn Ward and requested to remove the proposal for further consultation, consideration and debate.

Councillor Scullion confirmed that Highways England was going to withdraw the west bound diversion route through Ripponden later in the year; the east bound route would remain. Councillor Scullion confirmed that with Officers assistance a written response would be provided.

RESOLVED that:

- (a) the acquisition of land specified in Appendix A of the report and any associated interests be approved;
- (b) the purchase of the land specified in Appendix A through negotiation where possible, be approved;
- (c) the use of Compulsory Purchase Orders under sections 239, 240, 246, 250 and 260 of the Highways Act 1980, when required, and that Delegated Authority be given to the Interim Director of Regeneration and Strategy and the Head of Legal and Democratic Services, in consultation with the Portfolio Holder for Regeneration and Resources, to make any Compulsory Purchase submissions to the Secretary of State which were deemed necessary to deliver the Corridor Improvement Programme, be approved; and
- (d) the making of Side Road Orders when required, be approved.

135 CONSOLIDATED DECISION REPORT

The Leader, Councillor T Swift MBE presented a written report of the Head of Legal and Democratic Service that provided information on the decisions taken by Officers under delegated authority that ensured appropriate and swift action had been taken in dealing with matters arising from the effects of the Covid-19 lockdown. They included decisions taken to deal with the pandemic itself, but also decisions taken which might ordinarily have been for Cabinet but which could not be taken by that body, due to physical meetings not being possible within the timescale required.

Regulations issued under the Coronavirus Act 2020 (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020) now allowed meetings of the Council to be held remotely; that was, without any or all Members being physically present. Whilst that would ensure as much openness and transparency as possible there remained the possibility that decisions would be required to be made urgently. The Chief Executive and Chief Officers had delegated authority to do so; at all times in consultation with the Leader, Deputy Leader and relevant Cabinet Member.

The decisions referred to in the report had been taken under existing delegated authority provided to the Chief Executive and Chief Officers. Decisions undertaken:

- Response to Covid-19 Lockdown
- Future Towns Funding
- West Yorkshire Joint Services – Delegated Authority
- Small Business Grant Fund and Retail, Hospitality and Leisure Grant Fund
- Empty Premium Charge – Council Tax
- Planning Decisions
- Calder Valley Skip Hire

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

Councillor Blagbrough shared his concerns of delegated powers in relation to large planning applications, the impact on communities and the level of consultation with Ward Councillor to raise their concerns. Would there be a limit to delegated authority powers for large developments? In response, Councillor Scullion confirmed that Officers had advised that all developments that would have a profound effect on communities Ward Councillors would be given an opportunity to object or raise their concerns. The Royal Town Planning Institute and professional bodies were looking closely at virtual meetings. There was a great deal to think about in terms of who can access meetings, circulation of agenda's and planning documentation that would include detailed plans. In terms of delegated powers, a high percentage of applications were delegated to Officers, Councillors could call-in applications within their wards as normal and that was not affected by the new measures. Where there were no call-in's Planning Committees would be consulted in terms of application that would normally have been presented to the Committee. Councillor Scullion reassured Members that checks and balances were in place.

Councillor Scullion shared that the number of planning applications was down on the same period in the previous year. Building control figures were also down as it had been difficult for inspectors to visit sites and this was being monitored.

Councillor Bellenger explained that site visits would need to be taken into consideration as they helped determine decisions made on planning applications.

Councillor Holden asked for assurances that the enforcement teams were operational as some residents were of the opinion that enforcements were not in place? In response, Councillor Scullion confirmed that Planning Enforcement Officers were still in operation and were following social distancing guidelines.

The Leader reassured Members that Cabinet were monitoring delegated decisions closely.

RESOLVED that the decisions referred to within the report, taken under delegated authority by the Chief Executive and Chief Officers, be noted.

136 NORTHGATE SITE RE-DEVELOPMENT

E Councillor Scullion, Deputy Leader and Cabinet Member for Regeneration and Resources presented a written report of the Interim Director, Regeneration and Strategy which provided information of the significant regeneration activity at the Northgate site within Halifax Town Centre. A 'whole site solution' had been adopted for re-development of the site, providing both a modern sixth form centre, alongside a mixed use (office /retail) development. This would provide a sustainable new use for the current building and deliver an area of high quality Public realm. The project aimed to make a positive impact to Vision 2024; making a substantial contribution to the distinctive town centre, which created high quality educational facilities for Calderdale's talented young people, whilst improving footfall to protect the resilience of Calderdale's retail core.

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This report defined the increased benefits obtained in the course of delivery of this project. Significantly higher numbers of jobs would now be based at the Northgate Site and the presence of Royal Sun Alliance in the town had been safeguarded. Proposed new retail facilities had been a key factor in the allocation of Future High Streets Funding for Halifax Town Centre.

The report also summarised the financial, contractual and operational issues associated with delivering the Northgate Development project and the financial and contractual position and financial challenges encountered in the delivery of the Commercial development project.

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

Members commented on the following issues:

- Post 16 pupil's eagerly awaited the opening of the 6th form college;
- The continued funding of the project;
- The high standard of work that was now being delivered;
- Encouraged Cabinet working parties to work alongside existing business within the town and the new development; and
- The Council's history of delivering on major projects.

RESOLVED that:

(a) the progress made on the Northgate Academic and Commercial projects, including the regeneration, employment and economic benefits associated with development on the Northgate site, be noted;

(b) the emergency decision taken by the Chief Executive, pursuant to Paragraphs 5.3 and 5.7 (a)(iii) of Part 3 of the Constitution and following consultation with the Leader and Deputy Leader of the Council and the Interim Director of Regeneration & Strategy, the Head of Legal & Democratic Services and the Head of Finance, be noted;

(c) the total funding position on the Northgate Academic and Commercial projects be noted; and

(d) the Interim Director, Regeneration and Strategy be requested to submit a detailed report to a future Cabinet meeting.