

CABINET, Monday, 4th October, 2021

PRESENT: Councillor Scullion (Deputy Leader)
Councillors: Fenton-Glynn, Lynn, Patient and Wilkinson

35 COUNCILLOR T SWIFT MBE

Councillor Scullion, Deputy Leader took the opportunity to send Cabinet's best wishes to the Leader, Councillor T Swift MBE and wished him a speedy recovery. That sentiment was endorsed by Councillor S Leigh MBE on behalf of the Conservative Group and Councillor J Baker on behalf of the Liberal Democrat Group.

Councillor Scullion announced that the current rate of positive Covid-19 cases in Calderdale was over 500 per 100,000 and reinforced the continued need for Covid-19 safety measures.

36 SUBSTITUTES NOMINATED FOR THIS MEETING AND APOLOGIES FOR ABSENCE

Apologies were received from the Leader, Councillor T Swift MBE and Councillor Dacre.

37 MINUTES OF THE CABINET MEETING HELD ON 2ND AUGUST 2021 TO BE AGREED AS A CORRECT RECORD AND SIGNED BY THE CHAIR.

RESOLVED that the Minutes of the meeting of Cabinet held on 2nd August 2021, be approved as a correct record and signed by the Chair.

38 QUESTION TIME - CABINET

The Deputy Leader, Councillor J Scullion, invited members of the public and Councillors to ask questions of the Deputy 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 A Tagg.

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 A Rae

Councillor Patient, Cabinet Member with responsibility for Climate Change and Resilience responded and advised that a written response would be provided to the question.

(c) A question was asked by N Kelly

Councillor Patient, Cabinet Member with responsibility for Climate Change and Resilience responded and advised that a written response would be provided to the question.

- (d) A question was asked by M Bradley

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 James Baker about the cost-of-living crisis that people were facing at the moment.

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.

39 CALDERDALE HOUSING STRATEGY 2021-2026

Councillor Patient, Cabinet Member with responsibility for Climate Change and Resilience presented a written report of the Director, Regeneration and Strategy that provided information on the Calderdale Housing Strategy 2021-2026. The report focussed on three key areas Quality of Place, Quality of Home and Quality of Life and demonstrated how housing supported the Council's objectives and priorities around Vision 2024, three corporate priorities and the Borough's economic recovery following the Covid-19 pandemic. In consultation with partners, actions have been identified that will be taken forward and monitored. The 2021-2026 Housing Strategy would form part of the Council's policy framework and therefore Cabinet approval was sought for recommendation to Council.

The Council revised its priorities to give a strong emphasis on growth that was sustainable, supported jobs and opportunities for residents, and that tackled climate change.

Housing has a contribution to make to all these priorities as new homes were more sustainable and could be better adapted to climate change. However, there was still a major need for retrofitting our existing stock. The provision of decent affordable homes was an essential part of reducing inequalities, ensuring social and economic stability and reducing health inequalities. Housing had a major and growing role in transforming our towns by providing new uses for empty commercial buildings and sites and bringing new life into the town centres.

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

Members welcomed the report and explained the importance of having a robust Housing strategy that not only built on the housing stock for those who were desperately in need of rehousing, but which also addressed the quality of homes in the private rented sector. It was explained that people deserved to live in homes that provided a quality of life and quality of place, and that took into consideration and met the need of the homeless and the most vulnerable within the community. It was noted

that the Strategy would also link into the Age Friendly Strategy which in turn would hopefully release larger homes back into the housing stock, when there were more appealing homes for the older population.

Councillor Leigh MBE attended the meeting and addressed Cabinet and advised that he supported the Strategy and shared that he had attended the recent Local Plan hearings that continued to raise issues. Councillor Leigh MBE advised that empty homes should be a priority of the Council, as well as repurposing some of the Council buildings that had been nominated for disposal.

Councillor Baker attended the meeting and addressed Cabinet and advised that numbers within the report did link through to the Local Plan and questioned how the Council would encourage developers to develop on brownfield sites and not only on the more desirable and potential green belt sites. Councillor Baker explained that the Council also needed to revisit its relationship with Housing Associations to ensure that their forward plans were aligned to the Council's housing ambitions.

The Deputy Leader thanked Councillor Baker for his comments and explained some of the issues the West Yorkshire Combined Authority were addressing in relation to the decontamination of brownfield sites and the extra funding that was required to address this. It was also confirmed that Officers were looking towards the possibility of linking smaller sites together in the Local Plan which could potentially bring in more funding.

***RESOLVED that it be recommended to Council to approve and adopt the Calderdale Housing Strategy 2021 – 2026 and associated action plan.**

40 CALDERDALE AND TOGETHER HOUSING'S INVESTMENT PARTNERSHIP (CTHIP) - SUPPORTING CALDERDALE'S ECONOMIC RECOVERY

Councillor Patient, Cabinet Member with responsibility for Climate Change and Resilience presented a joint written report of the Director, Regeneration and Strategy and Together Housing Group, Director of Property Services that provided information of the work the Council and Together Housing Association was undertaking in Calderdale and how this supported Calderdale's Inclusive Economic Recovery Plan. As a key partner, Together Housing were represented on the Calderdale Inclusive Economic Recovery Board.

The Calderdale and Together Housing Investment Partnership (CTHIP) would have been running for 4 years in Spring 2022 and the partners felt it was time to review the objectives of the partnership to ensure they incorporated new Council priorities, and in particular the objectives in the Economic Recovery plan, and in the wider strategic priorities set in the West Yorkshire Mayor's pledges around affordable homes and sustainability. This was a key partnership for the Council which could provide significant support in Calderdale's road to recovery following the impact of the Covid-19 pandemic.

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

Councillor Lynn, Cabinet Member with responsibility for Public Services and Communities supported the report and commented on the strides that Together Housing was making in response to the Climate Change agenda. Councillor Lynn referenced section eight of the report in relation to consultation and various engagement routes with scrutiny boards and engagement panels and confirmed that she would welcome feedback from Together Housing on its long-term arrangement as there is no longer local authority representation on its panel.

Councillor Baker attended the meeting and addressed Cabinet and agreed with Councillor Lynn's comments regarding a removal from a less democratic way of business following the removal of local authority representation and housing representatives. Councillor Baker explained that he often received letters of complaints and requests for involvement in action against Together Housing more than any other Housing Association within Calderdale, and suggested to Cabinet that it enforces more pressure on Together Housing to ensure it delivered the service the Council expected it to, and he also requested that there was more democratic participation on the decisions it made.

Councillor Scullion, Deputy Leader advised that the report asked to formally review the objectives of the partnership and assured Members that Councillor Patient would pick up the points raised in the meeting.

RESOLVED that:

- (a) the continued work of the Council and Together Housing Association and the positive impact this is having on Calderdale's economic recovery and its plans moving forward, be endorsed; and
- (b) the partners be formally requested to review the objectives of the partnership and how they can align even more with the Council's Vision 2024, strategic objectives, economic recovery plan and West Yorkshire Mayor's pledges, and bring this review forward in a set of recommendations to Cabinet in Spring 2022.

41 LAND AT HORLEY GREEN

Councillor Patient, Cabinet Member with responsibility for Climate Change and Resilience presented a written report of Director, Regeneration and Strategy that set out the disposal options for the Council owned land at Horley Green Road, Claremount. A previous Cabinet decision approved the site for development through the Calderdale and Together Housing Investment Partnership (CTHIP).

The Cabinet decision was subject to call-in and was considered by Place Scrutiny Board on 22nd October 2019. Scrutiny agreed that the decision taken at Cabinet should be released for implementation; and that the Cabinet Member with responsibility for Regeneration and Resources be requested to work together with Officers and the community to look at the possibility of a Community Asset Transfer (CAT).

The CAT business case, submitted by Friends of Horley Green, had been evaluated and satisfies the requirements for a CAT. The disposal of the site via a CAT is incompatible with residential development plans and vice versa. Cabinet was therefore to consider either to proceed with the original Cabinet decision of 30th

September 2019 to dispose of the site through CTHIP for housing development, or to proceed with a CAT to Friends of Horley Green.

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

Nicole Jones, Friends of Horley Green attended the meeting and addressed Cabinet and advised that following the decision in 2019 further developments had been made and it was believed the group were in a stronger position and Cabinet were asked to consider the CAT to Friends of Horley Green. In support of the transfer, it was explained that a robust Business Plan had been submitted which met the Council's criteria for a CAT, and how the group had worked closely with many Officers within the Council in preparation of the CAT. Nicole further explained why the area of land was so important to the community and shared examples of the work of over 30 active volunteers to support the project from legal advice, gaming to gardening and maintenance. It was advised that the group were exploring two options in detail which were either a charitable incorporated organisation or company limited by guarantee that was also a registered charity. Both of these options provided local accountability, independent governance and charitable status to ensure that the group were eligible for a wide range of grant funds. It was hoped the information provided demonstrated the groups commitment, together with tailored plans that supported Calderdale's Vision 2024.

Councillors Taylor, Caffrey and Dickenson attended the meeting and addressed Cabinet in support of the CAT. It was advised that the CAT was a unique transfer compared to others in the Borough, and that the dedication and hard work of the group over the past few years was evident and should be considered. It was explained that Horley Green was used by people of all ages, of all abilities for a wide range of activities. It was advised that Claremount was the second lowest area in the Borough for green spaces and this site was extremely important to the community. To transfer the site to the Friends of Horley Green would support the Council's priorities of tackling inequalities, climate change and Active Calderdale. There was a report submitted to Cabinet at the previous meeting of Green Spaces within Borough and Cabinet was asked to bear this in mind when making their decision. Councillors Taylor, Caffrey and Dickenson understood the need for additional housing within the Borough and detailed and considered throughout the Local Plan and requested that Cabinet take a balanced view of the need for additional housing, against the needs and the wellbeing of the community. It was suggested that the Council should review other sites and empty properties within the Borough before developing green spaces, and concerns were raised of the amount of money the Council would receive from Together Housing which appeared to be below market value.

Councillor Patient thanked Friends of Horley Green and Councillors Taylor, Caffrey and Dickenson for attending and presenting an impressive report. He advised that it was extremely difficult for Cabinet Members when two very different compelling arguments were presented for consideration. Councillor Patient explained the difficulties faced by local governments when central government challenged them to deliver new housing. Councillor Patient advised that houses were needed locally, and Calderdale had failed its housing delivery test in the past, and that this was an important factor to remember. It was noted that no matter what decision was made there was an opportunity to deliver what has already been put in place. Councillor

Patient referenced part of tackling climate change to create sustainable developments as well as creating access to green spaces.

During discussions Members acknowledged the dedication, commitment and hard work of the Friends of Horley Green and shared some of the developments in their own wards that were complimentary to developing areas whilst encouraging greenspaces within those developments. Members praised the ideas and proposal within the report and hoped that whatever the decision that these could be adopted and shared. Members also referred to the strong partnership created through this process and hoped these would continue.

Members explained that there was a need for sustainable housing, and that they would need to consider all residents within the area not only people in attendance at the meeting. Members confirmed that they would take into consideration all comments made this evening and within the report, and that whatever the outcome there were many ideas which could be used with any proposal.

RESOLVED that the application for a Community Asset Transfer submitted by the Friends of Horley Green be not approved.

42 HIGHWAYS POLICY AND THE USE OF 'A' BOARDS

Councillor Scullion, Deputy Leader and Cabinet Member with responsibility for Regeneration and Strategy presented a written report of the Director, Regeneration and Strategy which sought Cabinet's approval of the A Board Enforcement Policy attached at Appendix A of the report.

This report provided information of proposed A Board policy which was intended to be used by the Council as a basis for A Board enforcement moving forward. Cabinet was asked to note that the policy document may be relied on in court as part of the Council's Section 58 Defence against third party claims, and also used as evidence should matters be raised with the Ombudsman. In both instances, the Council's reliance upon this document would be strengthened if it could be shown that it was considered and approved by the Executive.

As the Highway Authority for Calderdale the Council has a statutory duty to protect the rights of all road users to enjoy the safe use of the highway. Obstructions to the highway could interfere with this enjoyment and the Council has the power to remove obstructions and prosecute offenders.

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

Councillor Hutchinson attended the meeting and addressed Cabinet and declared an interest as he was a Trustee of Halifax Society for the Blind and someone who had spent most of his life trying to reduce the impact of visual disability of people within Calderdale. He confirmed that one of the main needs of a person with a visual impairment was the need to be able to get about safely, confidently and with a degree of independence. Councillor Hutchinson explained that A Boards were designed to obstruct highways so that members of the public read them, which was a purposeful obstruction and a danger to the visually impaired. He noted that many

other authorities had enforced clear bans on A Boards and asked Cabinet to consider doing the same. He suggested other ways that businesses could advertise their businesses which included raised signs so they were wall mounted.

During discussion Members confirmed that they understood the difficulties that A Boards placed on people with visual impairments navigating some of the Borough's narrow pavements and acknowledged that the findings which would arise from holding a pilot scheme in Hebden Bridge and Mytholmroyd would contribute to supporting the public and businesses in the future.

RESOLVED that:

(a) the A Board Enforcement policy attached at Appendix A of the report, be approved; and

(b) Officers be requested to further investigate the Council's ability to introduce suitable licensing arrangements under S115 of The Highways Act, 1980.

43 SOWERBY NEIGHBOURHOOD PLAN

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 Sowerby Neighbourhood Plan. The report identified that the Sowerby Neighbourhood Plan was the first Neighbourhood Development Plan to go to a Referendum in Calderdale, and if approved would become part of the development plan for the Sowerby Neighbourhood Plan area.

Sowerby Neighbourhood Plan contains policies that would support the three corporate priorities:

- i. Acting on the Climate Emergency
- ii. Reduce inequalities and address local poverty
- iii. Develop Sustainable towns

The Neighbourhood Plan would help maintain and enhance the distinctiveness of the area, and in doing so would support Vision 2024. The report requested that Cabinet agree the Examiner's recommendations to enable the Neighbourhood Plan to proceed to Referendum. The Sowerby Neighbourhood Plan Examiner's Report was attached to the report and set out a Decision Statement which included the Council's proposed response to the Examiner's recommended modifications.

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

Councillor Leigh MBE attended the meeting and addressed Cabinet and expressed his support for the report and advised that it was the first Neighbourhood Plan within Calderdale and would set a precedence for other communities to have a voice about what happened in their areas.

RESOLVED that:

(a) the Examiner's modifications and the consequential minor modifications (set out in the Examiners Report at Appendix 2) to the Sowerby Neighbourhood Plan and that subject to those modifications the Neighbourhood Plan meets the Basic Conditions and other legislative requirements, be agreed;

(b) the Sowerby Neighbourhood Plan as amended proceeds to a local referendum based on the boundary of the designated Sowerby Neighbourhood Area as recommend by the Examiner, be agreed;

(c) the Decision Statement attached at Appendix 3, be agreed and be published on the Council's website.

44 A629 PHASE 2 SUPPLEMENTAL CPO

Councillor Scullion, Deputy Leader and Cabinet Member with responsibility for Regeneration and Strategy submitted a written report of the Director, Regeneration and Strategy that provided an update on A629 Phase 2 West Yorkshire Plus Transport Fund (WY+TF) project and the land acquisition by use Compulsory Purchase Order (CPO).

The report identified that Officers had been working on developing the scheme design and progressing negotiations with landowners and as a result of localised changes in highway alignment required to deliver the scheme, additional land acquisition to that previously expected was required.

Authorisation was sought to pursue the making of a Supplemental Compulsory Purchase Order (CPO) (2021) under the enabling powers of the Highways Act 1980, for the purpose of additional land acquisition. The required Supplemental Land required is shown on the attached plans in Appendix A.

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

Councillor Scullion advised that following the publication of the agenda an updated report had been circulated to Members that increased the land required to purchase under CPO.

RESOLVED that:

(a) the additional land acquisition identified in Appendix A of the updated report be approved;

(b) approval be given to request that the Secretary of State (SoS) make modifications to the original CPO to remove plots identified in Appendix B;

(c) approval be given to make a Compulsory Purchase Order under sections 239, 240, 246, 250 and 260 of the Highways Act 1980, including submission to the SoS for Confirmation, with delegation to the Head of Legal and Democratic Services in conjunction with the relevant Portfolio Holders the necessary powers to complete the purchase of land and all relevant interests for A629 Phase 2;

(d) approval be given to enter into any appropriate agreements with Government departments, agencies, and other relevant persons to secure necessary access rights and to undertake any associated works for A629 Phase 2, with delegation to the Head of Legal and Democratic Services in conjunction with the relevant Portfolio Holder(s); and

(e) approval be given to the Statement of Reasons for the Supplemental CPO.

45 AGE FRIENDLY CALDERDALE

Councillor Fenton-Glynn, Cabinet Member with responsibility for Adult Services and Wellbeing presented a joint written report of the Directors of Adult Services and Wellbeing and Public Health that set out the initial steps on the road to an Age Friendly Calderdale. It was acknowledged that it would need the concerted efforts of citizens, communities, business and partners to take all the steps needed but in line with the Council's key strategic priorities and make the commitment to become an Age Friendly Community.

Councillor Fenton-Glynn endorsed the report and explained the background behind the report and asked for Cabinet to give consideration to the following steps towards an Age Friendly Calderdale:

1. Agree policy objective to become a World Health Organisation (WHO) Age Friendly Community
2. Agree to Membership of the UK Network for Age Friendly Communities
3. Agree to commit to and sign the Centre for Ageing Better and Public Health England Healthy Ageing Consensus Statement
4. Agree to encourage the Health and Wellbeing Board and partners to sign the Healthy Ageing Consensus Statement
5. Agree in principle the Age Friendly Calderdale Involvement Plan.

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

Councillor Leigh MBE attended the meeting and addressed Cabinet and agreed to the objectives of an Age Friendly Calderdale. It was noted that Calderdale was projected to have an ageing population and suggested that as part of the Local Plan process to revisit and reassess some of the sites to include the needs of an aging population.

During discussions Members commended and supported the report and advised that as part of the ongoing delivery of the policy, work would be undertaken with all departments to ensure that this was part of any decision-making process.

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

(a) Approve the policy objective to become a World Health Organisation Age Friendly Community;

(b) to agree to become members of the UK Network for Age Friendly Communities; and

(c) to agree to commit to and sign the Centre for Ageing Better and Public Health England Healthy Ageing Consensus Statement

46 CULTURAL STRATEGY FOR CALDERDALE

Councillor Lynn, Cabinet Member with responsibility for Public Services and Communities presented a written report of the Director, Public Services which provided information on the draft Cultural Strategy. The report recognised the crucial role that culture would play in not only the economic recovery of the Borough, through building back our town centres and revitalising our tourist economy, but in ensuring our citizens could live a larger life. The Authority recognised the journey of consultation, shared development and decision-making was as important as the end strategy and a key building block in creating an environment in which the cultural sector could contribute to taking forward the Council's priorities.

This has led to the development of a new ambitious and far-reaching draft Cultural Strategy for Calderdale which supported the aspirations of the Council and cultural partners. The draft strategy provided a clear rationale for the development of cultural provision and its benefits, its role in shaping our identity as a place; identifies priorities for Calderdale's year of culture and longer-term development and provided a strategic framework to support funding and investment in culture, by linking the development of culture to our landscape, our heritage and the needs of the area. This strategic framework would enable the sector to attract investment, supporting it to thrive and flourish and enable increased engagement and participation across all communities.

The Cultural Strategy was a new strategy for the Borough and would enable people to come together and with greater impact to shout about the positive difference that culture makes in their everyday lives. While funding as important and securing investment would be essential to enable its delivery, this was also about finding new ways of working with and alongside our communities, using existing resources and capacity more imaginatively.

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

During discussions Members voiced their support of the draft strategy and looked forward to seeing the final draft version of the strategy later in the year.

RESOLVED that:

(a) the draft Cultural Strategy that has been developed through consultation with representatives of our communities, our cultural sector and the wider hospitality and tourism sector, be approved;

(b) a wider public consultation of the draft Cultural Strategy to be undertaken, be agreed; and

(c) the draft Strategy be brought back to Cabinet for consideration and for recommendation to Council by the end of the year.

47 WELCOME BACK FUND

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 submission of a bid for the Welcome Back Fund to the Ministry for Housing Communities and Local Government (MHCLG). It was confirmed that the bid had been approved.

The Calderdale Inclusive Economic Recovery plan had been developed by the Calderdale Covid Recovery Group (CCRG), which was a partnership board, chaired by the Leader of the Council, Councillor Tim Swift MBE with membership from across the business community, public sector partners, education and skills and voluntary sectors. The recovery plan assessed the impacts of the Covid-19 pandemic on Calderdale's local economy and set out the areas for action to accelerate our recovery from Covid.

MHCLG as part of their funding to help with the Covid-19 recovery work launched the Welcome Back Fund, allowing local authorities to bid for funding to help with short term funding to allow local places to learn to live with Covid-19 and develop more open spaces for outside use, and raise the profile of their places to attract visitors and local people into their areas. The fund built on the Reopening High Streets Safely Fund (RHSSF) and was an extension to the earlier phase of the project.

The range of activity had been identified within the Calderdale Inclusive Economic Recovery Plan as key to helping places recover and also understand how to live with Covid-19 in the future, and the funding opportunity would help deliver this area of the plan.

The funding covered the following 6 key activity areas:

- Support to develop an action plan for how the local authority may begin to safely reopen their local economies
- Communications and public information activity to ensure that reopening of local economies could be managed successfully and safely
- Business-facing awareness raising activities to ensure that reopening of local economies could be managed successfully and safely.
- Temporary public realm changes to ensure that reopening of local economies could be managed successfully and safely
- Support to promote a safe public environment for a local area's visitor economy.
- Support local authorities to develop plans for responding to the medium-term impact of Covid-19 including trialling new ideas particularly where these related to the High Street.

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

During discussions Members welcomed the funding and noted that the funds were available as a result of the European Regional Development Fund and membership of the European Union. It was also noted that Calderdale had received numerous investments through the membership of the European Union.

Councillor Leigh MBE attended the meeting and addressed Cabinet and welcomed the funding and hoped that it would be well spent. Councillor Leigh MBE shared his concerns regarding the increase in parking charges at a time when businesses were struggling due to low footfall in town centres.

RESOLVED that:

(a) the Welcome Back Fund of £372,198 to help with the recovery work within the 8 places within the Borough, this will complement the already secured funding with the Future High Street Fund, be accepted;

(b) Delegated authority be given to the Director of Regeneration & Strategy in consultation with the Cabinet member for Regeneration & Strategy and the Inclusive Recovery Board to agree the delivery plan for use of the funding.