

CABINET, 8th May 2013

PRESENT: Councillor T Swift (Leader, in the Chair)
Councillors Batty, B Collins, Evans, Metcalfe, Mrs Nash, Smith, M K Swift

1 MOTION TO EXCLUDE THE PUBLIC

RESOLVED that under Section 100 A(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:

Youth Offending Team Review – Paragraph 4 – Labour Relations, Consultation or Negotiations

Mobile Response Service – Provided by County Care Line (Community Voice Limited) – Paragraph 3 – Financial and Business Affairs

Joint Waste Treatment Project with Bradford – Paragraph 3 – Financial and Business Affairs

2 MINUTES OF MEETING OF CABINET HELD ON 8TH APRIL 2013

RESOLVED that the Minutes of the meeting of Cabinet held on 8th April 2013 be approved as a correct record and signed by the Chair.

3 QUESTION TIME

The Leader, Councillor T Swift, 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) Mr David Parkin asked Councillor Collins, Cabinet Member for Economy and Environment why Illingworth Gaol and Stocks had been offered for sale. Was there to be public consultation on the future of this important historical building, prior to the sale.

Councillor Collins advised that Illingworth Gaol had been withdrawn from the auction list for a period of six months to allow for consideration of a Business Plan and further discussions with the local community regarding the future of the Gaol.

- (b) Mr Pete Keal asked the Leader, Councillor T Swift and Councillor B Smith, Cabinet Member for Performance and Resources if Cabinet could ensure that all representative of the Council take the strongest possible action to urge registered social landlords to oppose evictions for rent arrears resulting from the inability to pay the bedroom tax.

The Leader advised that a written response would be provided to the question.

CABINET, 8th May 2013

(Councillor Smith declared an interest in the above item as he was a Member of the Pennine Housing 2000 Board.)

- (c) Councillor Stout asked the Leader, Councillor T Swift and Councillor B Collins, Cabinet Member for Economy and Environment if Cabinet would consider introducing a 20 mile an hour speed limit around all Calderdale schools in the light of a report from the road safety organisation 'Brake'.

The Leader advised that a written response would be provided to the question. Councillor Collins advised that the Council had been much more proactive in introducing 20 mile an hour speed limits in residential areas, three had been recently introduced and two further schemes were being developed. Road safety funding had been reduced since 2010, therefore, careful thought had to be given to look at what resources were available for any future schemes.

- (d) Councillor Stout asked Councillor B Collins, Cabinet Member for Economy and Environment if Cabinet could give consideration to installing a 30 mile an hour flashing road sign on Halifax Road, Brighouse in the light of the number of non-injury accidents that had occurred there over the last six months. There were four schools near Halifax Road which meant that over 2000 pupils crossed the road each day.

Councillor Collins advised that funding schemes of this nature was a serious consideration. A matrix system was being developed by the Highways Department which took into account accidents throughout the Borough. Councillor Collins advised that he would ask the Highways Department to take account of any new information provided.

- (e) Councillor Stout asked Councillor B Collins, Cabinet Member for Economy and Environment if Cabinet could give consideration to carrying out a full feasibility study on re-opening the toilets near the Brighouse bus station, this could be funded by the lease agreement with YEB for the substation next to the toilets. The building could be altered so that there were three toilets, male, female and disabled, this could be reconstructed from the original materials and the cost could be re-couped with a charge for the usage, including the release fee from YEB.

Councillor Collins advised that Metro had agreed that anyone with health issues could ask to obtain a key for the toilet facilities used by the bus drivers in the bus station, and use this facility. Alternatively there was a public toilet situated in Thornton Square which had adequate signage from the bus station. Councillor Collins was not aware of the lease conditions relating to the YEB substation.

A written response would be provided to the question

CABINET, 8th May 2013

4 LOOKED AFTER AND ADOPTED CHILDREN AND YOUNG PEOPLE STRATEGY 2013-16

The Leader, Councillor T Swift withdrew this item for further consideration by the Children and Young People's Scrutiny Panel.

5 2013/14 ADOPTION REFORM GRANT ALLOCATION

Councillor M K Swift, Cabinet Member with responsibility for Children and Social Care, presented a written report of the Director, Children and Young People seeking approval to drawing down an allocation from the Adoption Reform Grant funding provided by Government to support the Council's duty to develop and improve adoption services and outcomes. The report provided background information to the availability of the funding which was intended to support structural reform of adopter recruitment to increase the supply of adopters. The Council had been awarded grant funding totalling £641,539, and details of the proposed use of the funding to assist the development and improvement of adoption services were set out in the report for Members' consideration.

*** RESOLVED that it be recommended to the Council that approval be given to the Adoption Reform Grant funding amounting to £641,539 being drawn down and used for adoption service improvements to:-**

- **address staffing requirements in terms of recruitment, training and development;**
- **develop systems and process, including IT, to increase and support capacity and demand for services; and**
- **develop and increase opportunities to meet the duty where there are insufficient, suitable placements for children needing adoption and prospective adopters who want to adopt.**

6 2012-13 CAPITAL ALLOCATION – FUNDING EARLY EDUCATION FOR TWO YEAR OLDS FROM LOWER INCOME HOUSEHOLDS

Councillor M K Swift, Cabinet Member with responsibility for Children and Social Care, presented a written report of the Director, Children and Young People seeking consideration and approval to the drawing down of capital funding allocation provided by Government to support the duty to secure free early education for eligible two year olds. The report provided background information to the availability of the funding which was being made available to support implementation of early education for two year olds which would become a statutory entitlement for eligible two year olds from 1st September 2013. It was intended that the funding would be used to enable maintained schools and other providers to undertake capital works which would create new or additional high quality and sustainable places for eligible two year olds in the targeted areas without displacing places needed for children of other ages. The grant was un-ring fenced and could be used to support other Council priorities within the capital programme. The Government had however made it clear that the purpose of the grant was to support the implementation of early education for two year olds, and a decision was therefore sought to approve the use of the use of the grant for this purpose.

CABINET, 8th May 2013

*** RESOLVED that approval be given to the drawing down of the capital allocation of £354,969 in order to:**

- **fund capital grants to enable suitable accommodation for two year old care and education sessions to be developed and/or existing provision to be adapted;**
- **prioritise the development of capacity where there are insufficient places projected to meet the duty to secure free early education for eligible two year olds.**

7 HOME ENERGY CONSERVATION ACT 1995 – DELIVERY PLAN 2013-15

Councillor B Collins, Cabinet Member with responsibility for Economy and Environment presented a written report of the Director, Economy and Environment seeking consideration and approval to a Home Energy Conservation Act Delivery Plan for 2013-2015. The report provided background information to the development of the plan which drew together all the different strands of activity being delivered to reduce fuel poverty and residential carbon missions in the Borough. The plan set out key activities for the next two years and had been designed in line with the latest carbon subsidy and external funding opportunities through the new Energy Company Obligation and National Green Deal. It was envisaged that the external funding would be available to fund much of the capital works proposed, however additional capital funding may be required to facilitate incidental costs for works not covered through funding streams such as the Energy Company Obligation Subsidy.

Councillor Collins also commented that whilst certain aspects of the new policy framework were welcomed, others brought causes for concern. Funding for this type of work was lower, especially for more vulnerable households who tended to have a greater need for efficient space heating because of their limited incomes and or greater risk of health. It was important to work the programme through and continue to make homes more energy efficient to reduce fuel poverty.

RESOLVED that the Home Energy Conservation Act Delivery Plan 2013-15 be approved and adopted.

8 SCHOOL EFFECTIVENESS REVIEW – REPORT OF THE CHILDREN AND YOUNG PEOPLE SCRUTINY PANEL

Consideration was given to a report and recommendations of the Children and Young People Scrutiny Panel from its meeting on 6th March 2013 following the Scrutiny Panel's review of school effectiveness. Details of the work which had been undertaken by the Scrutiny Panel were attached to the report, and the Chair of the Scrutiny Panel, Councillor Mrs A Collins, attended the meeting and addressed Members on the Scrutiny Panel's recommendations which were as follows:

- (i) The report be endorsed and approved by the Scrutiny Panel and that the duration of the Working Party is extended until September 2013, to allow for the remaining areas of work, as outlined in the report, to be undertaken, and for a Final Report to be produced in due course.

CABINET, 8th May 2013

- (ii) We are disappointed at the length of time it has taken to advertise the School Effectiveness Officer vacant posts, and hope that the current recruitment campaign results in the appointment of permanent staff to fill these important positions as soon as possible.
- (iii) The Local Authority should intervene with formal warnings and interventions more quickly in the future in cases of failing schools or schools in difficulty. We want to see all children in the Borough receiving the best education possible, so we wish to see the School Effectiveness Service inform the Governors and Sponsors of academy schools of any concerns they have identified about the performance of those schools as well as the schools it maintains.
- (iv) Strong Leadership is vital to the success of schools and so the Working Party should include in their second report an assessment of the role of Governors in school effectiveness and recommendations for any changes it feels necessary.

Councillor Mrs Collins advised that the continuation of the Review Group would allow the group to cover some aspects of School Effectiveness it wished to cover further, including how well school governors were contributing to school effectiveness through strong leadership and how effective the new governor training programme had been.

RESOLVED that

- (a) the report of the Children and Young People Scrutiny Panel on School Effectiveness be received; and
- (b) a further report be submitted to Cabinet in September 2013 following the extension of the Review Group.

9 REVIEW OF LEISURE SERVICES. REPORT OF THE COMMUNITIES SCRUTINY PANEL

Consideration was given to a report and recommendations of the Communities Scrutiny Panel from its meeting on 11th April 2013 following the Scrutiny Panel's review of Leisure Services (now known as Sports Services) in Calderdale. Details of the work which had been undertaken by the Scrutiny Panel were attached to the report and the Chair of the Scrutiny Panel, Councillor Rivron, attended the meeting and addressed Members on the Scrutiny Panel's recommendations which were as follows:

- (i) It be recommended to Cabinet that the preferred option for delivery of the Sports Service be to continue with the current successful in-house model.
- (ii) Cabinet be requested to look into the long term plan for investment and provision of Sports Services in Halifax.

Councillor Mrs Nash conveyed thanks to the Leisure Services staff for their excellent work and welcomed the retention of the in-house model for Sports Services.

CABINET, 8th May 2013

RESOLVED that

(a) the report of the Communities Scrutiny Panel on Sports Services in Calderdale be received; and

(b) the preferred option for the delivery of the Sports Services continues with the current successful in-house model for Sports Services.

10 YORKSHIRE AND HUMBER GRID FOR LEARNING – TRADING ARM

Councillor B Smith, Cabinet Member with responsibility for Performance and Resources presented a written report of the Chief Executive seeking consideration to a proposal by the Yorkshire and Humber Grid for Learning to establish a trading arm. The Foundation had been set up by twelve local authorities in the region in 2002 to act as a vehicle for joint procurement and broadband activity and related services for schools. Changes to grant funding arrangements, together with significant budget cuts for local authorities themselves, had implications for schools across the region and for how the Foundation had now to operate. The creation of a trading arm would allow the Foundation to overcome these issues and to have a channel which could operate as a full commercial entity, thus having a chance to preserve the investment of schools over the 11 years of the Foundation's existence. Details of the trading arm proposal were set out in the report for Members' consideration.

RESOLVED that

(a) the Head of Business Change and Performance Management be authorised to vote in favour of the Yorkshire and Humber Grid for Learning establishing a trading arm at all company meetings called to consider that proposal; and

(b) a further report be submitted to Cabinet with the final proposals to establish a trading arm, following discussions with the Yorkshire and Humber Grid for Learning.

11 YOUTH OFFENDING TEAM REVIEW

(E) Councillor M K Swift, Cabinet Member with responsibility for Children's Social Care, presented a written report of the Director, Children and Young People, advising of the outcome of consultation which had been undertaken on the review of the Youth Offending Team and setting out a proposed new staffing structure which would enable statutory duties to be met and identified savings achieved. The proposals had initially been considered by Cabinet at its meeting on 10th December 2012 and the report advised of the outcome of the consultation which had been undertaken and detailed the proposed new structure for Members' consideration. No redundancies would be required as a result of the introduction of the new structure.

RESOLVED that approval be given to the revised structure proposed for the Youth Offending Team in Calderdale so that statutory duties can be met and savings identified can be realised.

CABINET, 8th May 2013

12 MOBILE RESPONSE SERVICE – PROVIDED BY COUNTY CARE LINE

(E) (COMMUNITY VOICE LIMITED)

Councillor Metcalfe, Cabinet Member with responsibility for Adults, Health and Social Care, presented a written report of the Director, Adults, Health and Social Care seeking approval to making a further payment to County Care Line (Community Voice Limited) in relation to the provision of the Mobile Response Service under the current contractual arrangements. The report provided background information to the proposal and advised of the financial and service implications involved. The Mobile Response Service was a preventative service for vulnerable adults living in Calderdale. It helped to keep people safe in their own homes and maintain independence, and evidence suggested that demand for the Service would continue to rise. Funding was available to meet the additional cost to secure the Service to the end of the current contract.

RESOLVED that approval be given to a further payment of £36,000 to County Care Line (Community Voice Limited) for the provision of a Mobile Response Service in line with the service requirements.

13 JOINT WASTE TREATMENT PROJECT WITH BRADFORD

(E)

The Leader, Councillor T Swift, presented a written report of the Director, Economy and Environment, providing an update on the position with regard to the Government's decision to withdraw the provisional allocation of £62.1m PFI/Waste Infrastructure Credit from the joint Waste Treatment Project with Bradford. The report provided background information to the joint procurement exercise, which had started back in 2006, and commented with regard to DEFRA's decision, options available, legal appraisal, alternative disposal options, and financial implications. The loss of PFI Credits undermined the value for money/financial viability of the Project in its current form, and alternative options proposed by the contractor transferred a significant element of risk back to the two Councils. Consideration was therefore sought to the way forward and the options for possible legal recourse against DEFRA in respect of the withdrawal of the PFI Credits.

RESOLVED that

(a) suspension of the current Waste PFI procurement be confirmed on the basis that:

(i) continuing with the Project in its current form without Credits is not financially viable or value for money for the Council; and

(ii) the alternative options expose the Council to excessive commercial and/or project risks;

(b) the Director, Economy and Environment be authorised, in consultation with the Head of Democratic and Partnership Services and Cabinet Member with responsibility for Economy and Environment, to discontinue the procurement of the Waste PFI Project if a reinstatement of the Credits cannot be secured in a reasonable timeframe and subject to reasonable conditions;

CABINET, 8th May 2013

(c) further discussions be sought with DEFRA to better understand the basis of, and rationale for, the decision to withdraw the Credits; and

(d) the Head of Democratic and Partnership Services be authorised to commence legal action against DEFRA's decision to withdraw the Credits allocated to the Project (or any element thereof), subject to further discussion with DEFRA and review of prospect of success.

Note: The following reports are available for inspection by Members of the Council:

Minutes of Meeting of Cabinet Held on 8th April 2013

Looked After and Adopted Children and Young People Strategy 2013-16

2013/14 Adoption Reform Grant Allocation

2012-13 Capital Allocation – Funding Early Education for Two Year Olds from Lower Income Households

Home Energy Conservation Act 1995 – Delivery Plan 2013-15

School Effectiveness Review – Report of the Children and Young People Scrutiny Panel

Review of Leisure Services. Report of the Communities Scrutiny Panel

Yorkshire and Humber Grid for Learning – Trading Arm

Youth Offending Team Review (EXEMPT)

Mobile Response Service – Provided by County Care Line (Community Voice Limited) (EXEMPT)

Joint Waste Treatment Project with Bradford (EXEMPT)