

**MINUTES OF A MEETING OF THE COUNCIL  
HELD AT CITY HALL, BRADFORD  
ON THURSDAY 20 FEBRUARY 2014**

Commenced: 1600

Concluded: 1810

**PRESENT**

The Lord Mayor (Councillor Khadim Hussain) and Councillors:

**LABOUR**

Akthar	Greenwood	Khaliq	M Slater
Azam	Hinchcliffe	H Khan	V Slater
Berry	Abid Hussain	I Khan	L Smith
Billheimer	Amir Hussain	S Khan	Smithies
Dodds	Arshad Hussain	Lal	Swallow
Dredge	Imran Hussain	Lee	Thirkill
Engel	Shabir Hussain	Malik	A Thornton
Farley	Ikram	Pullen	G Thornton
Ferriby	Jabar	Ross-Shaw	Wainwright
Godward	Javed	Ruding	Warburton
Green	Johnson	Shafiq	

**CONSERVATIVE**

Binney	Ellis	McCabe	D Smith
Brown	Gibbons	Miller	Sykes
Cooke	Heseltine	Poulsen	Townend
Davies	L'Amie	Shaw	Walls
Baroness Eaton	Mallinson	B M Smith	Whiteley

**LIBERAL DEMOCRAT**

Griffiths	Middleton	G Reid
Leeming	C Reid	Sunderland

**BRADFORD  
INDEPENDENTS**

Ahmed  
Collector  
Karmani  
F Khan  
Shabbir

**GREEN**

Hawarun Hussain  
Love  
Warnes

**INDEPENDENTS**

Greaves  
Hawkesworth  
Naylor

**QUEENSBURY  
WARD  
INDEPENDENTS**

L Cromie  
P Cromie

**PEACE**

Imdad Hussain

**INDEPENDENT**

Robinson

**The Lord Mayor in the Chair**

## 101. RECORDING OF COUNCIL

Requests had been received to photograph and sound record excerpts of this meeting. In accordance with paragraph 8.1, Part 3B, of the Council's Constitution the sound recording could only take place with the permission of the majority of the Elected Members in attendance at this meeting. Following a show of hands the sound recording was allowed.

## 102. DISCLOSURES OF INTEREST

The following declarations on the basis of transparency in matters under consideration were received:

### Budget 2014/15 (Minute 108)

#### Members with a spouse, partner or close relative in the employment of the Council

Councillors Binney, Brown, Collector, Dodds, Ellis, Greenwood, Griffiths, Hawkesworth, Amir Hussain, Hawarun Hussain, Imran Hussain, Khadim Hussain, Khaliq, Imran Khan, Lal, Leeming, Ross-Shaw, Ruding, Shabbir, M Slater, V Slater, Swallow, A Thornton, Townend and Walls

#### Members employed by or who have a spouse, partner or close relative employed by a voluntary organisation funded by the Council

Councillors Ahmed, Brown, Farley, Hinchcliffe, Khaliq, Imran Khan, Lal, Leeming, Shabbir, Thirkill and G Thornton

#### Members who occupied land or who had a spouse, partner, relative or were directors of companies or sat on the management committee of an organisation that occupied land under a lease or licence granted by the Council

Councillors Binney, Brown, Greaves, Heseltine, G Reid, Ross-Shaw, D Smith, Smithies and Townend

#### Members of other public authorities

Airedale Drainage Commissioners - Councillor Ellis

Pennine Prospects – Councillor Hawkesworth (Alternate: Councillor Ellis)

Play Partnership – Councillor Swallow

SACRE – Councillors Khaliq, G Reid and Swallow

PRU Management Group – Councillors Smithies, Sykes and Thirkill

Sight Airedale – Councillors Farley and Gibbons

West Yorkshire Fire and Rescue Authority – Councillors Dodds, Gray, Shaw, G Thornton and Wainwright

West Yorkshire Police and Crime Panel – Councillors Ferriby, Imran Hussain and Walls

West Yorkshire Integrated Transport Authority – Councillors Billheimer, Dredge, Ellis, Imran Khan and G Reid

West Yorkshire Integrated Transport Authority – District Liaison Committee – Councillors Ellis, Sher Khan, G Reid and V Slater

West Yorkshire Integrated Transport Authority – Local Transport Plan Committee – Councillor V Slater

West Yorkshire Integrated Transport Authority – Bradford Passenger Consultative Committee – Councillors Ellis, Khaliq and Swallow

West Yorkshire Joint Services Committee – Councillors Green, M Slater, V Slater and Walls (Alternates: Councillors Imran Khan, Sher Khan and Ellis)  
Yorkshire Purchasing Organisation - Councillors Warburton and Sykes (Alternates: Councillors Heseltine and Lal)  
Yorkshire Regional Flood and Coastal Committee – Councillor V Slater (alternate Councillor Khaliq)  
West Yorkshire Pension Fund Investment Advisory Panel – Councillors Miller and M Slater  
West Yorkshire Pension Fund Joint Advisory Group and Investment Panel – Middleton, Miller and M Slater

Parish Councillors

Councillors Gibbons, Naylor, D Smith and Thirkill

Members who sat on the management committee/ trustee of a Council voluntary organisation in receipt of Council Funding

Councillors Binney, P Cromie, Davies, Baroness Eaton, Ferriby, Hawkesworth, Heseltine, Imran Hussain, Hawarun Hussain, Khadim Hussain, Ikram, Lal, L'Amie, Love, Mallinson, Middleton, Poulsen, G Reid, D Smith, L Smith, B M Smith, Smithies, Sykes, Thirkill, Townend and Walls

Members who were members of a Council funded organisation

Councillors Binney, Brown, Gibbons, Hawkesworth, Middleton, Ross-Shaw, G Reid and D Smith

Members appointed by the Council to a public body with an interest in the Council's budget

Bradford CLASP – Councillors Lal, Middleton and Sykes  
Bradford College – Councillors Ikram, Robinson and D Smith  
Bradford Teaching Hospital Foundation Trust – Councillor Ikram  
Cathedral Council – Councillor Hinchcliffe  
Clinical Commissioning Group (Airedale, Wharfedale and Craven) – Councillors Mallinson and Smithies  
Clinical Commissioning Group (Bradford City) – Councillors Gibbons, L Smith and Sykes  
Clinical Commissioning Group (Bradford District) – Councillors Love and Townend  
Clinical Commissioning Group 1 – Councillors Green and Gibbons  
Incommunities Ltd (HA Board) – Councillors Cooke and Smithies  
Aire-Wharfe Local Management Trust – Councillors Abid Hussain and Mallinson  
Headway Local Management Trust – Councillors Johnson, Wainwright and Walls  
Bradford West/City Local Management Trust – Councillors Javed and McCabe  
NEST (North East Shipley) Local Management Trust – Councillors Davies and Greenwood and Councillor Middleton (not appointed by CBMDC)  
Hainworth Wood Community Centre – Councillors Lee and M Slater  
Keighley Town Centre Management Board – Councillor Mallinson  
Long Lee Village Hall – Councillors Lee and M Slater  
Royds Community Association – Councillors G Thornton and Walls  
Saffron Dean Community Association – Councillors Binney, Amir Hussain and Sykes  
Strategic Disability Partnership – Councillor D Smith  
Wilsden Village Hall Committee – Councillor Baroness Eaton

Members who were appointed to external bodies

Apprenticeship Training Agency – Councillor Hinchcliffe  
Bradford Trident – Councillors Ikram and Sher Khan

Canal Road Urban Village – Councillor Hinchcliffe  
Canterbury Acting Partnership – Councillor Ikram  
City of Film – Councillor Hinchcliffe  
Keighley Association Womens and Children Centre – Councillor Lee  
Marshfields Residents Association – Councillors Ikram and Sher Khan  
Ummid Project – Councillor Jabar  
Women’s Aid Executive Board – Councillor Ikram

Members who were school governors

Councillors Akthar, Brown, Dodds, Dredge, Baroness Eaton, Farley, Ferriby, Greenwood, Hinchcliffe, Amir Hussain, Imran Hussain, Jabar, Johnson, Karmani, Khaliq, F Khan, H Khan, S Khan, L’Amie, Lee, Mallinson, Middleton, Pullen, Robinson, Ruding, Shafiq, M Slater, V Slater, D Smith, L Smith, Smithies, Sunderland, Swallow, Sykes, Thirkill, A Thornton, G Thornton, Townend, Wainwright and Warburton

Members entitled to receive an allowance paid by the Council

All members of the Council in attendance.

The City Solicitor informed Council that in relation to disclosable pecuniary interests concerning employment or business interests, property ownership and sponsorship/membership of organisations as Monitoring Officer she had granted a dispensation (report of the Monitoring Officer attached at the end of these minutes).

***ACTION: City Solicitor***

**103. MINUTES**

**Resolved –**

**That the minutes of the meeting held on 21 January 2014 be signed as a correct record.**

**104. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gray, Pennington, Shah and Wallace.

**105. LORD MAYOR’S ANNOUNCEMENTS**

**DEATH OF COUNCILLOR MICHAEL KELLY**

On behalf of Council the Lord Mayor expressed sadness that Councillor Michael Kelly had passed away on 4 February 2014. Members paid tribute to Michael who had energetically and ably represented his constituents in the Craven Ward for a period of ten years and for his passionate interest in the areas of children’s services, improving education and health. The Lord Mayor indicated that he had written to the late Councillor Kelly’s widow and family to express Council’s condolences at this very sad time.

Members stood in silent tribute to the late Councillor Kelly.

**THE BISHOP OF BRADFORD**

It was reported that the post of Bishop of Bradford, held by the Rt Revd Nick Baines for the last three years, would be dissolved on 20 April 2014 (Easter Day) when the new Diocese of West Yorkshire and the Dales would come into being. Nick Baines had been appointed as the Bishop of this new diocese, which was being created out of the dioceses of Bradford, Wakefield and Ripon & Leeds, and would be the largest Church of England diocese in the country. The Lord Mayor thanked him for all he had done and felt assured that Nick Baines would continue to be an advocate for Bradford at both a regional and national level.

**106. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no restricted documents.

**107. MEMBERSHIP OF COMMITTEES**

**Resolved –**

- (1) That Mrs Bibi Aasia be appointed to the Children’s Services Overview and Scrutiny Committee as a voting co-opted Parent Governor representative.**
- (2) That the following appointments/nominations be made to the West Yorkshire Combined Authority:**
  - (i) the Leader of the Council be appointed to serve on the West Yorkshire Combined Authority and Councillor Imran Hussain be appointed as his alternate.**
  - (ii) Councillor Miller be appointed as the alternate for Councillor Robert Light (Kirklees Council) on the West Yorkshire Combined Authority.**
  - (iii) Councillors Billheimer, Dredge, Imran Khan and Miller be nominated as members of the Transport Committee.**
  - (iv) Councillor Val Slater be nominated as a member of the West Yorkshire and York Investment Committee.**
  - (v) Councillor Lynne Smith be nominated as a member of the Governance and Audit Committee.**
  - (vi) Councillors Ellis, Swallow and Whiteley be nominated to the Overview and Scrutiny Committee.**

***ACTION: City Solicitor***

**108. RECOMMENDATIONS FROM THE EXECUTIVE – BUDGET 2014/15**

The Executive met on 4 and 18 February 2014 to make recommendations to Council on the Budget for 2014/15. The following reports were submitted:

(i) 2014/15 Budget Update

This report provided an update on the funding gap following national announcements and Council decisions since the Executive approved initial budget proposals on the 5 November 2013 (**Executive Document “BA”**).

(ii) Engagement and Consultation Programme on the Council’s budget proposals for 2014/16

This report showed feedback from the public engagement and set out the equality assessments carried out on the Council’s initial 2014/16 proposals (**Document “BB”**).

(iii) Trade Union Feedback on the Council’s initial budget proposals for 2014/15 Council Budget

This report gave detailed interim feedback from the Council’s recognised Trade Unions on the Council’s initial budget proposals for the 2014/15 Council budget (**Document “BC including NFP (Not For Publication) Appendix 10”**).

Note: Appendix 10 was marked Not for Publication on the grounds that it contains exempt information within paragraph 4 (Labour Relations, Consultations or Negotiations) of Schedule 12A of the Local Government Act 1972 (as amended). The public interest in applying this exemption outweighs the public interest in disclosing the information.

(iv) Allocation of the School’s Budget in 2014/15

This report presented the recommendations of the Schools Forum in allocating the Dedicated Schools Grant for 2014/15 (**Executive Document “BH”**)

(v) The Council’s Revenue Estimates for 2014/15 and 2015/16

The revised report provided details of the Council’s Revenue Estimates for 2014/15 and 2015/16 (**Document “L”**)

(vi) The Council’s Capital Investment Plan for 2014/15 Onwards

This report proposed a programme of capital expenditure for 2014/15 onwards (**Executive Document “BJ”**)

(vii) The report set out the Section 151 Officer’s assessment of the risks arising from the proposed draft budget, and the adequacy of the available mitigations, in the context of the forecast reserves which had been updated following the Executive’s recommendation on the budget to Council (**Document “M”**).

An amendment to the Executive’s recommendations moved by Councillor Miller was defeated.

In accordance with Council Standing Order 25 a recorded vote was taken on the amendment and the Council voted as follows:

For the Amendment (20)

Binney	Ellis	McCabe	D Smith
Brown	Gibbons	Miller	Sykes
Cooke	Heseltine	Poulsen	Townend
Davies	L'Amie	Shaw	Walls
Baroness Eaton	Mallinson	B M Smith	Whiteley

Against the Amendment (54)

Ahmed	Greenwood	Khaliq	Shabbir
Akthar	Hinchcliffe	F Khan	Shafiq
Azam	Abid Hussain	H Khan	M Slater
Berry	Amir Hussain	I Khan	V Slater
Billheimer	Arshad Hussain	S Khan	L Smith
Collector	Hawarun Hussain	Lal	Smithies
Dodds	Imdad Hussain	Lee	Swallow
Dredge	Imran Hussain	Love	Thirkill
Engel	Shabir Hussain	Malik	A Thornton
Farley	Ikram	Naylor	G Thornton
Ferriby	Jabar	Pullen	Wainwright
Godward	Javed	Ross-Shaw	Warburton
Greaves	Johnson	Ruding	Warnes
Green	Karmani		

Abstentions (11)

The Lord Mayor	Griffiths	Middleton	Robinson
L Cromie	Hawkesworth	C Reid	Sunderland
P Cromie	Leeming	G Reid	

Council considered the recommendation of the Executive and it was carried.

**Resolved-****BUDGET 2014/16 ENGAGEMENT AND CONSULTATION PROGRAMME**

- (1) That in accordance with Section 149 of the Equality Act 2010, Council had regard to the information contained in Executive Document "BB", appendices and Equality Impact Assessment forms when considering the Executive recommendations to Council on setting a budget for 2014/16.

**TRADE UNION FEEDBACK ON COUNCIL'S INITIAL BUDGET PROPOSALS**

- (2) That Council considered and had regard to the interim feedback received from the Council's Trade Unions contained in Executive Document "BC" when considering the Executive's recommendations to Council on an indicative budget for the financial year 2014/15 and 2015/16, any such recommendations being subject to ongoing consultation, including ongoing consultation with the Trade Unions pursuant to s188 TULRCA 1992.

## **ALLOCATION OF THE SCHOOL'S BUDGET 2014/15**

- (3) That the total amount of £487.420m to be appropriated in respect of all schools covered by the Bradford Scheme for the Local Management of Schools, so as to establish the Individual Schools Budget for 2014/15 be approved.
- (4) That the proposals from the Schools Forum for the allocation of the 2014/15 DSG as set out in Document "BH" are accepted and approved.
- (5) **REVENUE ESTIMATES 2014-15 AND 2015-16**
- (a) That the Base Revenue Forecast of £440.561m for 2014-15 and £449.344m for 2015-16 as set out in Executive's Amended Budget paper be approved.
- (b) That Executive's Amended Budget paper and the consequent investment of £11.196m in 2014-15 and investment of £11.715m in 2015-16 are approved.
- (c) That Executive's Amended Budget paper and the service savings and additional income of £31.205m in 2014-15 and £69.446m in 2015-16 are approved.
- (d) That it be noted that within the revenue budget there is a contribution of £4.868m from revenue reserves in 2014-15 and £14.993m in 2015-16.
- (e) That the comments of the Director of Finance on the robustness of the estimates and the adequacy of reserves taking account of the decisions made at 5 (a) to (c) above be noted.

## **5.2 PROPOSED COUNCIL TAX 2014-15**

That it be noted that the projected council tax base and expenditure forecasts outlined in Executive's Amended Budget paper together with the 2014-15 resources and the budget variations approved at 5 (b) and (c) above produce a proposed Band D council tax of £1,133.97 for 2014-15.

## **5.3 PAYMENT DATES FOR COUNCIL TAX AND NATIONAL NON-DOMESTIC RATES**

That the first instalment date for payment of National Non-Domestic Rates and Council Tax shall be specified by the Director of Finance.

## **5.4 DELEGATION TO OFFICERS**

That for the avoidance of doubt and without prejudice to any of the powers contained in Article 14 of Part 2 of the Council's Constitution on the Function of Officers, the Director of Finance shall have full delegated powers to act on behalf of the Council on all matters relating to the Council Tax, Non-Domestic Rates and Accounts Receivable Debtors including (without prejudice to the generality of the delegation) assessments, determinations, recovery, enforcement and, in accordance with the statutory scheme, full delegated powers to act on behalf of the Council with regard to all aspects of the granting



of Discretionary and Hardship Rate Relief to qualifying ratepayers.

## 5.5 PREPARATION OF ACCOUNTS

- (a) That in preparing the Final Accounts for 2013-14, the Director of Finance is empowered to take appropriate steps to secure the best advantage for the Council's financial position.
- (b) That the Director of Finance be empowered to deal with items which involve the transfer of net spending between the financial years 2013-14 and 2014-15 in a manner which secures the best advantage for the Council's financial position.
- (c) That the Director of Finance reports any action taken in pursuance of 8.5(a) and 8.5 (b) above when reporting on the Final Accounts for 2013-14.

### COUNCIL TAX REQUIREMENT 2014-15

- (a) That the council tax base figures for 2014-15 calculated by the Council at its meeting on 14th January 2014 in respect of the whole of the Council's area and individual parish and town council areas be noted.
- (b) That the only special items for 2014-15 under Section 35 of the Local Government Finance Act 1992 are local parish and town council precepts and no expenses are to be treated as special expenses under Section 35(1) (b) of that Act.
- (c) That the Council Tax Requirement, excluding parish and town council precepts, be calculated as follows:

<b>Gross expenditure</b>	<b>£1,308,588,578</b>
<b>Income</b>	<b>£1,163,178,350</b>
<b>Council Tax requirement</b>	<b>£145,410,228</b>
<b>Council tax base</b>	<b>127,170</b>
<b>Basic amount of council tax</b>	<b>£1,143.43</b>
<b>Adjustment in respect of parish and town council precepts</b>	<b>£ 9.46</b>
<b>Basic amount excluding parish and town councils</b>	<b>£1,133.97</b>

(d) That the precepts of parish and town councils be noted and the resulting basic council tax amounts for particular areas of the Council be calculated as follows:

<u>Parish or Town Council Area</u>	<u>Local Precept</u> £	<u>Council Tax Base</u>	<u>Parish/Town Council Tax</u> £	<u>Whole Area Council Tax</u> £	<u>Basic Council Tax Amount</u> £
Addingham	40,650	1,626	25.00	1,133.97	1,158.97
Baildon	90,281	5,893	15.32	1,133.97	1,149.29
Burley	39,025	2,845	13.72	1,133.97	1,147.69
Clayton	27,213	2,283	11.92	1,133.97	1,145.89
Cullingworth	13,832	1,036	13.35	1,133.97	1,147.32
Denholme	17,590	1,010	17.42	1,133.97	1,151.39
Harden	7,800	780	10.00	1,133.97	1,143.97
Haworth, Crossroads and Stanbury	42,201	2,110	20.00	1,133.97	1,153.97
Ilkley	160,093	6,659	24.04	1,133.97	1,158.01
Keighley	583,914	13,678	42.69	1,133.97	1,176.66
Menston	16,408	2,051	8.00	1,133.97	1,141.97
Oxenhope	14,495	968	14.97	1,133.97	1,148.94
Sandy Lane	14,940	830	18.00	1,133.97	1,151.97
Silsden	46,547	2,711	17.17	1,133.97	1,151.14
Steeton with Eastburn	39,155	1,362	28.75	1,133.97	1,162.72
Wilsden	34,370	1,589	21.63	1,133.97	1,155.60
Wrose	15,015	2,002	7.50	1,133.97	1,141.47
Total of all local precepts	1,203,529				

(e) That the council tax amounts for dwellings in different valuation bands in respect of the Council's budget requirement, taking into account parish and town council precepts applicable to only part of the Council's area, be calculated as follows:

	Council Tax Amount for Each Valuation Band							
	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
All parts of the Council's area other than those below	755.98	881.98	1,007.97	1,133.97	1,385.96	1,637.96	1,889.95	2,267.94
The parish and town council areas of:								
Addingham	772.65	901.42	1,030.20	1,158.97	1,416.52	1,674.07	1,931.62	2,317.94
Baildon	766.19	893.89	1,021.59	1,149.29	1,404.69	1,660.09	1,915.48	2,298.58
Burley	765.13	892.65	1,020.17	1,147.69	1,402.73	1,657.77	1,912.82	2,295.38
Clayton	763.93	891.25	1,018.57	1,145.89	1,400.53	1,655.17	1,909.82	2,291.78
Cullingworth	764.88	892.36	1,019.84	1,147.32	1,402.28	1,657.24	1,912.20	2,294.64
Denholme	767.59	895.53	1,023.46	1,151.39	1,407.25	1,663.12	1,918.98	2,302.78
Harden	762.65	889.75	1,016.86	1,143.97	1,398.19	1,652.40	1,906.62	2,287.94
Haworth, Crossroads and Stanbury	769.31	897.53	1,025.75	1,153.97	1,410.41	1,666.85	1,923.28	2,307.94
Ilkley	772.01	900.67	1,029.34	1,158.01	1,415.35	1,672.68	1,930.02	2,316.02
Keighley	784.44	915.18	1,045.92	1,176.66	1,438.14	1,699.62	1,961.10	2,353.32
Menston	761.31	888.20	1,015.08	1,141.97	1,395.74	1,649.51	1,903.28	2,283.94
Oxenhope	765.96	893.62	1,021.28	1,148.94	1,404.26	1,659.58	1,914.90	2,297.88
Sandy Lane	767.98	895.98	1,023.97	1,151.97	1,407.96	1,663.96	1,919.95	2,303.94
Silsden	767.43	895.33	1,023.24	1,151.14	1,406.95	1,662.76	1,918.57	2,302.28
Steeton with Eastburn	775.15	904.34	1,033.53	1,162.72	1,421.10	1,679.48	1,937.87	2,325.44
Wilsden	770.40	898.80	1,027.20	1,155.60	1,412.40	1,669.20	1,926.00	2,311.20
Wrose	760.98	887.81	1,014.64	1,141.47	1,395.13	1,648.79	1,902.45	2,282.94

- (f) That it be noted that for the year 2014 - 15 the Police and Crime Commissioner for West Yorkshire has issued the following precepts and the West Yorkshire Fire and Rescue Authority is meeting on 21st February to determine their precept which is proposed as set out below:

Precept Amount £	Council Tax Amount for Each Valuation Band							
	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
<b>West Yorkshire Fire and Rescue Authority</b>								
7,299,562	38.27	44.64	51.02	57.40	70.16	82.91	95.67	114.80
<b>Police and Crime Commissioner for West Yorkshire</b>								
17,574,780	92.13	107.49	122.84	138.20	168.91	199.62	230.33	276.40

- (g) That having calculated the aggregate in each case of the amounts at (e) and (f) above, the Council set the following amounts of council tax for 2014-15 in each of the categories of dwellings shown below:

	<u>Band A</u>	<u>Band B</u>	<u>Band C</u>	<u>Band D</u>	<u>Band E</u>	<u>Band F</u>	<u>Band G</u>	<u>Band H</u>
	£	£	£	£	£	£	£	£
<b>All parts of the Council's area other than those below</b>	886.38	1,034.11	1,181.83	1,329.57	1,625.03	1,920.49	2,215.95	2,659.14
<b>The parish and town council areas of:</b>								
<b>Addingham</b>	903.05	1,053.55	1,204.06	1,354.57	1,655.59	1,956.60	2,257.62	2,709.14
<b>Baildon</b>	896.59	1,046.02	1,195.45	1,344.89	1,643.76	1,942.62	2,241.48	2,689.78
<b>Burley</b>	895.53	1,044.78	1,194.03	1,343.29	1,641.80	1,940.30	2,238.82	2,686.58
<b>Clayton</b>	894.33	1,043.38	1,192.43	1,341.49	1,639.60	1,937.70	2,235.82	2,682.98
<b>Cullingworth</b>	895.28	1,044.49	1,193.70	1,342.92	1,641.35	1,939.77	2,238.20	2,685.84
<b>Denholme</b>	897.99	1,047.66	1,197.32	1,346.99	1,646.32	1,945.65	2,244.98	2,693.98
<b>Harden</b>	893.05	1,041.88	1,190.72	1,339.57	1,637.26	1,934.93	2,232.62	2,679.14
<b>Haworth, Crossroads and Stanbury</b>	899.71	1,049.66	1,199.61	1,349.57	1,649.48	1,949.38	2,249.28	2,699.14
<b>Ilkley</b>	902.41	1,052.80	1,203.20	1,353.61	1,654.42	1,955.21	2,256.02	2,707.22
<b>Keighley</b>	914.84	1,067.31	1,219.78	1,372.26	1,677.21	1,982.15	2,287.10	2,744.52
<b>Menston</b>	891.71	1,040.33	1,188.94	1,337.57	1,634.81	1,932.04	2,229.28	2,675.14
<b>Oxenhope</b>	896.36	1,045.75	1,195.14	1,344.54	1,643.33	1,942.11	2,240.90	2,689.08
<b>Sandy Lane</b>	898.38	1,048.11	1,197.83	1,347.57	1,647.03	1,946.49	2,245.95	2,695.14
<b>Silsden</b>	897.83	1,047.46	1,197.10	1,346.74	1,646.02	1,945.29	2,244.57	2,693.48
<b>Steeton with Eastburn</b>	905.55	1,056.47	1,207.39	1,358.32	1,660.17	1,962.01	2,263.87	2,716.64
<b>Wilsden</b>	900.80	1,050.93	1,201.06	1,351.20	1,651.47	1,951.73	2,252.00	2,702.40
<b>Wrose</b>	891.38	1,039.94	1,188.50	1,337.07	1,634.20	1,931.32	2,228.45	2,674.14

- (h) That Executive notes the movement in Band D equivalent charges for 2014-15 over 2013-14 as set out in the table below.

	Council Tax 2014-15	Council Tax 2013-14	Percentage change 2014-15 on 2013-14
	Band D Equivalent	Band D Equivalent	
Bradford Metropolitan District Council	1,133.97	1,116.11	1.6%
West Yorkshire Fire and Rescue Authority	57.40	57.40	0.0%
Police and Crime Commissioner for West Yorkshire	138.20	135.50	1.99%
Local (Parish Council) Precepts:			
Addingham	25.00	25.00	0.0%
Baildon	15.32	15.32	0.0%
Burley	13.72	12.76	7.5%
Clayton	11.92	11.92	0.0%
Cullingworth	13.35	13.19	1.2%
Denholme	17.42	17.37	0.3%
Harden	10.00	10.00	0.0%
Haworth etc	20.00	20.00	0.0%
Ilkley	24.04	19.60	22.7%
Keighley	42.69	41.94	1.8%
Menston	8.00	8.00	0.0%
Oxenhope	14.97	15.16	-1.2%
Sandy Lane	18.00	18.00	0.0%
Silsden	17.17	17.66	-2.8%
Steeton/ Eastburn	28.75	28.75	0.0%
Wilsden	21.63	11.05	95.7%
Wrose	7.50	7.50	0.0%

## (6) THE COUNCIL'S CAPITAL INVESTMENT PLAN FOR 2014/15 ONWARDS

Resolved -

6.1 That it be approved that:

- (a) The Capital Investment Plan as set out at Appendix 2 to Executive Document "BJ" is adopted. Commitments against reserve schemes and contingencies can only be made after a business case has been assessed by Project Appraisal Group and approved by Executive.
- (b) The Chief Executive, Strategic Directors and Directors to enter into commitments on capital schemes within the Capital Investment Plan subject to approval of business cases by Executive Committee up to the approved amounts each year except that, where it is indicated that schemes are funded or partly funded from specific resources such as capital grants or contributions, revenue or capital receipts, the approved amount will be subject to the securing of those resources and be adjusted to reflect the amounts actually received.
- (c) Where necessary, the payments arising under the Capital Investment Plan are met from loans.

- (d) In order to provide the flexibility necessary to manage effectively the Capital Investment Plan, the Chief Executive, Strategic Directors and Directors be specifically empowered to advance or defer approved schemes subject to consultation with the Director of Finance and the availability of resources.
  - (e) Additional capital schemes shall only commence where the scheme is wholly funded from specific resources on the approval of the Director of Finance in accordance with Financial Regulations.
- 6.2 In accordance with the Local Government Act 2003 and the capital regulations made under that Act the Council makes provision for the repayment of borrowing used to finance its capital expenditure, known as the Minimum Revenue Provision (MRP). The Council's policy it adopts is:
- (a) Supported Borrowing MRP continues to be based on 4% of the Capital Financing Requirement – that is, the capital expenditure financed from borrowing – as required by legislation;
  - (b) Unsupported or prudential borrowing MRP is based on the Asset Life method – that is, the expenditure financed from borrowing is divided by the expected asset life. That for schemes funded before 31<sup>st</sup> March 2012 the MRP is calculated on the annuity basis and for schemes funded after 1<sup>st</sup> April 2012 that the MRP is calculated on an equal instalment basis.
  - (c) Since 2009/10 the appropriate financing costs for the Council's BSF PFI schemes have been included in MRP calculations, adjusted as relevant where the estimated asset life is different to the PFI contract life and financing period.
- 6.3 That the Borrowing Limits and Prudential Indicators as set out in Appendix 1 are adopted by the Council.

#### **S151 OFFICER'S REPORT**

- (7) That Council had regard to the S151 Officer's assessment of the robustness of the proposed budget estimates for 2014/15 and 2015/16 and of the adequacy of forecast financial reserves contained within Executive Document "BK" in setting the Council's budget, and that the following conclusions be noted:
  - (a) the estimates presented to the Executive in its papers are sufficiently robust for the purpose of calculating the budgetary requirement.
  - (b) the reserves are adequate for the 2014/15 proposed budget, and will be drawn on for the proposed 2015/16 budget in accordance with reserves policy, recognising that estimates will be subject to review as part of the rolling planning cycle.
  - (c) the projected 2016/17 corporate reserves balance would, on current estimates, be inadequate, unless further cost reductions are targeted during the 2014 planning round, aiming for a balanced in-year revenue budget for 2016/17.

In accordance with Council Standing Order 25 a recorded vote was taken on the recommendation and the Council voted as follows:

For the Motion (52)

Ahmed	Green	Karmani	Ruding
Akthar	Greenwood	Khaliq	Shabir
Azam	Hinchcliffe	F Khan	Shafiq
Berry	Abid Hussain	H Khan	M Slater
Billheimer	Amir Hussain	I Khan	V Slater
Collector	Arshad Hussain	S Khan	L Smith
Dodds	Imdad Hussain	Lal	Smithies
Dredge	Imran Hussain	Lee	Swallow
Engel	Shabir Hussain	Malik	Thirkill
Farley	Ikram	Naylor	A Thornton
Ferriby	Jabar	Pullen	G Thornton
Godward	Javed	Robinson	Wainwright
Greaves	Johnson	Ross-Shaw	Warburton

Against the Motion (26)

Binney	Griffiths	Miller	D Smith
Brown	Heseltine	Poulsen	Sunderland
Cooke	L'Amie	C Reid	Sykes
Davies	Leeming	G Reid	Townend
Baroness Eaton	Mallinson	Shaw	Walls
Ellis	McCabe	B M Smith	Whiteley
Gibbons	Middleton		

Abstentions (7)

The Lord Mayor	P Cromie	Hawarun Hussain	Warnes
L Cromie	Hawkesworth	Love	

**ACTION: Director of Finance**

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of Council.**

minutes\ccl20Feb

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

# BRADFORD MDC

## REPORT OF THE MONITORING OFFICER

19 February 2014

### APPLICATION FOR DISPENSATION – UNDER SECTION 33 OF THE LOCALISM ACT 2011

#### 1.0 Purpose of Report

1.1 *To ask the Monitoring Officer to consider granting a dispensation to all Members of the Council who have a Disclosable or Other Non Pecuniary Interest in the decision to approve the budget and to set the level of Council Tax and Business Rates for 2014/15 during the Budget Council meeting on 20 February 2014.*

#### 2.0 Background

2.1 Under the Members' Code of Conduct adopted by Bradford Council, a Member is required to consider whether he/she has a Disclosable Pecuniary Interest (DPI) in a matter to be considered at a formal meeting of the Authority. Dependent upon whether the DPI is included within their Register of Interests, Members are then required to disclose the interest to the meeting or to draw the attention of the meeting to that interest.

2.2 In the decision to approve the budget and to set the level of Council Tax and Business Rates for 2014/15 there are a number of categories of interest which it is considered may give rise to a potential for a declaration of a DPI.

These include the following:

- Property Ownership
- Employment or Business Interests
- Sponsorship/Membership of Organisations

2.3 Under the previous Code of Conduct Members were able to rely on a specific exemption which stated that they did not have a prejudicial interest in any decision to set Council Tax. This meant that they could not be prevented from taking part in the decision. There is no similar exemption in the Localism Act 2011 and there has been no guidance on this matter from the Department for Communities and Local Government.

2.4 Although there has been some guidance from the Department for Communities and Local Government (DCLG) that Members do not have a DPI in the decision to set Council Tax this is guidance only and has not been endorsed by any court of law. It is clear that some Monitoring Officers are taking the view that the land interest is not engaged because the level of Council Tax impacts on the pocket of the Member and not on their beneficial interest in land as such. However the National Association of Local Councils (NALC) has previously advised their Parish and Town Council Members that their councillors must seek a dispensation in any decision relating to their precept. In addition there have been recent changes relating to the setting and collection of Business Rates which are not covered by any guidance or



and again it is unclear as to whether Members who are liable for Business Rates would have a DPI

- 2.5 The provisions of the Localism Act and the regulations made thereunder in relation to DPI's have not been tested in the Courts. There is therefore some uncertainty about the position of Members which is unsatisfactory. In order to protect Members from being at risk of committing a criminal offence and any decisions on the budget from being subject to successful legal challenge, the five West Yorkshire District Legal Officers have discussed the issue and four of the five have decided that in the absence of any clarity, it would be prudent to grant all Members a dispensation to allow them to participate in the debate and the decision.
- 2.6. All councillors have completed their Registers of Interests as required by the Localism Act 2011 and, as such, councillors have declared Disclosable Pecuniary Interests. Those interests are a matter of public record and available for public inspection and on-line.

### **3.0 Issues**

#### Disclosable Pecuniary Interests Arising from 'Land'

- 3.1 Members are required to register as a DPI any beneficial interest in land or property in the Authority's area. A beneficial interest in land generally means that the Member has the right (alone or jointly with another) to occupy the land or receive income from it.
- 3.2 Members are liable to pay Council Tax in relation to any property they occupy, or property they own that is vacant for more than 6 months. Members will have a beneficial interest in both these types of properties because they have the right to occupy or receive income from them.
- 3.3 Since there is a relationship between the property a Member occupies and the level of Council Tax they must pay, it could be argued that a Member would have a DPI in a decision to set the level of Council Tax.
- 3.4 It is likely that the majority of Bradford councillors will be liable to pay Council Tax to Bradford Council and as such may need to declare a DPI in the decision.

#### Disclosable Pecuniary Interests Arising from 'Sponsorship'

- 3.5 Members are required to register any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expense incurred in carrying out their duties as Members, or towards their election expenses.
- 3.6 As such Members are required to register the name of the person or organisation responsible for giving the sponsorship and this person or organisation becomes a DPI. Again for clarity it is considered prudent to grant a dispensation in relation to any sponsorship given.

Employment/Business Interests

- 3.7 Members who own or run businesses in the Bradford District will be liable for Business Rates. Since there is a relationship between the Member's business interest and the level of Business Rates they must pay, it could be argued that a Member would have a DPI in any decision to set the level of Business Rates. As such they may need to declare a DPI in the decision.
- 3.8 The decision to approve the budget and set the level of Council Tax and Business Rates for 2014/15 will have financial implications for a number of organisations across the District, including those that may employ both Elected Members of Council and their spouses. Again in the interests of clarity and certainty it is considered prudent to grant a dispensation in relation to any DPI which may arise from this particular interest.
- 3.9 Section 31 (4) of the Localism Act 2011 sets out that where a Member is present at a meeting of an Authority and has a DPI in any matter to be considered, they may not:
- participate, or participate further, in any discussion of the matter at the meeting, or
  - participate in any vote, or further vote, taken on the matter at the meeting.

If a Member fails to comply with these requirements, they would potentially commit a criminal offence.

- 3.10 The relevant officer may grant a dispensation relieving the Members from either or both the restrictions set out in Section 31(4). Schedule 1 to this report is an application from all 90 Bradford Councillors requesting a dispensation in relation to any of their Disclosable Pecuniary Interests as set out above.
- 3.11 The Monitoring Officer has the authority to grant a dispensation in this case to allow Members with Disclosable Pecuniary Interests as set out in this report to fully participate in the meeting and decisions required to approve the budget and set the level of Council Tax and Business Rates for 2014/15.
- 3.12 The provisions on dispensation are significantly changed by the Localism Act 2011. The Act will allow the Council to grant a dispensation in the following circumstances for a specified period of time not exceeding 4 years.
- (i) That so many Members of the decision-making body have DPIs in a matter that it would "impede the transaction of the business". In practice this means that the decision-making body would be inquorate as a result;
  - (ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.;
  - (iii) That the Authority considers that the dispensation is in the interests of persons living in the Authority's area;
  - (iv) That the Authority considers that it is otherwise appropriate to grant a dispensation.

In the current situation it is considered that the request for dispensation falls into all four categories set out above.

- 3.12 Due to the number of councillors who potentially have a relevant DPI there is a real risk that without a dispensation, a significant number of councillors would be required to declare an interest and as such be prevented from participating in the decision making process. The lack of the ability for a significant number of councillors to participate could have the impact of either making the Council meeting inquorate or upsetting the political balance of the meeting at which the decision is to be made.
- 3.13 It is in the interests of the citizens of the Bradford District that they are represented by their democratically elected officials at the debate to approve the budget and to set the Council Tax. These are possibly among the most important decisions taken by Council and it is therefore imperative that constituents are not disenfranchised by a restricted application of the provisions of the Localism Act 2011 relating to Disclosable Pecuniary Interests.

#### **4.0 Legal Implications**

- 4.1 The Localism Act enables the Council to consider applications for dispensations in the accordance with the grounds referred to above. In order to grant a dispensation, the Proper Officer (Monitoring Officer) needs to be satisfied that on the information available, the application meets one or more of the criteria for dispensations set out above.

#### **5.0 Conclusions**

- 5.1 The Monitoring Officer has considered the issues set out in this report and has consulted and discussed the risks to Elected Members and to the Council for the failure to declare a Disclosable Pecuniary Interest. In the circumstances the Monitoring Officer is satisfied that the criteria is met and considers it appropriate to grant a dispensation to all Members of Council for a period of one year so as to enable all Members to participate in the decision to approve the Council budget and the setting of the Council Tax and Business Rates for 2014/15. The position can then be reviewed on an annual basis to take account of any changes or developments in this new area of legislation.

#### **6.0 Decision**

That the Monitoring Officer:

1. Grants a dispensation to all Members of the Authority to enable them to participate in full in the decision to approve the budget for 2014/15 and 2015/16 and to set the Council Tax and Business Rates for 2014/15.
2. Approves the dispensation for a period of 1 year until 18 February 2015.

Suzan Hemingway - City Solicitor & Monitoring Officer  
19 February 2014